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# Managing Editor's Comments

Dear *JTMS* Readers,

Greetings once again from *JTMS*. As the longer days and warmer winds of the summer season unfold, we are reminded that even as seasons change with reassuring regularity, the tides of global politics and maritime affairs remain dynamic and uncertain. The conflicts, rivalries, and shifting alliances that we observe today underscore the urgent need for rigorous scholarship and thoughtful analysis. Before I introduce the excellent contributions to this issue, I would like to extend sincere thanks to you, our readers, for your continued support.

First, Raja Lohar examines the maritime connectivity initiatives linked to India's Act East policy, focusing particularly on Northeast India's efforts to expand linkages with Bangladesh and Myanmar. Lohar's study highlights the strategic and economic potential of inland waterways and port access in reducing regional isolation and enhancing India's maritime presence in the Bay of Bengal, a region increasingly shaped by geopolitical competition.

Second, Vishal Singh Bhadauriya and Rana Abhyendra Singh explore the historical and evolving India-China rivalry in the Himalayan frontier. Through critical discourse analysis and strategic culture theory, they trace how leadership shifts—from pragmatic outreach under Jiang Zemin to assertive nationalism under Xi Jinping—have deepened tensions and complicated efforts at regional stability, particularly in light of recent clashes along the Line of Actual Control.

Third, Anmol Mukhia and Neeraj Singh Manhas assess India's connectivity strategy in Central Asia, evaluating how initiatives such as the Chabahar Port and International North–South Transport Corridor aim to strengthen India's geopolitical footprint in a region traditionally dominated by Russia and increasingly influenced by China's Belt and Road Initiative. Their findings point to the need for more robust investments and strategic partnerships to overcome existing limitations.

Fourth, Alban Koci provides an in-depth legal and systemic analysis of Somali piracy, reframing it as a structured business model supported by corruption, governance failures, and economic incentives. Koci argues that while naval patrols have reduced incidents, the persistence of piracy reflects deeper structural issues that require a combination of legal reform, socioeconomic development, and international cooperation.

Fifth, Gerasimos Rodotheatos and Vasiliki Alexandra Politi investigate the effectiveness of the Riyadh Memorandum of Understanding on Port State Control in advancing environmental security within the Gulf Cooperation Council (GCC) region. Their analysis reveals significant progress in inspection regimes, while also highlighting legal and operational gaps that must be addressed to ensure more sustainable maritime governance.

Finally, in our book review section, we feature a detailed review of *Change in the Law of the Sea: Context, Mechanisms and Practice* by Rozemarijn J. Roland Holst. This timely work examines climate change, environmental degradation, and new geopolitical realities, making it an essential resource for scholars and practitioners alike.

Issue contents aside, I would also like to welcome Vincent Cogliati Bantz, Alexander Bukh, Sofia Galani, Arron Honnibal, Stefan Kirchner, Clive Schofield, and David Scott to the editorial board. The new board members are not only leaders in their respective fields but have demonstrated a sincere willingness to contribute to *JTMS* through peer review and advice over the past few years. I am excited to welcome them aboard and I am certain this changing of the guard will bring *JTMS* to even greater heights. I would also like to thank outgoing board member Harvey Starr for his invaluable service and professionalism as a scholar.

As always, I would like to once again express my deep appreciation to all our contributors, reviewers, and readers. Your support ensures that *JTMS* continues to be a leading venue for thoughtful, innovative scholarship on territorial and maritime issues. I wish you all a healthy, productive, and inspiring second half of 2025.

Warm regards,  
Lonnie Edge  
Managing Editor

# India's Act East Policy and Maritime Connectivity in Northeast India: Prospects and Challenges

*Raja Lohar*

## Structured Abstract

*Article Type:* Research Paper

*Purpose*—This paper explores the potential maritime connectivity avenues and linkages in Northeast India, especially emphasizing Tripura and its connectivity to Bangladesh and Myanmar. The paper then re-envision the challenges associated with maritime connectivity in realizing potential opportunities.

*Methodology*—The research paper followed content analysis as a primary approach to consolidating the arguments.

*Findings*—This study shows how India's attempt to utilize potential maritime connectivity via Northeast India to Bangladesh and Myanmar serves geo-economic and geopolitical dynamics to increase India's outreach and presence. There is mutual benefit for India, Myanmar, and Bangladesh in enhancing connectivity. These connectivity drivers will be significant for India's outreach to Southeast Asian countries.

*Practical problems*—This paper attempts to point out that Northeast India, with national waterways and riverine traverse to neighboring countries, has the potential to connect neighboring countries' ports and provide opportunities for economic growth. Growing maritime outreach can also strengthen India's maritime power to check China's growing presence.

*Originality, value*—This study presents an analysis of relatively unexplored areas of study on the maritime dimension in India's relations with Bangladesh and Myanmar.

Keywords: inland waterways, maritime connectivity, outreach, re-envision

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## I. Introduction

Maritime trade and connectivity are the oldest forms of cross-civilizational interactions among countries having maritime boundaries. Connectivity through port and inland waterways remains a catalyst for international trade and economic growth. Maritime transport is not only time- and cost-efficient but also a more environmentally friendly means of transportation than land transportation. Here, shipping industries play a key role in developing trade and commerce. Northeast India shares almost 99% of its boundary with neighboring countries, which is around 5182 km. It shares international boundaries with Myanmar (1640 km), Bangladesh (1596 km), China (1395 km), Bhutan (455 km), and Nepal (97 km).<sup>1</sup> It is connected with other parts of India with a mere 22 km strip of land called the Siliguri Chicken Neck corridor.<sup>2</sup> This resulted in isolation and underdevelopment of the region for a long time. These perils of isolation remain in the maritime domain, mostly due to the non-utilization of maritime avenues that already existed and the sharing of international borders with unfriendly neighbors. Northeast India remained unstable due to the witnessing of border conflicts, insurgency, ethnic clashes, and migrations of the people at regular intervals throughout history. But in the 20th century, things began to change as India implemented a trade liberalization policy and integrated the Look East policy into its foreign policy to promote friendly ties with Southeast Asian and South Asian nations. Northeast India has historical linkages with the south and southeast countries, so reinventing old connectivity and trade has brought euphoria to greater social and economic relations among Northeast Indian communities.<sup>3</sup> Maritime connectivity via Northeast India to neighboring countries will strengthen India's outreach to the Bay of Bengal and the Indian Ocean, which has become a geopolitical theater of power rivalry between India and China.

India reformulated and upgraded the Look East policy as the Act East policy, which was adopted in 2014 to intensify economic, strategic, and diplomatic relations with neighboring countries. It has also prescribed the northeast as a gateway to south and southeast Asian countries. Due to the growing presence of China and rapid economic growth opportunities with southeast countries, the changing geopolitical and geo-economic dynamics in India's neighborhood and southeast nations have opened a space for strategic opportunities and challenges. There are several connectivity infrastructure projects have been in progress under the Act East policy and Neighborhood First policy of India to achieve its preset objectives to foster relations and connectivity with a collaborative approach. Foreign Secretary S. Jaishankar articulated that the Neighborhood Policy "puts a premium on connectivity, contacts and cooperation."<sup>4</sup>

Bangladesh and Myanmar have emerged as of paramount importance to the northeast in the domain of maritime connectivity. As both countries share land borders, there is also a potential to connect and access both countries' maritime trade and transit routes through regional waterways to seaports; several rivers traverse to the northeast and Bangladesh. This not only helps with the convenient transfer of goods but also plays a crucial geopolitical role in competition with China in these states. The nearest seaport to connect Tripura with other parts of India via the Chicken Neck corridor is Kolkata Port, which takes a 1700-km-long journey. However, this isolation is reduced by a mere 200 km if connectivity is strengthened via the Chittagong Port of Bangladesh. Mizoram's capital, Aizawl, feels

the same fate of 1512 km of long distance via the Chicken Neck corridor to Kolkata Port. It can be reduced to 600 km via Myanmar's Sittwe Port and 545 km via Chittagong Port of Bangladesh to connect other parts of India. However, political turmoil in Bangladesh and regime changes have significantly impacted the dynamics of maritime connectivity between India and Bangladesh. The fate of connectivity projects is hanging in uncertainty. A new government is more cozy toward China and Pakistan and is opposed to India. In this changing political dynamic and narrative, this study can significantly explore the prospects for future relations. With emphasis on the economic and geopolitical significance of maritime connectivity, this paper explores the potential maritime connectivity avenues and linkages in Northeast India, especially emphasizing Tripura and its connectivity to Bangladesh and Myanmar. The paper then re-envision the challenges associated with maritime connectivity, realizing potential opportunities.

## **II. Reframing Geography and Connectivity Integration Through Act East Policy: A Maritime Passage to Strategic and Economic Growth**

“It is definitely within our ability to overcome geography and rewrite history if only we can get the politics and economics right,” said S. Jaishankar, referring to the Indian Act East Policy objective.<sup>5</sup> Since coming to power in 2014, the Indian government under PM Narendra Modi has rebranded the Look East policy, adopted in 1991, to the Act East policy, which aimed at fostering economic and maritime partnerships to trigger economic growth. This policy shift seeks both to bring structure to New Delhi's foreign policy and to achieve its domestic developmental goals, specifically within India's northeastern region. The area has been of key concern as its landlocked geography and inadequate infrastructure, along with its history of separatist insurgencies, have often hindered its development. Through the framework of AEP and the Neighborhood First Policy, India seeks to achieve deeper political and economic integration and development goals for the region by reframing the dynamics of geography and establishing sophisticated market networks and connectivity links between the region and Southeast Asia. The importance of potential investment from ASEAN is also considered a strategically important step in addressing the region's grievances about not enjoying the benefits of economic and industrial growth occurring in other parts of India. ASEAN countries situated in the midst of the Indian and Pacific oceans, with historical and cultural linkages and with no significant boundary disputes with India, occupy central positions for convergences and collaboration in the vision for the Indo-Pacific. In this context, Northeast India occupies the strategic role of connecting with ASEAN countries. Northeast India has faced geographic vulnerabilities and connectivity issues for a long time. Northeast does not have direct access to the seas. So, reinforcing Inland Water Transport (IWT) connectivity between India and Bangladesh and port connectivity with Myanmar will improve trade relations and reduce logistics costs. Bangladesh will even get market access to the Northeast region, which will open India's way to Southeast Asia.

India, under its Act East policy, has started developing connectivity with neighboring countries, South Asia, and southeast countries. Water connectivity has emerged as a

new driver to foster relations with these countries. India's Act East policy focused on connectivity projects not only for economic flows but also for strategic cooperation. Maritime connectivity has two types: inland waterways and port connectivity. IWT offers a feasible carrier of goods, especially for bulk cargo. Its cost-effective and convenient development characteristics attract inland waterways as an alternative to the transportation of goods, which are highly dependent on road and railway networks. Meanwhile, ports have played a very important role in economic and strategic calculations in international relations. Sea-ports provide an interface between land-based and water-based transport, including ocean transport, for transporting commodities.

Amita Prasad, the chairman of the Inland Waterways Authority of India (IWAI), said that India is exploring crushing activity to offer cultural connectivity and business opportunities for navigational aids, terminal developments, etc.<sup>6</sup> There are around twenty national waterways in North East Indian states; India recently disbursed US\$1.04 billion in grants projects besides concessional loans of US\$478.9 million, including US\$750 million to Myanmar, and also offered more than US\$8 billion of lines of credits to Bangladesh.<sup>7</sup> Further, the government sanctioned the following projects for the development of the IWT infrastructure on National Waterways in the Northeastern Region (NER) for a period of five years, from 2020–21 to 2024–25: (i) NW-2 (Dhubri-Sadiya stretch of river Brahmaputra) at the cost of Rs.461 Crore; The development of NW-2 enables waterway connectivity of the northeast region with Kolkata/Haldia ports via the Indo-Bangladesh Protocol Route, and NW-16 (river Barak) & Indo-Bangladesh Protocol (IBP) route at the cost of Rs.145 Crore.<sup>8</sup>

Union Minister Sonowal, on February 20, 2024, launched several waterways projects in Northeast India worth Rs 308 crore. It includes passenger-cum-cargo terminals at Bogibeel, which is near Dibrugarh, upgraded terminals at Karimganj and Badarpur of Assam, and an IWT terminal at Sonamura in Tripura, which occupies a very strategic place near Bangladesh Chittagong Port.<sup>9</sup> All these terminals, especially Sonamura, have the potential to be linkage points for transboundary trade, including commodities such as horticulture, cement, etc., between India and Bangladesh. This project will have a greater impact and influence on the whole Northeast Indian region and major industries such as the cement industry, food processing units, stone crushers, tea estates, and coal deposits are well present in the region, which can be transported more conveniently to other parts of India as well as neighborhood countries via maritime connectivity. The Indian government, to enhance the tourist industry, has decided to deploy six tourist jetties on the river Brahmaputra (National Waterways-2).

Maritime connectivity in Northeast India will also enable India's more convenient access to the Bay of Bengal and increase its presence to deal with growing Chinese encroachment in the region. India's maritime connectivity vision tries to expand the horizon for convergence and collaboration with ASEAN countries, which also strengthens India's Indo-Pacific vision. Northeast India is also emerging to attract extra-regional powers such as the US and Japan. There is a synergy between India's and Japan's visions of shared interest based on a free and open Indo-Pacific. Both countries also established the Japan-India Act East Forum. Japan is also taking a proactive role in providing assistance to develop Northeast India.

### III. Maritime Connectivity and Northeast India

Northeast India has the feasibility of having an efficient inland water network, and connectivity can be justified for several reasons. The first largest inland waterways network lies in the northeast state of Assam, with navigable inland waterways of 1983 km comprising 44 rivers, including the Brahmaputra and Barak.<sup>10</sup> Out of 111 national waterways, around twenty waterways are in Northeast India. Second, the northeast has remained an issue of poor road infrastructure and no proper extended network of roads and railways due to neglect by the government for a long time, and the difficult geographical terrain, cross-border state issues, ethnic issues, and so on. Third, waterways do not involve challenges associated with land acquisition, which remain a sensitive issue in road and railway connectivity. Lastly, it is recognized as a cost-effective, fuel-efficient, and environmentally friendly way of transportation. NEI is situated at the shortest distance from neighboring countries. Very little cost is needed for the construction and maintenance of maritime routes. In this scenario, maritime connectivity through waterways and seaports provides an alternative and cost-effective way to develop Northeast India.

The National Waterways Act 2016 declared 111 inland national waterways with a length of 20,275 km, and twenty out of those are in Northeast India, including the Brahmaputra River–NW2, the third largest waterways of the country, used by steamers, cargo and large country boats.<sup>11</sup> IWAI provide necessary grants or aids for 24-hour navigation between Dhubri and Silghat. also maintains terminal facilities for the loading and unloading of cargo to strategic locations in Dhubri, Pandu, Dibrugarh, Silghat, Joghopa and Neamati.

#### *3.1 Inland Waterways and Port Connectivity: Bangladesh and Myanmar*

It is crucial to identify ports in India and bordering countries that can serve as an immediate nodal point of sea connectivity and provide easy access to the sea. Chittagong Port in Bangladesh, Sittwe Port in Myanmar, and Kolkata and Haldia port of West Bengal can be linked with the Northeast India region and the rest of India. All these ports have facilities of easy access to the sea and can enhance Northeast India's connectivity to South and Southeast Asia Countries.

*Northeast India and Myanmar.* Myanmar occupied a strategically significant position in India's Look East policy, which is now reformulated as Act East Policy. Myanmar is the only Southeast Asian country India shares a land border and cross-border road with. Despite India not having any common inland waterways sharing with Myanmar, the proximity of the Northeast India region to the seaports of Myanmar makes it a significant driver in the maritime dimension. India is engaging with Myanmar very pragmatically to foster cordial relations and harness geo-strategic opportunities. India is very keen on the materialization of the US\$484 million Kaladan Multi-Modal Transport Project (KMMTP).<sup>12</sup> This project acts as a trade and logistics link by connecting the eastern state of Mizoram to Paletwa by road and then integrating the IWT constituent, which extends up to 158 km along the Kaladan river from Sittwe to Paletwa.

Sittwe Port development is part of the Kaladan Multimodal project; once it's operationalized, it can act as a multimodal transit connectivity with Southeast Asia. Sittwe

Port connects Paletwa in Myanmar through inland waterways and from Paletwa to Zorinpui in Mizoram through a road component. This project, once completed, can provide an extra outlet for the movement of goods other than the Siliguri Corridor Myanmar via Sittwe. Other than this, goods from Kolkata to Sittwe Port can be shipped to Teknaf Port, Bangladesh, which is just 60 nautical miles from Sittwe. From Teknaf Port, goods can be transported by road to Sabroom, which has an integrated customs border between Bangladesh and Tripura. So, Tripura can benefit from the Kaladan project and Sittwe Port by transportation time and logistics costs. This connectivity would lead to a 50 percent reduction in the cost and time of goods transportation between Kolkata, Agartala, and Aizwal. While Sittwe Port and IWT Paletwa Jetty are operational, the progress of the project is slow, especially since the road networks connecting Zochawchhuah with Paltewa have been affected by the insurgencies of the Arkan army in the Rakhi Province of Myanmar.<sup>12</sup> Northeast India's river Barak has small ports at Karimganj, Badarpur, and Silcher, as well as ferry services in different places. Barak falls into Bangladesh, but the Barak River basin is also linked to Myanmar. This opens a new opportunity if utilized. China has access to Myanmar's port, and this helps increase its influence in the Bay of Bengal. Myanmar serves as a land bridge to connect with South Asian and Southeast Asian countries. There is also a trilateral connectivity project going on with Northeast India and Thailand through Myanmar.

*Northeast India and Bangladesh.* There is a maritimization shift in Bangladesh's foreign policy in order to meet the growing economic development via trade. With the resolution of maritime border disputes with Myanmar and India, Bangladesh now has more access to the Bay of Bengal and sea lines of communication in the Indian Ocean. India and Bangladesh share a land boundary of 2979 km and a riverine boundary of 1116 km. Maritime connectivity is very significant in economic and trade developments for both countries. So, not only maritime development of infrastructure but also access to the sea will be significant in this direction. The average distance between important cities of Bangladesh and Northeast India is around 20–200 km.<sup>13</sup>

The Indo-Bangladesh Protocol on Inland Water Transit and Trade (PIWTT) was first signed in 1972 and was to be renewed every two years. In April 2015, both countries decided to renew the protocol automatically every five years, which enables the use of inland waterways for the passage of goods between two places of one country through the territory of another country, including trade. On the 2nd Addendum to Indo-Bangladesh Protocol (IBP) on 20th May 2022, IBP routes were increased from 8 to 10.<sup>14</sup>

Agreement on Coastal Shipping (ACS) in 2015 enabled both countries to facilitate trade directly by agreeing to allow the sailing of small vessels between both countries' ports. Further, the same year, Standard Operating Procedures (SOP) were finalized and operationalized in 2016. One remarkable development in this cooperation was when the use of Chittagong and Mongla ports in Bangladesh also came under the SOP for the movement of goods by multimodal transports on four road, rail, and water routes in Agartala (Tripura) via Akhaura, Dawki (Meghalaya) via Tamabil, Sutarkandi (Assam) via Sheila and Srimantapur (Tripura). In this direction, the first trial run took place in 2020, where cargo from Kolkata to Assam via the Agartala and Srimantapur LCS in Tripura through Chatterama and Mongla ports in Bangladesh.<sup>15</sup> Several trial runs have been conducted, which have given positive prospects for the relations. However, it is not yet fully operational. Northeast

states of Assam, Meghalaya and Tripura will get access to the Chattogram and Mongla ports of Bangladesh.

Badarpur was declared as an extended port of call for the town of Karimganj in 2018, as both are situated 25 km apart along Assam's Barak River. At the same time, Ghorasal of Bangladesh identified a significant extended port for Ashuganj.<sup>16</sup> These additional ports of call have the potential to augment the transportation of cargo via inland waterways. India has planned to make the Gomati and Haora rivers of Bangladesh's side navigable through funding for dredging works and ultimately connect it with the protocol route of 1 & 2.<sup>17</sup> To facilitate the movement of freight or cargo from Kolkata to Northeast India via Bangladesh, India is also sponsoring the creation of a shared fairway and paying 80 percent of the total cost; the project includes 175 km of dredging work from Siriganj to Daikhawa and an additional 295 km from Ashuganj to Zokiganj in the Kusiari-Meghna basin.<sup>18</sup> India and Bangladesh, under the Inland Shipping Ordinance of 1976 of Bangladesh and 1917 Inland Vessels Act of India, have planned to start trade between Chilmari (Bangladesh) and Dhubri of Assam (India) through the use of shallow draft mechanized vessels.<sup>19</sup> This initiative has a prospect to enhance the local economy in Bangladesh and the lower Assam region of India, as this agreement allows the export of stone chips and other Bhutanese and northeast cargo to Bangladesh and easy access for the traders to the vicinity of Bangladesh.<sup>20</sup> PIWTT and ACS provide a significant boost for economic development as it not only enables the movement of bulk commodities and large cargo for industrial projects in the northeast region through the port of Chittagong and Mongla but also reduces the cost and time for trade. Carriage of goods from Bangladesh to Kolkata or vice versa took around 30–40 days, which has now been reduced to 10 days via transportation from the northeast to Kolkata port.

The statistics provided by Bangladesh's Assistant High Commission in Guwahati indicate that commerce between Bangladesh and northeastern India is progressively growing. Over Tk 367 crore worth of commodities were exported from Bangladesh to the area in the 2019–20 fiscal year. There, Bangladeshi goods were exported for Tk 40 crore during the preceding fiscal year 2018–19. Conversely, during the 2019–20 fiscal year, Tk 390 crore worth of products were imported into Bangladesh from Seven Sisters; over Tk 472 crore worth of goods were imported from there during the 2018–19 fiscal year.<sup>21</sup>

#### **IV. Tripura: A Linchpin of Maritime Connectivity with Neighboring Countries**

In recent years, Tripura has developed as a commercial and transit hub for connectivity driver initiatives in India. Tripura not only acts as an arc to reduce the isolation of Northeast India from the rest part of India but also strategic connectivity with other neighboring countries, especially Bangladesh. India and Bangladesh, after a decade of signing a memorandum of understanding, recently inaugurated the Akhaura-Agartala cross-border international rail connectivity in November 2023. This is a path-breaking development as this railway connectivity connects Agartala, capital of Tripura, a geographically strategically located northeast state, with Akhaura, located in Upazila, Bahmanbaria district of Bangladesh. This railway link will provide an alternative to the narrow and congested passage in the Siliguri corridor known as Chicken's Neck, the only viable way to connect the

Northeast to the remaining part of India via land.<sup>22</sup> The journey, which used to be 1600 km, particularly from Tripura to Kolkata, will be reduced to 500 km, so the duration will also decrease from around 31 to 10 hours.

There are several industrial sectors of Dhaka, Chattogram, and Sylhet, which are connected to Akhaura via road, rail, and river networks. Besides this, Ashuganj Port, near Akhaura, can be used to ferry goods to the Chattogram port and vice versa. Consequently, there is the prospect for growing trade between both, India and Bangladesh. Other than this, the transit route of Haldia dock can be connected to Chittagong Port of Bangladesh to Assam and then to Tripura. This has the potential to be an alternative option for linking India to Southeast Asian countries via Northeast India.<sup>23</sup> The Indian government spent a total of Rs. 230 crore building a land port at Sabroom. It will make it easier for people and goods to travel between Bangladesh and India. Rather than travelling around 1700 km away via Kolkata or Haldia port in West Bengal, it may link straight to the Chittagong Port of Bangladesh, only 75 km away.<sup>24</sup>

India and Bangladesh, in keeping with the economic growth and development, have taken several connectivity projects between both countries and recently, Maitri Setu has been very crucial in the cross-border movement of goods and people, as it connects the Sabroom of Tripura to Chattogram port of Bangladesh. So, it eases transportation from Cox Bazar to Tripura. There is a potential avenue for trade relations between Northeast India to South Asia and Southeast Asia if Maitri Setu and the third integrated check post of Sabroom function. Akhaura-Agaratala rail connectivity and Maitri Setu have the potential to create multi-modal connectivity to key economic and strategic places between both countries.<sup>25</sup> India has been working on a multi-modal transport hub and SEZ at Tripura's Sabroom that can help goods destined to the ports in Bangladesh in a few hours. The Sonamura-Daoukandi route was included in the Indo-Bangladesh Protocol routes, which connects Tripura with other national waterways in India through Bangladesh. The Gumti River travels approximately 93 km across Bangladesh before joining the Meghna River on IBP Routes 3 and 4 at Daudkhandi, Bangladesh. Consequently, it offers significantly quicker access to ports such as Haldia, Kolkata, and Narayanganj.

Sonamura-Daudkandi waterways operationalized with its first trial run taken on the 3rd to 5th of September; it started from Munshiganj and sailed via Meghna River (Bangladesh) to reach Daudkanti and then Sonamura port in Tripura.<sup>26</sup> Former CM of Tripura Biplab Deb said, "A new horizon opened for us. Today is a historic day for Tripura because the state, for the first time, has been connected to Bangladesh by a waterway. This route will later be extended till Varanasi in Uttar Pradesh."<sup>27</sup> This can increase the trade volume for both countries. However, for the continuous functioning of the route, eight bridges situated on this route need to be increased. Other projects, such as a logistics hub and an integrated check post, are in construction near Sabroom to better facilitate the movement of various goods.<sup>28</sup> The Matarbari deep-sea port in Bangladesh, being developed by the Japan International Cooperation Agency, is very important due to its capacity to handle larger cargo ships; it will ease the burden of Chittagong Port, and once it is operationalized it will connect with the Northeast, especially Tripura, and thereby potential to connect with Bhutan and Nepal. This port also acts as a balance to China's growing presence through investment projects and investments as a part of the Belt and Road Initiative. For better transshipment

and transit of goods, Bangladesh and India should work together in trade facilitation and build corridors from Northeast India to the Chattogram port.

*New routes to be explored:* A feasible way to reduce the time and distance travelled between Kolkata and Northeast India, development of the Aricha-Dhilian-Rajshahi-Dacca route. An extra direct connection to the mainland via NW-I will be facilitated if the development of the Farakka-Dhulian-Rajshahi-Aricha route can be completed. The Indian government has financed a canal link between the Gomti and Hooghly Rivers in Tripura and the Meghna River in Bangladesh in an effort to help improve business with the northeastern states via Bangladesh. However, it's unknown how far the project is going right now. It could be possible to incorporate River Surma into the Protocol Route. Vessels with a draft of 2.5 meters may navigate the River Surma between Ashuganj and Chatak. An extensive survey of the Zakiganj area from Chatak is necessary. It will be necessary to dredge from 22Z Akiganj to Karimganj.

*Japan's role in Northeast India:* Japan's increasing engagement in Northeast India is impacted by the strategic interests as the Northeast India region is a vital space between India and Southeast Asian, which aligns with India's Act East policy and Japan's Free and Open Indo-Pacific vision. Japan has made significant investments in Northeast India through a number of programs, including healthcare, education, infrastructure, and cultural preservation. The Japanese government has pledged to provide a JPY 232.209 billion Official Development Assistance loan for nine projects across many industries.<sup>29</sup> Japan is helping with people-to-people connectivity and the development of several connectivity projects, supporting maritime connectivity and trade between Bangladesh and India. For instance, the development of the Maitri Setu helps link the Sabroom port to Northeast India. Japan is also a partner in developing the Northeast Road Network Connectivity Improvement Project (Assam-Meghalaya). Japan also supports developing the National Waterway 2 (Brahmaputra) and National Waterway 16 (Barak River), which will eventually help Northeast India connect to Bangladesh's ports (e.g., Chattogram, Mongla) through the India-Bangladesh Protocol Route. Japan is also investing in infrastructure development in Bangladesh as part of its Indo-Pacific vision. Japan's strategic foresight is to "connect the connectivities." As a result, it is creating an economic corridor that would connect Bangladesh's Matarbari deep-sea port to Northeast India, with Tripura serving as one of the anchors via Chattogram and Dhaka. Additionally, it will connect to Nepal and Bhutan. Therefore, amidst changing political dynamics in Bangladesh, Japan's role will be significant in synergizing India and Bangladesh's policies, as both countries are strategically important in Japan's free and open Indo-Pacific policy and vision.

## **V. Political Turmoil in the Neighborhood and the Fate of Maritime Connectivity Projects: An Era of Ambiguity or a Shift in Relations?**

A dramatic regime change in Bangladesh in August 2024, the temporary shelter of Sheikh Hasina in India and the establishment of the interim government under radical Islamist Muhammad Yunus, has severely impacted the bilateral relations between Bangladesh and India. With this change, the fate of various maritime connectivity projects and

potential opportunities between countries has stalled since then. India and Bangladesh had shared a cordial relationship during Sheikh Hasina's government. India was allowed to use Chattogram and Mongla ports that provided Northeast India a maritime outlet and operational rights to a terminal in Mongla Port in 2024, of which services are yet to be started. India helped in developing the Ashuganj Inland Container port in Bangladesh, which is also stalled.<sup>30</sup> Following the Bangladeshi coup, India increased border security, shut down the six main land ports between Bangladesh and India, and permanently halted train service. To normalize commerce, the biggest land port, which links Benapole, Bangladesh, and Petrapole, India, was reopened a few weeks later. This quick return to normalcy was caused by economic interdependence and many connections. As the culmination of its attempts to foster economic interdependencies and physical ties in the area to support overall regional stability and security, this episode represents a long-awaited victory for New Delhi in South Asia. Matarbari Port, developed by Japan, is very significant for Northeast India's economic growth and outreach to South Asia and Southeast Asia. In contrast to Chattogram (Chittagong) Port's 9.5-meter draft, the port will become the region's most important export-import center, enabling mother ships with a draft of over 16 meters to berth. However, regime change in Bangladesh makes the future of the projects uncertain.

We have witnessed a new shift in Bangladesh's foreign policy toward being more cozy with China and Pakistan. As the former Hasina government had limited relations with Pakistan, the Yunus interim government has chosen the opposite direction to have more cordial relations. It has been witnessed recently that, for the first time in 53 years of the relationship, a cargo vessel from Pakistan docked at the Chittagong Port.<sup>31</sup> Even a cargo ship is allowed to dock at Mongla Port. A carrier vessel containing goods from Pakistan's Qasim Port was also allowed to anchor at the Mongla Port.<sup>32</sup> Earlier, Pakistan's goods had to be rerouted through third-party countries' ports such as Sri Lanka, Malaysia or Singapore. In the first quarter of July–September 2024–25 fiscal year, Bangladesh's imports from Pakistan surged over 27 percent, whereas they fell 9.5 percent from India.<sup>33</sup> It is the direct shipping routes between Pakistan and Bangladesh that facilitate increased trade. All these set the foundation for a direct maritime connection between the two countries of Bangladesh and Pakistan. This has also shown Bangladesh's new regional approach in the South Asia and Indian Ocean region. Bangladesh's interim government leader Yunus sparked the growing uneasiness of relations by calling Northeast India a landlocked country and saying they do not have access to the oceans, and added, "We are the only guardian of the ocean for all this region. So this opens up a huge possibility. So this could be an extension of the Chinese economy. Build things, produce things, market things, bring things to China, bring them out to the whole rest of the world."<sup>34</sup> India EAM S. Jaishankar, in response to this provocative statement, said that Northeast India, with 6500 km of coastline in the Bay of Bengal, is emerging as a hub of connectivity by linking itself with BIMSTEC nations, the Association of South Asian Countries and does not depend upon Bangladesh: "Keeping this geo-strategic factor in mind, we have devoted increasing energies and attention to the strengthening of BIMSTEC in the last decade. We also believe that cooperation is an integrated outlook, not one subject to cherry picking." The government of India in April 2025 also terminated the transshipment facility, which allows Bangladesh to export cargo to third countries by using India's land customs.<sup>35</sup> This further sparks the growing disagreement between the countries.

India is concerned that with Hasina and her Awami League party out of office, radicalism may increase in Bangladesh. Some of Bangladesh's extremist groups have ties to Pakistan-based terrorist groups like Lashkar-e-Taiba (LeT), the Pakistan Army's spy agency InterServices Intelligence (ISI), and the Pakistan Army itself, which may want to increase its operations in India, its bitter rival to the east. There is an agenda-driven work of reimagining of the history of Bangladesh after the regime change. The contribution of Mujib in Bangladesh's liberation war is removed from the textbooks and emphasis is placed on the role of former army chief Ziaur Rahman for Bangladesh's independence, meaning denying the support that India provided to Bangladesh during a crucial juncture. This can also bring the challenge to India to face a three-front war dilemma, with Pakistan and China already representing a two-front war dilemma. Despite the political shift in Bangladesh's foreign policy, India-Bangladesh relations are at a crossroads. China and Pakistan are providing growth opportunities, but they also face several challenges. Direct connectivity to Pakistan is further than to India, which will impact the cost of trade and export companies. Bangladesh, being surrounded by India on three sides, cannot deny the geographical, strategic, and economic importance of India, as India provided easy access to third-party countries via its connectivity and trade growth.

## VI. Prospects and Challenges

While re-envisioning the maritime connectivity dynamics of Northeast India to other parts of India and neighboring countries, other than the changing political dynamics, there are several challenges that need to be analyzed and explored in possible ways in this direction. Challenges include the issues related to the lack of maritime infrastructure facilities, the policies of the government for trade via waterways, and the behavioral attitude of the governments of Bangladesh and Myanmar.

India's own infrastructural inland connectivity constraints impact trade relations and potential opportunities. A vital mode of transportation for thousands of commuters in the Brahmaputra Valley's urban and rural communities, most of Assam's more than 361 ferry routes traverse the Brahmaputra or service its islands. Major rivers of Northeast India, such as the Brahmaputra (NW-2) and the Barak (NW-16), have issues of seasonal navigability due to fluctuating water levels. For instance, water depth falls below 1.5 meters during the lean season, making it unreliable for cargo vessels, which need water depth of at least 2.5–3 meters, impacting the trade routes. There are only a few functional terminals in Northeast India, such as Pandu in Assam and Karimganj in the Barak Valley, and no dedicated container handling facilities, leading to manual loading or unloading, resulting in delays at transshipment points. Goods often shift from ships to trucks at Bangladesh's Ashuganj port due to poor last-mile connectivity. This reduces efficiency, discourages exporters, and increases reliance on costlier road or rail routes. Theoretically, water transportation is 40–60% less expensive than driving. However, inefficiencies cancel out the savings. For instance, vehicles travel 3–4 days over land routes, while a trip from Pandu, Assam, to Narayanganj, Bangladesh, takes 7–10 days owing to delays. More than 700 million kg of tea are produced in Assam, most of which could be transported by rivers to Bangladesh. Due to a lack of designated tea terminals and frequent delays in waterways, the majority of tea is delivered by road or rail.

There is need of dredging in inland waterways. Dredging the rivers regularly is

necessary to promote the protocol pathways. For example, the Kusiara-Barak rivers and the Kolkata Port, which is an inland port, both need continuous dredging year round. As Kolkata Port is having difficulty accommodating large vessels due to its low draft of 7.2 meters, it needs continuous dredging.<sup>36</sup> On the Indo-Bangladesh Protocol route, in 2017, India and Bangladesh also signed a memorandum of understanding for the fairway development of the Ashuganj–Zakiganj section of the Kushiara River and the Sirajganj Dai-khawa portion of the Jamuna River.<sup>37</sup> Eighty percent of the expenditures are shared by India, and the rest by Bangladesh.<sup>38</sup> Though work has been gradual, considering the location and character of the rivers, maintaining the fairway all year round may prove to be exceedingly difficult and expensive. India and Bangladesh have agreed to employ automated vessels with modest drafts to facilitate navigation.

The lack of vessels for transportation in Northeast India can be a constraint to regional connectivity and economic growth. The dearth of vessels for transportation via inland waterways in Northeast India and the Eastern Part of India is owned by the West Bengal Transport Corporation, Central Inland Waterway Transport Corporation and the Inland Waterways Transport and Development Authority. As a result, the flexibility in trade remains limited to these authorities.

Maritime connectivity can flourish if trade relations between India and its neighborhood can be increased. There remain some issues that need to be addressed, such as the export imbalance between Bangladesh and India. India fulfills 11–12 percent of Bangladesh's total import needs, whereas India contributes less than 2 percent of Bangladesh's exports and less demand for items imported from India.<sup>39</sup> Despite the direct shipping agreement between both countries, cargo volume has not grown greatly. Indian traffic carries goods that travel on the way to Bangladesh but mostly return empty. As a result, private trading companies face higher costs and are discouraged from further trade. There is a need for an awareness program for stakeholders, especially for border area traders and businesses in both countries, regarding the usage and benefits of waterways transport for trade relations.

The issue that needs to be addressed between Bangladesh and India regarding trade via maritime connectivity is the restrictions regarding third-country trade facilities. India allows Bangladesh to export and import to Bhutan and Nepal via Indian transit routes through specified LCSs/airports/ seaports with free access, but at the same time, Bangladesh does not allow India to trade with third countries via Bangladesh. If allowed, it can reduce the time and costs for trade and open space for greater trade with other countries for both countries. Whereas Myanmar allows third countries' products to be reached in Northeast India and vice versa, it has to follow certain procedures and impose a customs fee of around 2.5 percent of the total volume of the cargo.<sup>40</sup> To calculate the import duty, the price in hard currency is converted into Kyat through the officially set exchange rate. The procedure causes the end destination's buyers to pay an artificially reduced price for the goods, fiercely competing with domestic producers.<sup>41</sup>

There is difficulty and a lengthy process in issuing a certificate of origin for products that need to be transported via Myanmar. An international trade document known as a certificate of origin (COO) attests that all commodities exported are acquired, produced, manufactured, or processed in a certain nation following the relevant origin regulations.<sup>42</sup> To obtain favorable COOs, Indian exporters of the northeastern states of Manipur and Mizoram must look outside their own states, which adds to the expenses and delays. The

traders are driven by the rising expenses to deal through unofficial channels without appropriate COOs. Establishing the proper COO-issuing agencies close to the border regions is essential to promote cross-border trade between India and Myanmar.

Even though rice was transported to Tripura via the Ashuganj River Port after the SOP's drawing, the trade bulk is still minimal. Since Guwahati and Agartala's rail connectivity has improved, Indian businesspeople currently find the Ashuganj River Port to be unviable. In addition, the port is beset by a dearth of infrastructure. Nonetheless, it is anticipated that the Ashuganj port will turn a profit in the future after the Agartala-Akhaura train link is ready. The lack of terminals and cargo handling facilities remains a major issue. For example, National Waterways 16 doesn't have a fully functional terminal, and there are only two permanent and 11 floating terminals on the National waterways-2; Dhubri, Jogighopa, Silghat, and Pandu used floating terminals only for navigation. The inland container terminal at Ashuganj, when completed, is expected to increase transshipment. Despite the shipping agreement between Bangladesh and India, cargo volume did not grow as expected. One of the main reasons was the important seaport, Chittagong has a congestion issue. Northeast India has long-standing border disputes between states, such as Assam-Mizoram and Assam-Nagaland, making any connectivity development very critical to proceeding with either cancellation or delayed projects within the northeast and neighboring countries. Other than this, the political volatility of neighboring countries impacts the maritime policy dynamics of both countries.

The feasibility of projects involving another country relies heavily on that country's geopolitical interests. For instance, the development and transformation of Tripura was flourishing because of the positive attitude of Bangladesh's former prime minister Sheikh Hasina toward prioritizing development agendas. Rising discontent in Bangladesh against growing Hinduism by the Indian government under BJP rules and its policies of NRC, CAA has seriously impacted the public sentiment in Bangladesh. The growing maritime connectivity can strengthen the movement of formal goods and people in the border areas. But with the interim government under Yunus cozy towards China and Pakistan, and rising anti-India sentiments in Bangladesh, it generated serious challenges to India's national interest and security. The porous boundaries of Northeast Indian states with neighboring countries of Bangladesh, Myanmar, Bhutan, and Nepal are another challenging aspect, and this can be impacted by illicit elements such as drugs and illegal migration through the connectivity networks, which pose a serious challenge to Northeast India.

## VII. Conclusion

Northeast India in changing geopolitics and geo-economics is occupying a strategic place in Indian foreign policy. Several maritime connectivity initiatives in recent years have been taken to realize the strategic and trade potential. These maritime connectivity drivers in Northeast India solve the long-standing issue of Northeast India's lack of connectedness to the rest of India. Maritime connectivity can overcome the transportation barriers of the region's lack of infrastructure and landlocked status. Connectivity via inland waterways and ports via Northeast India to neighboring countries, resetting the perception and potential opportunities narratives, which remain impacted by several

issues of intra-state, inter-state and historical conflicts. Northeast connectivity facilitates cross-border trade and the movement of people to Bangladesh and Myanmar, and it revives the dormant connectivity networks, which have remained dormant for a long time. This connectivity and access to Bangladesh and Myanmar ports help India to keep an eye on China's growing naval presence around the Bay of Bengal and the India Ocean region and act as a bridge to India's outreach to Southeast Asia. Southeast countries will be significant to India's Indo-Pacific vision and economic cooperation as there are no historical land or sea boundary disputes between India and Southeast countries. However, these emerging potential connectivity initiatives depended upon policymaking and its implementation, diplomatic and economic relations between respective connectivity partner countries to utilize and re-explore the potential connectivity among the countries. Regular dredging of rivers, reducing congestion, and maintenance of infrastructure facilities are needed. Reducing trade barriers and bureaucracy are the other challenges associated with it. Other than this, a tripartite connectivity agreement among India, Bangladesh, and Myanmar to revive old riverine links will be beneficial in achieving the economic growth aspirations.

Regime change in Bangladesh has introduced a new narrative to look at this maritime connectivity and strategic outlook of the relations between the two countries. It might show that Bangladesh is cozy to both China and Pakistan. But surrounded by India on three sides and the trade benefits that India provides cannot be replaced. Despite the current shift, both countries need to work together for mutual benefit. India faces a similar challenge in Myanmar due to the coup rule and the uncertainty it brought. India is monitoring the changing situations to diversify its diplomatic tools and re-strengthen its relations with Bangladesh and Myanmar. However, India's and neighboring countries perceptions and cooperative approach will be deterministic factors in realizing potential maritime connectivity and security cooperation opportunities.

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## Biographical Statement

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# From Colonial Ambiguities to Contemporary Brinkmanship: The Evolving India-China Rivalry in the Himalayan Frontier

*Vishal Singh Bhadauriya and Rana Abhyendra Singh*

## Structured Abstract

Article Type: Research Paper

*Purpose*—This research paper examines how evolving leadership styles in India and China—shifting from Jiang Zemin’s pragmatic stance to Xi Jinping’s assertive ideology—reshaped Himalayan relations, highlighting nationalism, populism, and economic ambition.

*Methodology*—Using Critical Discourse Analysis, this study examines documents to reveal cooperation, competition, and national rejuvenation. Strategic culture theory illuminates how colonial legacies and unresolved borders shape ideology. Drawing on multiple sources, it shows how smaller Himalayan states navigate pressures, risking shifts from collaboration to tension.

*Findings*—The study finds that under Xi Jinping, China’s Himalayan approach, shaped by economic assertiveness and ideological confidence, has pushed India under Modi toward greater vigilance and militarization. Incidents like the 2017 Doklam standoff and 2020 Galwan clash illustrate fraying trust, increasingly overshadowed by present-day nationalism and fears of strategic encirclement.

*Practical Implications*—The paper highlights that leadership ideologies shape India-China ties, urging caution against assuming steady *détente*. By acknowledging cyclical rivalry, India can partner with democracies and manage economic reliance on China.

*Originality*—This study presents a fresh viewpoint on Himalayan geopolitics, analyzing leadership transformations that realign India-China dynamics and reconfigure bilateral relations.

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## I. Introduction

The Himalayas have long stood as a monumental backdrop to the historical interplay between South and East Asia, shaping political strategies, cultural exchanges, and territorial ambitions for centuries. Well before the emergence of the modern nation-states of India and China, this mountainous frontier functioned as a zone of fluid sovereignties, mercantile connections, and shifting allegiances. Empires and kingdoms across South Asia, Tibet, and Central Asia regarded these high-altitude passes and valleys as conduits for trade, religion, and diplomacy, rather than as stark boundary lines between sovereign states.<sup>1</sup> Yet, it was the advent of European colonialism—especially the British Empire's gradual ascendancy in the Indian subcontinent—that imposed a new strategic logic on the Himalayas, recasting them as strategic buffers rather than mere cultural contact zones.<sup>2</sup>

In the nineteenth and early twentieth centuries, British India's policies toward its northern frontiers were shaped by the anxieties of the "Great Game," the geopolitical rivalry with Tsarist Russia.<sup>3</sup> British administrators and frontier officers viewed the Himalayas not as a simple natural barrier, but as a defensive shield for British India's northern perimeter. The approach was seldom one of neat demarcation; instead, it relied on strategic ambiguity. Maps were repeatedly redrawn, treaties signed and occasionally set aside, and local rulers alternately pressured or persuaded into accepting arrangements that served imperial interests.<sup>4</sup> Such tactics left behind a legacy of contested claims and uncertain borders that would haunt the region well into the postcolonial era.

From the mid-nineteenth century onwards, Britain's principal aim was not necessarily to define every inch of the frontier, but to maintain a pliable zone of influence that could thwart any potential Russian thrust toward the plains of India. This approach depended on complex treaties and understandings with Himalayan polities. The 1856 Treaty of Thapathali, which ended the Nepal-Tibet War, exemplified how British mediation reshaped local power dynamics and entrenched a frontier order designed to serve British interests. Similar interventions in Tibet, Nepal, and Bhutan created a diplomatic ecosystem where the British could manipulate rivalries, shift their frontier lines as needed, and foster dependency among smaller Himalayan states. What appeared pragmatic at the time would later prove problematic, as these arrangements failed to produce clear, enduring boundaries.<sup>5</sup>

As Qing China weakened in the early twentieth century, the British became more assertive in Tibet, culminating in the Simla Convention of 1914. This agreement attempted to establish the McMahon Line as a boundary between British India and Tibet.<sup>6</sup> While British and Tibetan representatives reached an understanding, China did not accept the proposed line. Even so, the British treated the McMahon Line as a *de facto* frontier in the eastern Himalayas. By endorsing boundaries without unanimous acceptance, British authorities ensured that ambiguities persisted. Scholars have noted how these cartographic and diplomatic maneuvers enshrined uncertainty into the very geography of the region. Such ambiguity would later confront newly independent India and a resurgent China, both determined to reclaim influence over their borderlands after the end of colonialism.

After India's independence in 1947 and the establishment of the People's Republic of China (PRC) in 1949, the Himalayas confronted two states eager to assert sovereignty and national narratives. India inherited much of the British colonial logic, viewing the Himalayas as a strategic shield essential for national security. China, having consolidated its authority and reclaimed territories it considered historically integral—especially Tibet—categorically rejected many colonial-era treaties and boundaries. The Qing dynasty's earlier decline had allowed British India to extend its influence into Tibetan affairs; the PRC, determined to erase what it saw as a century of humiliation, worked to re-establish its sway over Tibet and other peripheral regions.<sup>7</sup>

In the 1950s, a fleeting sense of optimism emerged. Prime Minister Jawaharlal Nehru of India and Premier Zhou Enlai of China articulated a vision of peaceful coexistence embodied in the Panchsheel principles. Yet beneath diplomatic courtesies lurked unresolved frontier disputes. India insisted on the legitimacy of British-inherited boundaries like the McMahon Line, while China decried these as imperial impositions.<sup>8</sup> The goodwill of the early 1950s gradually eroded as these contradictions festered.

By the late 1950s and early 1960s, tensions mounted, culminating in the Sino-Indian War of 1962. China's swift incursions into territories India considered its own shattered the illusion that mutual understanding could stabilize the Himalayan frontier. The war not only redrew the strategic calculations of both nations but also inflicted a lasting psychological scar on India, coloring its perception of China for decades. The notion of a clearly demarcated and peacefully managed Himalayan boundary proved elusive. Instead, an undefined Line of Actual Control (LAC) emerged as a *de facto* arrangement, one that remained ripe for confrontation.<sup>9</sup>

Subsequent decades did not resolve these. The Cold War era, complicated by the Sino-Soviet split and India's non-aligned stance, was not conducive to amicable settlements. Both sides fortified their positions: China consolidated its hold over Tibet and improved its frontier infrastructure, while India enhanced its defense capabilities and sought external partners to balance Chinese influence. Still, direct conflict remained limited. Diplomatic efforts, though halting, persisted. By the late 1980s and early 1990s, after Prime Minister Rajiv Gandhi's historic visit to Beijing in 1988, there was cautious optimism. Economic reforms in both countries and shifts in the global order suggested that stability along the Himalayas could serve mutual interests.<sup>10</sup> Under Chinese President Jiang Zemin's pragmatic leadership and Indian Prime Minister P.V. Narasimha Rao's diplomatic endeavors, agreements in 1993 and 1996 emphasized "peace and tranquility" and set up mechanisms like the joint working group for boundary discussions.<sup>11</sup>

During this period, the smaller Himalayan states regained strategic significance. Nepal and Bhutan, historically tied to India by treaties and cultural bonds, started to diversify their foreign policy choices. For much of the pre- and early post-independence period, India had effectively treated these states as buffers, preserving their autonomy from external great powers—especially China—in exchange for their loyalty to New Delhi's strategic interests. However, as China's economic might grew dramatically in the late twentieth and early twenty-first centuries, Kathmandu and Thimphu found fresh opportunities Chinese investments in infrastructure, energy, and connectivity challenged India's traditional dominance. Both Nepal and Bhutan discovered that the India-China rivalry could be leveraged to secure better terms for themselves, subtly altering the Himalayan strategic landscape.

India's approach to Nepal and Bhutan had its roots in British-era frontier management. The British had often left border areas loosely defined, making local rulers dependent on imperial protection. This pattern continued under independent India, ensuring that Nepal and Bhutan's foreign policies aligned with New Delhi's objectives. But as China presented itself as an economic and diplomatic alternative, these smaller states began recalibrating their alignments. Economic corridors, hydropower projects, and improved connectivity offered by Beijing opened new doors, enabling Nepal and Bhutan to reduce their reliance on India.<sup>12</sup>

By the early 2000s, China's "peaceful rise" narrative and deepening global integration seemingly created a conducive environment for India and China to manage their differences. Bilateral trade soared, cultural exchanges increased, and there was a sense that the India-China relationship could transcend perpetual conflict management. Yet the boundary dispute remained unresolved. Both sides agreed in principle to clarify and delineate the LAC, but progress was minimal. The underlying assumption that time and economic interdependence would naturally lead to a political convergence proved overly optimistic.<sup>13</sup>

Xi Jinping's ascent to the Chinese leadership around 2012 introduced a more assertive approach, one buttressed by China's rapidly growing economic clout and the resultant confidence it brought. Armed with immense financial resources and vast infrastructure projects—including those spilling into the Himalayan region—Beijing found itself less inhibited by past diplomatic niceties and more inclined to pursue territorial adjustments on its own terms.

While India continued to strengthen its economy and fortify its border defenses, it lagged behind China's scale and pace, making it more vulnerable to Beijing's tactics. The Himalayas thus became a testing ground, where China probed the limits of Indian capacity through infrastructure encroachments, military incursions, and diplomatic pressure—an arena where economic heft translated into strategic opportunity.

Incidents like the 2017 Doklam standoff and the 2020 Galwan Valley clash underscore the limits of prior confidence-building measures and delivered a shock to India's assumptions. The first combat fatalities along the LAC in decades underscored that "peace and tranquility" was not guaranteed. Beijing's willingness to use force to alter the status quo shattered the comforting notion that incremental trust-building and economic ties would prevent conflict.<sup>14</sup>

This return to an era of heightened tension suggests a cyclical pattern. Colonial-era ambiguity set a stage where no consensus on frontiers was ever fully reached. Post-independence leaders tried to codify arrangements, culminating in a brief period of optimism in the late 1980s and 1990s. Yet, the emergence of a more assertive China under Xi, coupled with shifting regional dynamics and the rising agency of Nepal and Bhutan, has brought the region back to a state of strategic flux reminiscent of earlier times. Only now, the stakes are higher and the geopolitical environment more complex.

India must adapt to this transformed reality. The assumption that time favored an eventual accommodation has proven false. Instead, New Delhi must contend with a China actively rewriting the rules. The region's smaller states, once considered peripheral buffers, now play pivotal roles as they navigate between two giant neighbors. Their internal politics, developmental priorities, and foreign policy choices reverberate through the Himalayas, shaping strategic outcomes. This environment demands that India, China, Nepal, and

Bhutan approach the Himalayas not as a static frontier but as a contested space where influence must be constantly negotiated.

This article aims to trace this historical and geopolitical arc, examining how the Himalayas moved from an era of colonial uncertainty to a Cold War interlude, through post-Cold War rapprochement attempts, and into the current phase of renewed contestation.

This examination challenges the notion that India-China relations had been on a linear path toward improvement. Instead, it reveals cyclical challenges influenced by evolving perceptions of national strength, shifting global alignments, and the intrinsic strategic importance of the Himalayas. The key difference now is that China's capabilities have grown significantly, and its willingness to deploy those capabilities has increased. India's policy tools remain constrained by slower economic growth, domestic political pressures, and a complex web of regional commitments. The Himalayas, once seen as a remote and impassable barrier, today stand as a crucial theater of twenty-first-century geopolitics, where historical legacies and contemporary power politics intersect.

As the region moves deeper into an era of uncertainty and competition, understanding the historical origins of Himalayan disputes—and their contemporary reinvention—is more critical than ever. The persistence of colonial-era ambiguities, the fragility of past confidence-building measures, and the evolving roles of smaller Himalayan states collectively shape a geopolitical landscape that defies static assumptions. The shift from Jiang Zemin's pragmatic outreach—grounded in dialogue and incremental progress—to Xi Jinping's ideological assertiveness has fundamentally altered the strategic calculus. Both the Doklam standoff and Galwan Valley clash underscore how earlier frameworks of engagement have given way to heightened vigilance, strategic competition, and military preparedness.<sup>15</sup> For India, this new phase demands a reassessment of its priorities, as economic considerations, alliance-building, and security imperatives converge to redefine its approach. Stability in the Himalayas now depends on the ability of regional actors to continuously negotiate, adapt, and defend their interests in the face of powerful forces seeking to reshape the frontier.

## II. Literature Review and Theoretical Framework

The relationship between India and China has long been characterized by historical legacies, territorial disputes, and shifting power asymmetries. The Himalayan frontier, once delineated by colonial-era arrangements and strategic ambiguities, has evolved into a critical arena for broader geopolitical rivalries. Scholars have consistently observed that periods of détente and confidence-building measures have often been supplanted by renewed tensions and strategic recalibrations. This paper situates itself at the intersection of several overlapping bodies of literature, including studies on leadership transitions and their impact on foreign policy, strategic culture and its historical foundations, economic disparities influencing diplomatic strategies, and the agency of smaller Himalayan states within the Sino-Indian competition.<sup>16</sup>

Leadership transitions are pivotal moments that can signify potential strategic redirections. The shift from Jiang Zemin's pragmatic diplomacy to Xi Jinping's ideologically

assertive leadership has profound implications for how India perceives and responds to Chinese actions.<sup>17</sup> Early scholarly works often portrayed the India-China relationship in relatively static terms, emphasizing structural factors or immediate crises.<sup>18</sup> However, more contemporary research underscores the significance of individual leaders and their guiding philosophies in shaping foreign policy trajectories.<sup>19</sup> Ashley J. Tellis, for instance, has extensively explored how leadership perceptions and security strategies interact within Asia, particularly in the context of US-China-India strategic triangles. Tellis's analyses highlight how changes in leadership personalities and power balances can either foster cooperation or exacerbate rivalries.<sup>20</sup> Xi Jinping's consolidation of power and ideological direction, particularly with his emphasis on the "Chinese Dream," mark a departure from Jiang Zemin's cautious approach, which was more oriented toward stable external relations and internal economic growth. This leadership shift necessitates a re-evaluation of India's strategic stance, transitioning from incremental engagement to a posture of strategic competition and enhanced military preparedness.

Under Xi, Chinese leaders have leveraged historical grievances and visions of rejuvenation, while India has had to adapt its leadership discourse—from Nehruvian ideals of peaceful coexistence to the Modi government's emphasis on security and strategic autonomy.<sup>21</sup> Such leadership changes can be seen as pivotal moments that redirect historical trajectories and alter negotiation strategies. This perspective aligns with Sumit Ganguly and Kunal Mukherjee's contributions to understanding the evolution of India's strategic thinking. Ganguly's exploration of India's foreign policy underscores the interplay between historical traumas and contemporary strategic choices, whereas Mukherjee highlights how India's self-image as a "status quo power" and a "responsible regional actor" interacts with its acute sensitivity to sovereignty issues. Together, their analyses reinforce the notion that India's response to China's ideological assertiveness is deeply entwined with entrenched strategic cultural narratives rather than being merely reactive.<sup>22</sup>

Lim and R. Mukherjee further enrich this discourse by examining how domestic institutions, political elites, and public opinion contribute to the formation of strategic culture.<sup>23</sup> As China's assertiveness in the Himalayas intensifies, Indian elites invoke historically informed cultural scripts—such as suspicion of external encirclement, pride in post-colonial sovereignty, and the necessity of strategic balancing—to guide policy decisions. Thus, strategic culture theory elucidates how both India and China rely on inherited frameworks, now reinterpreted by contemporary leaders, to navigate a rapidly evolving strategic environment.

Beyond cultural and historical factors, economic transformations have significantly recalibrated the power dynamics between India and China. The literature on economic statecraft, particularly the works of Xuetong Yan illustrates how growing economic capabilities enable states to exert influence through infrastructure investments, trade relations, and economic corridors. China's Belt and Road Initiative (BRI), for example, redefines the Himalayan region not only as a contested frontier but also as a corridor of connectivity and economic integration, albeit often in an asymmetrical manner. In contrast, India's relatively slower economic growth, when compared to China's rapid expansion, compels it to address material power disparities that shape the rules of engagement.<sup>24</sup>

China's capacity to outspend India in infrastructure projects, its willingness to offer more attractive economic deals to Nepal and Bhutan, and its investments in dual-use

connectivity projects frames a narrative of shifting agency within the Himalayas where influence is increasingly exercised through economic statecraft rather than direct coercion. C.K. Colley provides valuable insights into how economic might translates into bargaining advantages, allowing China to test India's resolve without immediate military confrontation.<sup>25</sup>

Tellis discusses India's efforts to deepen partnerships with the United States, Japan, and Australia—the Quad grouping—as a strategy to counterbalance China's economic and strategic dominance. Economic asymmetries do not yield uniform outcomes; rather, they reshape the diplomatic landscape by compelling states like India to invest in alternative coalitions, regional architectures, and development projects that can enhance their negotiating positions.<sup>26</sup> Integrating critical discourse analysis with strategic culture theory provides a comprehensive framework to examine how evolving narratives and economic strategies shape the geopolitical landscape in the Himalayas.

Incorporating these perspectives allows for a more three-dimensional understanding of the Himalayan frontier. Rather than a static boundary where two giants clash, the region emerges as a dynamic, multi-actor space where smaller states weigh Chinese investment proposals against Indian security guarantees, employ diplomatic finesse to avoid overt dependence on either neighbor, and adjust their policies in response to shifting power dynamics.<sup>27</sup> This theoretical framework thus accommodates not only the interplay of big-power strategic cultures and discourses but also the agency of smaller actors negotiating their own spaces amidst these competing influences.

### III. The Era of Diplomatic Rapprochement<sup>28</sup>

In December 1988, Prime Minister Rajiv Gandhi's visit to China unveiled a "thaw" in the long-frozen mistrust between the two nations. This bloom, nurtured by the transformative winds of the 1980s, particularly within China, began to melt the estrangement that had lingered since 1962.<sup>29</sup> Delhi policymakers, keenly aware of the Soviet system's weaknesses and the cracks appearing in its iron dome, recognized the moment's significance. Thus, India embarked on a diplomatic odyssey, taking its first step towards a new era of engagement with China. Rajiv Gandhi's speech at Tsinghua University on December 21, 1988, beautifully encapsulated this vision. Gandhi inspired his audience with a call to usher in a new era of India-China relations:

Together, India and China can overcome our shared historical traumas and harness our mutual strengths. We aspire to build a peaceful, prosperous, and harmonious world order. By embracing our common humanity, we ensure equity and prosperity for all. Let us work hand in hand to achieve lasting peace and cooperation.<sup>30</sup>

This landmark address not only signaled a strategic pivot in bilateral relations but also laid the groundwork for subsequent diplomatic initiatives, including Prime Minister Narasimha Rao's visit to China in September 1993, which furthered the trajectory of enhanced cooperation and mutual understanding between the two nations.

Prime Minister Rao's visit to China made it evidently clear that a true "normalization" of relations between the two countries was underway, driven by the concerted efforts of both governments and the pragmatic vision of Chinese President Jiang Zemin.<sup>31</sup> Rao's

speech at Beijing University underscored this rush for good relations, emphasizing the potential for India and China to shape a harmonious and prosperous future together through mutual respect and cooperation:

Asia can achieve its full potential if India and China collaborate. By embracing active foreign policies and the wisdom of harmony, we can build a future of strength, happiness, and peaceful coexistence.<sup>32</sup>

Prime Minister Rajiv Gandhi's speech at Tsinghua University and Prime Minister Narasimha Rao's speech at Beijing University underscore the time-honored friendship between India and China, with both leaders waxing poetic about peace, cooperation, and mutual progress. Gandhi, nostalgically invoking his grandfather Nehru's dreams, champions the Panchsheel principles, blissfully ignoring their spectacular flop during Mao's era. Rao, ever the philosopher, highlights ancient wisdom and historical camaraderie to promote pragmatic solutions and increased collaboration, as if historical goodwill alone could resolve boundary disputes and economic disparities. Both leaders, in their earnest belief in Panchsheel, practically shout their desperation for harmonious relations with China. As for China, its leaders, who are as smart as ever, seem ready to take full advantage of this excitement, hoping to gain trade, military power, and political influence. This diplomatic dance shows the complicated tango of historical memories and practical politics in the relationship between India and China.

However, this normalization entailed not just symbolic gestures but substantial exchanges: this included visits at the highest political levels, regular interactions among officials, and new avenues for commerce, economic cooperation, and joint ventures. Trade flourished, encompassing both general and border exchanges, while cultural and intellectual exchanges continued apace. Crucially, an institutionalized mechanism emerged in the form of the JWG, tasked with implementing confidence-building measures and delineating the LAC along the Himalayan border. Both governments committed to maintaining "peace and tranquility" in these areas, a pledge that held despite their ongoing territorial claims.<sup>33</sup> Jiang Zemin's pragmatic outreach laid a resilient foundation for this era of engagement, navigating the complexities of the 21st century with a focus on stability and mutual growth.

The decade of the 1990s, particularly after 1991, witnessed significant developments in the bilateral relations between the Asian giants, India and China. The roadmap for diplomatic rapprochement was initially laid down by Prime Minister Rajiv Gandhi and Deng Xiaoping. However, progress was briefly halted due to domestic issues, such as the Tiananmen Square incident in China in 1989 and Rajiv Gandhi losing the electoral mandate in India's 1989 general election, followed by his assassination. Additionally, India experienced a brief period of coalition governments.

Despite these setbacks, the rapprochement between India and China resumed after 1991 when the Congress Party, led by Prime Minister Narasimha Rao, returned to power. Both Jiang Zemin and Narasimha Rao emerged as leaders unexpectedly and under unique circumstances. Jiang rose to prominence after the 1989 Tiananmen Square incident with the support of Deng Xiaoping, while Rao, who had been planning to retire and settle in his native village, unexpectedly became Prime Minister.

Jiang Zemin's lack of strong policy ideas became an asset as he adopted the policies of others, aligning with the broader goals set by Deng Xiaoping.<sup>34</sup> In contrast, Narasimha Rao,

often described as a “half-lion,”<sup>35</sup> initiated the liberalization process in India, altering the course of the country’s economic history. He distanced himself from the Nehru-Gandhi economic doctrine, which was heavily influenced by Soviet economic models, despite his party not having a full majority in the Lok Sabha. The similarity between these two personalities was their reliance on a pluralistic approach to policy planning, driven by their inability to lead their respective countries alone. Both Jiang and Rao believed in policy consensus, which stemmed from their lack of mass appeal. Jiang was not Mao or Deng, just as Rao did not match the stature of his predecessors like Gandhi and Nehru.

In the early 1990s, the foreign policy objectives of both nations were rooted in the post-Soviet era and the waxing of American hegemony. The collapse of the Soviet Union and the display of American military might during the Gulf War alarmed Chinese policymakers. This convergence of interests led India and China to agree on the importance of addressing broader issues beyond their border disputes, fostering a more comprehensive and cooperative relationship.

### *3.1 Second Stage of Sino-Indian Relations: Deng’s Pragmatic Turn in India Policy*

According to China’s foreign minister, Deng had three main goals when he assumed power as the supreme leader in 1978: to resolve China’s diplomatic isolation following the Cultural Revolution; to handle the “anti-hegemony” conflict; and to enhance relations with neighboring countries to establish a stable atmosphere for economic reforms. China saw both superpowers as dominant but perceived the Soviet Union as the primary threat to its national security.<sup>36</sup>

It was in the early 1990s that one witnessed two significant transformations in China: strategic and domestic. The disintegration of the USSR removed an enormous counterbalance, which had its impact on changing power dynamics worldwide. Strategically, the overhaul was tectonic in its implication for China. At the same time, the domestic consequences of the 1989 crackdown on the democracy movement were deeply felt in terms of political implications for China.<sup>37</sup> Amid all this, China rapidly globalized the economy, changed the economic landscape of the country, and engaged with the world. Such changes demanded a massive recalibration of foreign policy and a more active face on the international diplomatic front, including trying to deescalate tension with India in the face of an ever-growing American influence in South Asia and the Pacific. In this tumultuous geopolitical climate, it was Deng Xiaoping who worked out the concept of “New International Political and Economic Order.”<sup>38</sup> It was based on the following pillars:

- (a) **Respect for Independence and Territorial Integrity, and Mutual Recognition:** This was in addition to furthering peace, non-aggression, and non-interference in the domestic affairs of other countries to ensure stable and friendly international relations.
- (b) **Opposition to Hegemony and Equality among Nations:** That is to say, China stood in opposition to the dictatorship of a single power determining the rules of the international system.
- (c) **Sovereignty and Equality:** China advocated for an international system where each sovereign nation—be they great or small, strong or weak—is accorded equal respect and rights.

(d) **Respecting National Conditions and Seeking Common Ground:** The political, economic, and cultural contexts of each nation calls for respect in seeking commonality, as well as respect for and recognition of the differences between nations.

(e) **The principle of mutually beneficial cooperation and common development:** this principle emphasized collaborative efforts and shared growth, seeking win-win outcomes for all concerned.

There's an irony in the deliberate structuring of these points into groups of five. Deng Xiaoping talked about these values when he met Rajiv Gandhi in Beijing in 1988, though the truth is, in 1962, Mao had effectively thrown these into the dustbin. As Deng said stated in his speech setting out his vision of a new international political and economic order:

As for a new international political order, I think the Five Principles of Peaceful Coexistence, initiated by China and India, can withstand all tests. These principles, established by Premier Zhou Enlai and Prime Minister Nehru, are very clear and simple. We should take them as norms for international relations. If we want to recommend these principles as a guide to the international community, first of all, we should follow them in our relations with each other and with our other neighbors....

Under Deng's leadership, China unexpectedly embraced ideals of peaceful coexistence and mutual respect, which it had previously disregarded with merciless force. The recent emergence of diplomatic charm was driven more by China's domestic interests rather than genuine goodwill. China recognized the need to maintain peaceful and stable ties with its neighboring countries as it embraced modernization and development.<sup>39</sup> Therefore, the very same ideals believed to be disposable in 1962 became revived as the foundation of India and China's bilateral relationship.<sup>40</sup>

Speaking at an international conference, Kishore Mahbubani, the well-known Singaporean diplomat and president of the United Nations Security Council, once stated, "Geopolitics is a very cruel business. Ideology can be put aside when necessary and brought to the fore if necessary."<sup>41</sup> As has been shown, the China-India diplomatic relationship arguably exemplifies this pragmatic—and sometimes ruthless approach—to international diplomacy, where strategic interests often outweigh ideological commitments.

Concluding with Gandhi's visit to Beijing in 1988, China's second phase of India policy demonstrated a lack of significant alterations in its approach, which was still largely defined by triangular great-power interactions. During this phase, one additional Chinese objective was to foster Pakistan as a strategic partner in order to restrain India's influence in South Asia. However, China became more receptive to resolving Indian concerns when China perceived deteriorations in its relationship with India as an existential danger. Nonetheless, during Deng's term, the strategic techniques used to counteract India's influence consisted mainly of either persuasion or pressure on India.<sup>42</sup>

During this period, New Delhi became increasingly aware that Beijing's embrace of these concepts was not because they were inherently valuable, but because they aligned with China's broader objective of creating a favorable climate for modernization. This strategic flexibility, or rather cunning deceit, adopted by China demonstrated a profound comprehension of realpolitik, where ideals are only instruments to be used or disregarded based on expediency.

However, in this second phase, India was aware of its previous errors and, as a result, Indian diplomats would use a more pragmatic approach in attempting to reconnect with China. This may be seen in the statement made by J.N. Dixit, a distinguished figure in Indian diplomacy: "I was clear in my mind."<sup>43</sup>

### 3.2 Jiang's Strategic Calculations

Protecting its borders and raising its prominence in the South Asian region were China's primary objectives during the Jiang era. Jiang suggested to the military's top brass in 1993 that, in order to maintain regional security, "we must follow the policy of stabilizing the neighboring countries, making more efforts, eliminating doubts and promoting good neighborhoods and friendship."<sup>44</sup> Chinese efforts to stabilize its borders with Vietnam, India, and the Central Asian republics stemmed from a desire to address vulnerabilities it perceived on its border. Similarly, China started to focus more on re-establishing its reputation, particularly in the Asia-Pacific region. It is important to examine Jiang's diplomatic skills after 1990 within the framework of this rearrangement of China's post-Cold War priorities.

The historic visit of Prime Minister Rajiv Gandhi to China in 1988 revived diplomatic ties between the two nations. One of the key milestones of this visit was the establishment of a JWG to address border issues between the two nations. This set a precedent for future policymakers in both countries, highlighting the need for regular political consultations at the highest levels to foster a peaceful environment in Asia. In this context, both China and India expressed satisfaction with the JWG's<sup>45</sup> performance during President R. Venkataraman's visit with Chinese leadership.<sup>46</sup> The second noteworthy aspect of this visit was the implementation of concrete steps to encourage reciprocal confidence-building measures.<sup>47</sup> Despite friendly outreach by Indian political elites, this historic visit was marred by China's nuclear test, which reminded Delhi of Vajpayee's visit to China in 1979.<sup>48</sup> This incident sparked renewed historical suspicion of Chinese aims.

Discussions between secretaries and high-ranking political officials, however, continued unabated. Both the 1991 visit of Li Peng to India and the 1992 visit of Indian defense minister Sharad Pawar to China helped bring about more stability and predictability.<sup>49</sup>

Unfortunately, China's lack of enthusiasm meant that the boundaries problem remained unsolved. According to J.N. Dixit, when he met with his Chinese colleague in early 1992 to address the border problem, Beijing's position did not seem to have been altered.<sup>50</sup> While former prime minister P.V. Narasimha Rao tried to probe about the possibility of a border settlement in December 1991, former foreign secretary Shyam Saran notes that former premier Li Peng dodged the question.<sup>51</sup>

By obtaining the "Agreement on the maintenance of Peace and Tranquility in Border areas" in 1993 during the visit of Prime Minister P.V. Narasimha Rao to Beijing,<sup>52</sup> the Chinese were able to achieve their goal of maintaining cordial ties with India while keeping India out of the anti-China camp.<sup>53</sup> The 1993 agreement was the fruitful culmination of renewed bilateral engagement, which began with Prime Minister Rajiv Gandhi's historic visit to Beijing in 1988. Mishra, sharing the opinion of Prime Minister P.V. Narasimha Rao, has written that during this period, the Indian political class believed that the India-China bilateral relationship had truly matured,<sup>54</sup> and that China was serious about addressing

all unresolved questions that remained since 1962. However, in reality, Chinese strategy remained focused on reducing risk, rather than making any fundamental shifts to its core position.

While visiting India in 1996, Jiang engaged in cordial dialogue and cooperative gestures, culminating in signing of the “Confidence Building Measures Agreement” in 1996. Regular communication, the establishment of a hotline between the two nations’ border guard headquarters, the exchanges visit of high- and middle-ranking military officers, and the pre-notification of troop movements in the border region are the accomplishments of this agreement.<sup>55</sup> However, the 1993 and 1996 agreements had allowed China to outmaneuver India in terms of geopolitical influence. Jiang’s diplomatic acumen, which he honed under Deng, was on full display during this visit.<sup>56</sup> Chinese officials continued to speak about the Asian century while assisting Pakistan’s nuclear program and opposing India’s position on the Comprehensive Nuclear Test-Ban Treaty. The objective was to keep India “neutral” in the midst of global turmoil and to keep it in “check.”<sup>57</sup>

In the 1990s, Jiang’s diplomatic strategies were effective in taming India, and he really believed that China would be able to take advantage of India’s affection for Russia and distaste for the United States. This was the state of relations between India and China until 1998.

### *3.4 India-China After Pokaran II*

The late 1990s and early 2000s—a pivotal period in shaping India-China relations—were characterized by a complex interplay of strategic competition, economic pragmatism, and evolving regional dynamics. The Bharatiya Janata Party (BJP)-led government, under Prime Minister Atal Bihari Vajpayee, assumed office in March 1998, marking a watershed moment in India’s domestic and foreign policy. Among the government’s earliest and most consequential decisions was the authorization of nuclear tests at Pokhran in May 1998. These tests established India’s minimum deterrence and recalibrated its strategic priorities against the backdrop of China’s perceived regional hegemony.<sup>58</sup> These nuclear detonations fundamentally altered the regional balance of power and drew sharp reactions from Beijing.

China vehemently condemned India’s nuclear tests. Zhu Bangzao, the Chinese Foreign Ministry spokesperson, criticized the tests as “against international trends”:

The Chinese government is seriously concerned about the nuclear test conducted by India.... India’s conducting of nuclear tests runs against international trends and is detrimental to the peace and stability of the South Asian region.<sup>59</sup>

Chinese media amplified this rhetoric, portraying India as a destabilizing force in South Asia.<sup>60</sup> These reactions reflected not only China’s immediate concerns over India’s nuclearization but also its broader apprehensions about a potential US-aligned India, which could challenge Beijing’s regional aspirations. Prime Minister Vajpayee’s letter to US President Bill Clinton explicitly cited the “nuclear weapons state on our borders,” a reference to China, as a core justification for the tests.<sup>61</sup> This assertion highlighted India’s strategic unease over Beijing’s support for Pakistan’s nuclear and missile programs, exacerbating mistrust between the two nations.<sup>62</sup>

The international response, particularly from the United States, added another dimension to India-China dynamics. Initially, the Clinton administration aligned its stance with

Beijing, emphasizing non-proliferation and leveraging its growing partnership with China. However, this alignment was short-lived. Strategic dialogues between Indian External Affairs Minister Jaswant Singh and US Deputy Secretary of State Strobe Talbott emphasized India's legitimate security concerns, particularly regarding China's strategic support for Pakistan. By mid-1999, Washington adopted a more neutral position, indirectly pressuring Beijing to recalibrate its approach toward New Delhi.<sup>63</sup>

China's response to India's nuclear tests and subsequent diplomatic maneuvers reflected Jiang Zemin's pragmatic foreign policy. Recognizing the risks of alienating India, Jiang prioritized economic stability and regional engagement over direct confrontation. Beijing resumed border negotiations with India, underscoring its willingness to maintain dialogue despite lingering tensions.<sup>64</sup> The Kargil War of 1999 further tested this dynamic. While Pakistan, China's long-standing ally, escalated hostilities with India, Beijing maintained a neutral stance, signaling its intent to avoid direct involvement in South Asian conflicts. However, Beijing's continued support for Pakistan's nuclear program remained a significant irritant for New Delhi.<sup>65</sup>

### *3.5 The New Millennia*

By mid-2000, China had become acutely aware of its rising position on the global stage, bolstered by its booming economy and increasing geopolitical influence. This period marked China's complete normalization of relations with the Russian Federation, forming a strategic partnership that further solidified its international standing. China's economic growth translated into substantial geopolitical clout, allowing it to assert itself more confidently in global affairs.

In January 2001, Li Peng, chairman of the National People's Congress, visited India, emphasizing that friendly relations between the two countries is a permanent objective of China's foreign policy.<sup>66</sup> Though Li's nine-day goodwill tour affirmed constructive rapprochement between the two countries, Chinese military assistance to Pakistan and soft stance on terrorism remained sources of concern regarding China's underlying intentions. Despite these points of tension, dialogue between two countries persisted, with the JWG continuing discussions on the border issue, followed by Premier Zhu Rongji's visit in 2002.<sup>67</sup>

Another historic visit occurred in June 2003 when Indian Prime Minister Atal Bihari Vajpayee toured China. This visit was the culmination of numerous mid- and high-ranking exchanges between policymakers from both countries. The achievements of Vajpayee's visit were significant, resulting in the signing of ten agreements and a landmark declaration on principles for relations and comprehensive cooperation between India and China. This joint declaration was the first of its kind between the two nations, marking a new chapter in bilateral ties.<sup>68</sup>

During Vajpayee's visit, he met with Jiang Zemin, Chairman of the Central Military Commission. As Jiang was considered a bridge between the older generation and a new generation led by Hu Jintao, their meeting highlighted China's stability in its foreign policy towards India, bridging past engagements with future aspirations. Vajpayee's visit also set the stage for enhanced cooperation across domains, with agreements and declarations signing a strong foundation for future diplomatic and economic interactions. This

period marked a pivotal moment in India-China dynamics, showcasing their commitment to overcoming historical tensions and building a more cooperative and stable regional environment.

However, the question of the unresolved borders in the Himalayas is still a challenge for both countries. On this question, China has a superior position because of its economic might and improved strategic relationships with the US and Russia.<sup>69</sup> Seasoned Indian Diplomat Gokhale put it rightly,

Thus, the normalization of US-China relations and the partnership with Russia meant the reduction of strategic pressure and the return to the balance-of-power situation that China felt comfortable with.<sup>70</sup>

The last meeting of the JWG on the boundary issue between India and China took place in Beijing in 2005. Following this conference, it became evident that the resolution of the boundary issue would be complicated and lengthy.

Between 2004 and 2014, under the UPA-led Congress government, India-China relations were significantly influenced by the interplay of economic pragmatism and growing strategic disparities, which were less prominent in the early 1990s. Reflecting a shared recognition of economic interdependence, both nations expanded trade ties and deepened commercial engagement, even as underlying geopolitical tensions began to surface more prominently. Trade volumes between India and China experienced a remarkable surge, growing from approximately \$3 billion in 2000 to \$65 billion by 2013, and further escalating to \$118 billion by 2024.<sup>71</sup> This rapid growth was emblematic of the pragmatism underpinning their relationship, even as strategic competition persisted. Chinese exports to India were dominated by machinery, electronics, and manufactured goods, while India's exports consisted primarily of raw materials like iron ore, cotton, and organic chemicals. However, this economic engagement revealed structural imbalances, with India's trade deficit ballooning to \$85.5 billion by 2024.<sup>72</sup> Indian policymakers frequently raised concerns about restricted access to Chinese markets for its pharmaceuticals and IT products, as well as the dumping of Chinese goods in the Indian market, which hurt domestic industries.

China's Foreign Direct Investment (FDI) in India further highlighted the pragmatic nature of their economic engagement. By 2024, Chinese investments in Indian startups, particularly in technology and telecommunications, exceeded \$2.5 billion.<sup>73</sup> Companies like Xiaomi and Huawei captured substantial market shares in India, strategically using economic tools to deepen Beijing's influence in South Asia. However, these investments were not devoid of strategic calculations. For Beijing, robust trade and investment ties served as buffers against potential confrontations, allowing China to focus on consolidating its regional dominance. Simultaneously, economic engagement with India provided Beijing with leverage, as India's growing dependence on Chinese imports exposed vulnerabilities in its supply chains.

The strategic use of economic diplomacy extended beyond bilateral trade and FDI to regional infrastructure initiatives. The ambitious Trans-Himalayan railway project exemplified China's vision for integrating South Asia into its economic orbit. As part of the BRI, this project proposed rail links connecting Lhasa in Tibet with Kathmandu in Nepal, potentially extending into India.<sup>74</sup> These initiatives aimed to enhance China's economic

footprint, challenge India's traditional dominance in the region, and reinforce Beijing's territorial claims. However, the implementation of such projects faced significant hurdles, including the rugged Himalayan terrain, environmental concerns, and political resistance from neighboring states wary of overdependence on Chinese investments. For India, these initiatives underscored the need for proactive engagement with its smaller neighbors to counterbalance China's growing influence.

India's response to China's economic and strategic maneuvers was shaped by a mix of pragmatism and caution. Recognizing the importance of trade and investment ties with China, India sought to diversify its partnerships to reduce economic dependency. Initiatives like "Make in India" aimed to bolster domestic manufacturing and attract investments from countries other than China. India also deepened its strategic partnerships with the United States, Japan, and the European Union, forming networks that could counterbalance China's economic clout and support India's aspirations for regional influence.

The interplay between economic diplomacy and strategic competition defined this period of India-China relations. Economic engagement created avenues for cooperation, but it also exposed vulnerabilities and deepened mistrust. While China leveraged its economic might to expand its regional influence, India grappled with the challenges posed by a widening trade deficit and the strategic implications of Chinese infrastructure projects. This asymmetry in economic power and strategic priorities ensured that the relationship remained dynamic and multifaceted.

Infrastructure development, particularly in the Himalayan region, further highlighted the strategic underpinnings of China's economic initiatives. The Trans-Himalayan railway project symbolized Beijing's vision for regional integration but faced significant logistical and political challenges. India, viewing these projects with suspicion, interpreted them as part of a broader strategy to encircle it geopolitically. This dynamic underscored the contrasting capabilities of the two nations, with Beijing's ability to finance and execute large-scale projects reinforcing its regional dominance.

However, the transition to China's fourth-generation leadership under Hu Jintao brought a discernible shift in tone and strategy. By 2008, China had surpassed Japan as the world's second-largest economy, emboldening its foreign policy and amplifying its regional ambitions. This newfound confidence manifested in a more assertive stance on territorial disputes, particularly with India. While Jiang had pursued restraint, the post-Jiang leadership viewed India as a rival in Asia's evolving power structure. Border issues, which had been managed with relative calm, re-emerged as flashpoints, signaling a more aggressive Chinese posture that sought to capitalize on perceived gaps in India's political and strategic responses.

This shift underscored the deepening power gap between India and China, which became especially evident after 2000, when China emerged as the comparatively stronger economic and military force. New Delhi, in comparison, lacked comparable economic and military clout, unable to singlehandedly challenge China's regional ambitions. Its reliance on external partnerships—particularly with the United States and Russia—becomes pivotal for balance. Post-1991 Sino-Russian cooperation, driven by pragmatic self-interest, prevents Moscow from backing India over China. This underscores how India's geopolitical posture hinges on an inherently delicate balancing act rather than outright parity. In essence, any sustainable regional stability depends on India's ability to navigate shifting alliances while mitigating Beijing's dominance.

## IV. Ideological Assertiveness and Its Impact on India-China Relations

The rise of Xi Jinping within the Chinese Communist Party (CCP) has been characterized by an assertive ideological posture that seeks to restore China's global pre-eminence while simultaneously challenging the influence of liberal democracies such as the United States and India.<sup>75</sup> Under Xi's leadership, "Xi Jinping Thought on Socialism with Chinese Characteristics" has become a central tenet of governance, emphasizing a strong, centralized, and nationalist vision that projects China's power both regionally and globally.<sup>76</sup>

This vision is distinctly at odds with India's political trajectory under Prime Minister Narendra Modi, whose administration has increasingly embraced an assertive form of Hindu nationalism that not only shapes domestic politics but also informs New Delhi's foreign policy posture toward Beijing.<sup>77</sup> The ideological contrast between Xi's authoritarian nationalism and Modi's Hindutva-driven populism has deepened mutual suspicions, intensifying the geopolitical rivalry in South Asia and beyond.<sup>78</sup>

The simultaneous rise of Donald Trump's populist leadership in the United States created an environment in which ideological affinities between Modi and Trump posed a formidable challenge to China's regional and global ambition.<sup>79</sup> Xi viewed this alignment as part of a broader encirclement strategy aimed at constraining Chinese influence, particularly through mechanisms like the Quad that unite the U.S., India, Japan, and Australia under the banner of protecting a "free and open Indo-Pacific." Against this backdrop, border confrontations, strategic realignments, and competing visions of economic connectivity have come to define the trajectory of India-China relations under Xi's rule.<sup>80</sup> Incidents such as the Doklam standoff in 2017 and the Galwan Valley clashes in 2020 illustrate how Xi's ideological assertiveness intersects with Modi's nationalist rhetoric, producing a dynamic of competitive brinkmanship at the LAC.

China's infrastructure construction near the Bhutan-India-China tri-junction in Doklam was emblematic of Xi's willingness to test India's resolve, especially as Beijing perceived New Delhi's growing ties with Washington as part of a larger attempt to contain China. India's intervention in Doklam, in turn, was fueled by nationalist pressures at home—fanned by a Hindu right-wing ecosystem that demands a muscular foreign policy to counter perceived threats from China and Pakistan.<sup>81</sup> The subsequent Galwan Valley clashes, which resulted in casualties on both sides, underscored the gravity of a border dispute now deeply entwined with each leader's populist and ideological commitment. This nationalist fervor was further intensified by India's deepening defense ties with the US under Trump, including joint military exercises and discussions around advanced defense technologies, which Beijing regarded as a clear attempt at strategic encirclement.<sup>82</sup>

As Xi promotes a vision of a Sino-centric regional order predicated on China's historical claims and renewed self-confidence,<sup>83</sup> Modi has sought to galvanize domestic support through a narrative of India's resurgence, exemplified by slogans such as "Atmanirbhar Bharat" (Self-Reliant India). These clashes also highlight the influence of a broader Indo-Pacific strategy shared by India and the US, one that seeks to secure crucial maritime chokepoints, promote freedom of navigation in the South China Sea, and offer strategic alternatives to smaller South Asian and Southeast Asian nations wary of Beijing's growing assertiveness. In Xi's view, such Indo-US cooperation not only represents a challenge

to China's national security but also constitutes an ideological affront to the CCP's vision of socialist governance, particularly when countries like India openly champion democracy, a model which is in stark contrast to China's authoritarian model of governance.

Beyond the military dimension, Xi's ideological assertiveness is also reflected in Beijing's economic diplomacy, most notably through the BRI.<sup>84</sup> The BRI epitomizes China's ambition to create a web of infrastructure and trade routes that solidify its position as a central node in the global economy. India has consistently opposed the BRI for multiple reasons, including concerns about national sovereignty (especially in projects traversing Pakistan-occupied Kashmir), fears of debt traps for smaller countries, and apprehensions about China using infrastructure projects as strategic assets in times of conflict.<sup>85</sup> Xi regards the BRI as a cornerstone of his "Chinese Dream," designed to project power and influence across Asia, Africa, and Europe.<sup>86</sup> India has countered by offering alternative connectivity plans such as the International North-South Transport Corridor (INSTC) and has bolstered partnerships with Japan and the US to develop infrastructure in the Indo-Pacific.

The Modi government's opposition to the BRI also resonates with the broader anti-China sentiment domestically, fueled by the rise of Hindu nationalism, which portrays China as a rival civilization that undermines India's territorial integrity and cultural primacy in Asia. Indeed, the populist narratives advanced by BJP-aligned media and politicians frequently frame China as an expansionist power seeking to leverage its economic might to subjugate smaller South Asian countries, thereby rationalizing New Delhi's closer alignment with Washington as a necessary step in preserving regional stability.<sup>87</sup>

The ideological dimension of India-China competition extends deeply into Nepal and Bhutan, two Himalayan states traditionally within India's sphere of influence. Nepal became a flashpoint in 2015 when India imposed an unofficial blockade following Kathmandu's adoption of a new constitution. This blockade, widely criticized for exacerbating humanitarian issues in Nepal, sparked anti-India sentiments and presented Xi with an opening to deepen China's foothold. Beijing swiftly intensified economic and political ties with Kathmandu, incorporating Nepal into the BRI framework and proposing ambitious infrastructural projects such as the Trans-Himalayan railway that would link Tibet to Nepalese territory and potentially extend to India's borders.<sup>88</sup>

Despite New Delhi's recent diplomatic overtures, Nepal remains wary of India's political reach, viewing it as a continued intrusion into domestic governance and sovereignty.<sup>89</sup> This skepticism extends beyond India to include US-sponsored frameworks like the Millennium Challenge Corporation (MCC) and the Indo-Pacific strategy, both of which Kathmandu perceives as potential infringements on its autonomy.<sup>90</sup> Consequently, Nepal has signaled a recalibration in its foreign policy by gravitating toward China's infrastructural and strategic propositions, including the Trans-Himalayan railway. This pivot not only challenges India's traditional sphere of influence but also underscores Kathmandu's desire to balance, if not resist, Western-led initiatives, opting instead for partnerships it deems more congruent with its sovereignty and economic ambitions. For Xi, this effort serves multiple ideological and strategic purposes: it showcases China's capability to deliver developmental benefits to its neighbors without the political conditions often associated with Western or Indian aid, while simultaneously eroding India's influence in the Himalayan region.

Similarly, Bhutan, long cautious of Beijing's overtures, has faced persistent Chinese territorial claims, prompting fears in New Delhi that Thimphu may eventually succumb to China's economic inducement. Xi's administration has pushed direct negotiations with Bhutan, bypassing India and challenging New Delhi's long-standing claim to act as the principal security partner for Bhutan. In doing so, Beijing hopes to reshape the Himalayan political landscape to better reflect China's envisioned regional order, wherein India would be forced to accept a diminished strategic role.<sup>91</sup>

Within India, Xi's growing assertiveness has reinforced the narrative that China is orchestrating a grand strategy of encirclement through projects like the China-Pakistan Economic Corridor (CPEC) and closer ties with India's neighbors. The threat perception in New Delhi intersects with Hindu nationalism, which envisions India as a civilizational state reclaiming historical primacy in Asia. Though India's constitution safeguards secular, socialist, and democratic principles, Hindu nationalism, described as "neo-fascist" by liberal commentators in India, has an influence that extends beyond the country's domestic borders. Its marginalization of religious minorities and challenges to pluralist ideals contribute to tensions across South Asia, where intertwined histories make neighboring states more susceptible to majoritarian impulses. This approach risks destabilizing the region's delicate mosaic of ethnic and religious diversity, potentially undermining fragile democracies and civil liberties.<sup>92</sup> Modi's government embraces a proactive foreign policy that includes military modernization, a stronger emphasis on maritime security in the Indian Ocean Region, and partnerships with major democracies, including the United States, Japan, and Australia.<sup>93</sup> This development is precisely what Xi's leadership fears: a coordinated democratic front in the Indo-Pacific that not only counters China's strategic space but also challenges the ideological legitimacy of the CCP's governance model.

With Donald Trump's re-election ensuring another term in office, the synergy between populist nationalism in the United States and India has been reinvigorated, posing an even greater challenge to China's regional and global ambitions. Trump's continued emphasis on "America First" dovetails seamlessly with Modi's "Make in India" and "Atmanirbhar Bharat" campaigns, further amplifying anti-China sentiments and policies. Unlike the previous electoral cycle, where leadership changes in Washington introduced policy recalibrations, Trump's political longevity cements a strategic alignment between India and the US that is grounded in shared skepticism toward Beijing's ascendancy—much to Xi's ongoing chagrin.<sup>94</sup>

The interplay of these ideological forces became starkly visible during the Doklam standoff and Galwan clashes, where each side's decision-making calculus was informed not merely by military and diplomatic concerns but also by the imperatives of nationalist legitimacy at home. Xi's carefully cultivated image as a decisive leader who would not compromise on matters of sovereignty required the PLA to adopt a hardline approach along the LAC, even at the risk of escalating tensions.

On the other side, Modi's political base, energized by Hindu nationalism, demanded a strong response to perceived Chinese transgressions, effectively narrowing New Delhi's room for compromise. These incidents underscored the limits of economic interdependence as a mitigating factor in the bilateral relationship, even though China and India have seen bilateral trade volumes surge over the last decade. The asymmetry in trade, coupled with India's significant deficit, has fueled domestic calls for boycotts of Chinese goods,

further politicizing economic ties and prompting the Modi government to seek alternative supply chains and investment.<sup>95</sup> Yet the reality remains that many Indian industries, particularly in the technology and pharmaceutical sectors, rely heavily on Chinese inputs, illustrating the complex dance between competition and dependence that defines India-China economic relations.

Xi Jinping's ideological assertiveness is particularly evident in maritime contexts, where China's pursuit of port projects in Sri Lanka, Pakistan, and elsewhere—often described as a “string of pearls”—is interpreted by Indian strategists as a move to limit India's rise to great-power status.<sup>96</sup> Although much of this activity predates Xi, his leadership has accelerated naval modernization and overseas port acquisitions, reflecting his vision of a “strong navy, strong nation” and the broader goal of rejuvenating China.<sup>97</sup>

In response, India has intensified maritime partnerships, conducting joint naval exercises with the United States and other Quad members, and building ties with littoral states such as Mauritius, Seychelles, and Indonesia. These initiatives align with India's Act East policy, designed to strengthen engagement with Southeast Asian nations that share concerns about Beijing's actions in the South China Sea.<sup>98</sup> In turn, Xi's government views India's growing maritime network as evidence of a liberal-democratic coalition aiming to contain China's rise under the banner of a rules-based order. China contests this narrative by promoting its own developmental model, emphasizing efficiency and political stability over what it sees as the “messy pluralism” of democracies.

Ideological competition and strategic calculation similarly drive technology and investment disputes. Chinese companies such as Huawei and Xiaomi, once dominant in India's consumer markets, have faced increasing scrutiny from Indian regulators, largely due to data-security worries and the geopolitical implications of allowing Chinese technology to permeate critical infrastructure. India's subsequent bans on numerous Chinese apps and tougher investment rules reflect how Xi's assertive policies have prompted countermeasures consistent with the nationalist sentiments of Modi's core political base. While these actions can appear protectionist, they are also part of India's broader ideological rift with China, with New Delhi arguing it must protect its digital sovereignty. Xi's commitment to technological self-reliance, exemplified by policies like “Made in China 2025,” informs his view that India's clampdown is part of a broader US-led effort to stifle China's tech ambitions.<sup>99</sup>

The ideological camaraderie between Modi and Donald Trump, both populist leaders, further heightened Xi's apprehensions. Although US administrations evolve, Washington's persistent aim of bolstering India's capacity in the Indo-Pacific—through the Quad, defense cooperation, and advanced technology sharing—appears to validate Xi's view of an authoritarian-democratic confrontation. In this context, the China-India rivalry goes beyond a mere border dispute: it reflects a deeper struggle between competing governance models. Hindu nationalism's ascent in India encourages policymakers to interpret the Sino-Indian standoff as a civilizational contest, with a resurgent India challenging a rising China in Asia.<sup>100</sup> This perspective resonates among Indian hardliner Hindu voters who see Hindu nationalism as reinforcing national identity against perceived foreign encroachment.<sup>101</sup>

While Xi's ideological assertiveness occasionally intersects with Modi's nationalist rhetoric, linking it directly and exclusively to the rise of Hindu nationalism oversimplifies two distinct political frameworks. Modi's leadership style—more akin to that of Recep

Tayyip Erdoğan—relies on majoritarian appeals and a strongman persona within a formally democratic structure.<sup>102</sup> By contrast, Xi’s agenda is steeped in Communist Party ideology that emphasizes centralized control and an expansive foreign policy vision. In parallel, US administrations have consistently looked to India as a linchpin against China in the Indo-Pacific, compounding Xi’s fears of strategic encirclement. Beijing’s willingness to advance Belt and Road projects in the face of Indian objections further underscores Xi’s commitment to shaping a global order increasingly aligned with authoritarian governance.

The relationship between Xi’s China and Modi’s India remains mired in unhealthy competition across multiple domains—from contested borders and maritime security to technological and even space endeavors—showing few signs of reconciliation. Nationalist fervor, territorial disagreements, and clashing connectivity initiatives have generated a precarious dynamic, ensuring that these two ideologically divergent powers continue to shape and unsettle Asia’s geopolitical landscape in the twenty-first century.

## V. Conclusion

The India-China relationship, forged against the backdrop of British-era frontier ambiguities and shaped by multiple phases of diplomatic engagement, has oscillated between cautious rapprochement and renewed conflict. While the colonial legacy left unsettled boundaries and entrenched uncertainties, post-independence leaders attempted to normalize relations through incremental measures, such as the 1993 and 1996 border agreements. Nevertheless, persistent concerns over sovereignty, divergent economic trajectories, and asymmetric military capacities continued to stir mutual suspicions.

The rise of Xi Jinping and the parallel ascent of Hindu nationalism under Narendra Modi have reconfigured this competitive landscape. Xi’s assertive “China Dream,” anchored in the Belt and Road Initiative and a push for regional hegemony, clashes with India’s own vision of reclaiming its civilizational status and safeguarding its Himalayan periphery. Infrastructure projects in contested areas, from Doklam to the Galwan Valley, highlight just how tightly strategic interests, nationalist fervor, and unresolved border claims intersect.

Meanwhile, smaller Himalayan states—Nepal and Bhutan foremost among them—have exploited growing India-China competition to pursue their own economic and political objectives, no longer comfortably situated as Indian buffers. Further complicating the rivalry is Washington’s deepening partnership with New Delhi, exemplified by the Quad, and Beijing’s simultaneous drive to cultivate alternative global networks.

In essence, the India-China dynamic remains cyclical and layered; the ghosts of colonial cartographies still loom, ideological divergences have intensified, and geopolitical realignments now extend far beyond bilateral boundaries. Although robust trade and occasional diplomatic overtures persist, the interplay of ideological commitments, strategic maneuverings, and historical legacies perpetuate tension. As Xi’s China and Modi’s India both strive for regional pre-eminence—backed by nationalist rhetoric, global alliances, and economic pursuits—stability in the Himalayas appears contingent on each side’s willingness to negotiate amidst a complex web of competing ambitions.

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## Declaration of Conflicting Interests

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# India's Connectivity Strategy in Central Asia: Navigating Geopolitics and Economic Opportunities

*Anmol Mukhia and Neeraj Singh Manhas*

## Structured Abstract

Article Type: *Research Paper*

*Purpose*—This paper analyzes India's strategy of connectivity in Central Asia, and why India accounts for strategic objectives beyond its extended neighborhood policy. The study examines India's geopolitical motivations and responses to global challenges, including the Covid-19 pandemic and the Russia-Ukraine war, that underscore the critical nature of regional cooperation and connectivity.

*Design, Methodology, Approach*—Through a qualitative framework, the paper examines how India articulates its interest in Central Asian countries through different domain captions, i.e., historical, political and economic. It assesses India's existing connectivity initiatives, such as the Chabahar Port and the International North-South Transport Corridor (INSTC) projects, and geopolitical and economic challenges India faces from China's Belt and Road Initiative (BRI).

*Findings*—The study concludes that although India's historical and cultural relations with Central Asia offer a solid base, its present activities do not measure up to any challenge to China's influence. The paper highlights significant gaps in the connectivity strategy of India and suggests strategic actions including accelerated investment in connectivity initiatives, partnerships with nations sharing common interests and multi-lateral platforms like the Shanghai Cooperation Organization (SCO) that can help India enhance its influence in the region.

*Practical Implications*—The findings are relevant for policymakers, scholars of

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international relations, and strategic studies, providing actionable insights into strengthening India's connectivity and strategic presence in Central Asia.

*Originality, Value*—This paper contributes a unique perspective on India's geopolitical and economic strategies in Central Asia. By proposing an alternative connectivity strategy, it aims to reshape discussions on regional cooperation, countering dominant narratives driven by China's BRI and Russia's influence in the region.

Keywords: central Asia, Chabahar Port, China's Belt and Road Initiative (BRI), geopolitics, India's connectivity strategy, International North–South Transport Corridor (INSTC)

## I. Introduction

Why is India's connection not only limited to its extended neighborhood policy, but also has a strategic goal? In answer to this question, it is crucial to understand India's engagement with Central Asian nations. With the recent Covid-19 pandemic and the Russia-Ukraine conflict, trade and commerce's fragility and vulnerability became globally visible instantly. The taken-for-granted approach of "connectivity" has been disrupted in Central Asia and beyond. Most importantly, the ongoing Russia-Ukraine conflict has, in many ways, underpinned the geopolitical significance of connectivity linkages in international relations. This interlinkage between geopolitics and connectivity becomes evident because of the state's interest in alternatives and the turn toward connectivity politics. India's connectivity towards Eurasia is "Connect Central Asian Policy" (formally Extended Neighborhood Policy) because of its geopolitical and geo-economic importance across South Asia. The region "Central Asia" has been the object of a tussle between great powers, where independent states, such as Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan, became the local players in this game to control resources. These Central Asian regions are bordered by China's Xinjiang (Uyghur) Autonomous Region, Mongolia, Afghanistan, and India's Northwest Region.<sup>1</sup>

The SCO consists of nine members: China, India, Iran, Kazakhstan, Kyrgyzstan, Pakistan, Russia, Tajikistan, and Uzbekistan, and the EEU consists of five member states: Russia, Belarus, Kazakhstan, Kyrgyzstan, and Armenia. India extends to connect Central Asia and beyond to every possibility of strategic and economic importance to India, implying that the latter could emerge as an appealing market for some of its prominent regions in Central Asia to the Russian Far East.

Looking into the connectivity approach with Central Asia, India's historical connection must meet its reciprocal economic and political benefits. The trade data between India and Central Asia's export-import in 2015 was predicted to be six to ten times greater than the actual volume.<sup>2</sup> On January 27, 2022, Prime Minister Narendra Modi and all the heads of Central Asia attended the first India–Central Asia summit in virtual format.<sup>3</sup> Thus, this paper *highlights India's pre- and post-connectivity approach* towards Central Asia for further cooperation and economic linkages.

## II. India's Policy Toward Central Asia

### *Pre-Connect Central Asia Policy (2012) Period*

India considers Central Asia an “extended” and “strategic” neighborhood. After its independence, India's close relationship with the Soviet Union helped it establish diplomatic ties with Central Asia. Central Asia consists of five states: Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan. All five states became independent after the collapse of the Soviet Union in 1991. Even after the end of the Cold War in 1991 and the collapse of the Soviet Union, India continued to establish its diplomatic outpost in the newly independent Central Asian Republics (CARs). For example, India was among the first countries to recognize the Central Asian countries after the dissolution of the Soviet Union, recognizing Turkmenistan as a sovereign nation on December 26, 1991, and converting the consulate in Tashkent, Uzbekistan, into an embassy in March 1992. By August 1992, India had recognized all five CARs as independent sovereign states.

Moreover, the extremist Taliban movement gained popularity in Afghanistan in 1994, which was controlled by the Soviet-backed regime. After the Taliban took control of Kabul in 1996, India closed its embassy in Afghanistan's capital. It focused on the CARs to channel intelligence support to the Northern Alliance, who were fighting against the Taliban.<sup>4</sup> When US troops defeated the Taliban in 2001 and the Northern Alliance dominated the new interim government of Afghanistan, India linked to the latter through the CARs to set up an embassy in Kabul. However, extremist threats have continued to influence Islamist militants in the border region of the northeastern corridor of Afghanistan, which shares borders with Tajikistan, Pakistan, and China.<sup>5</sup> This setup adds incentives to build mutual economic, strategic, and other assistance-based ties between India and the CARs.

In June 2012, India launched a new “Connect Central Asia” policy that signaled India to build stronger political relations and strengthen security cooperation with Central Asian states.<sup>6</sup> The “Connect Central Asia” policy is a broad approach that includes political, security, economic, and cultural connections.<sup>7</sup> It aims to set up multilateral engagement with Central Asia through a joint effort like the Eurasian Economic Community and the Customs Union. India also proposed to engage in the SCO and establish a new Comprehensive Economic Cooperation Agreement to integrate with Central Asia.<sup>8</sup> India has been a full-fledged SCO Member State since 2017 and took the chairmanship of the SCO Council of Heads of State for the first time in September 2022 for one year.

### *Post-2012 Period*

In 2022, the first India–Central Asia summit was held, where two Joint Working Groups on Afghanistan and Chabahar port project were announced.<sup>9</sup> Mansi Mehrotra (2009) highlights that security concerns in the CARs can directly threaten India's security, mainly due to faster transportation, communication, technology, and the presence of rich mineral resources crucial in bringing to international attention and can be of India's strategic interest.

**Table 1: India's Exports to Central Asian Countries**  
(Values in US\$ Million)

Country	2018–2019	2019–2020	2020–2021	2021–2022	2022–2023
Kazakhstan	141.13	202.59	225.96	235.12	436.50
Kyrgyzstan	30.02	29.13	38.71	32.89	52.38
Tajikistan	22.28	23.50	53.45	35.35	49.40
Turkmenistan	45.64	33.90	60.34	104.29	90.29
Uzbekistan	201.41	180.21	280.07	271.18	283.31
<b>Total</b>	<b>440.48</b>	<b>469.33</b>	<b>658.53</b>	<b>678.83</b>	<b>911.88</b>

Source: Department of Commerce, Export Import Data Bank (October 19, 2023)

**Table 2: India's Imports from Central Asian Countries**  
(Values in US\$ Million)

Country	2018–2019	2019–2020	2020–2021	2021–2022	2022–2023
Kazakhstan	708.78	2,255.70	804.97	325.77	205.13
Kyrgyzstan	2.59	1.33	5.16	1.79	4.19
Tajikistan	4.24	0.29	1.06	10.74	0.52
Turkmenistan	20.63	3.99	0.30	10.07	101.72
Uzbekistan	126.73	66.85	14.94	71.35	48.40
<b>Total</b>	<b>862.97</b>	<b>2,328.16</b>	<b>826.43</b>	<b>419.72</b>	<b>359.96</b>

Source: Department of Commerce, Export Import Data Bank (October 19, 2023)

### III. Role of Multilateral Organizations in Central Asia's Connectivity

In this context, multilateral organizations have emerged as effective instruments for influencing the geopolitical and economic landscape in Central Asia, thereby affecting India's connectivity strategy in the region. Entities like the SCO, the Eurasian Economic Union (EEU), and the Collective Security Treaty Organization (CSTO) play a vital role in enhancing regional collaboration in Central Asia. Since becoming a member of the SCO in 2017, India has been leveraging this platform to expand its presence in the Central Asian nations. Consequently, the SCO provides India with a multilateral forum to engage in discussions regarding security matters, counter-terrorism initiatives, and trade-related issues, enabling it to align its interests with those of other regional stakeholders.<sup>10</sup>

As much as \$73 billion worth inside the EEU itself (including Russia, Kazakhstan, Kyrgyzstan, Belarus and Armenia) is also significant in regional trade according to trade data. Although New Delhi is not a member of the EEU, India has endeavored to create connectivity routes that overlap with those from the EEU, especially through the INSTC. Its partnership with Russia—a key member of the EEU—gives India a strategic

advantage to seamlessly connect its connectivity ventures with a projected Eurasian economic network.<sup>11</sup>

India also has a platform to work on security through the SCO, especially in counterterrorism and radical extremism with the anti-common terrorist threats coming out of the neighboring Afghanistan, through the SCO's Regional Anti-Terrorist Structure. Moreover, India has used SCO summits to push for enhanced economic connectivity through projects such as Chabahar Port and the INSTC, highlighting their respective roles as trade conduits for SCO countries.<sup>12</sup>

But in recent years, Beijing's Belt and Road Initiative, which has profoundly transformed the connectivity landscape in Central Asia, has threatened New Delhi's ascendancy. So far, BRI investments in the region, numbering over \$50 billion, signal China as the player to beat. On the other hand, India's intervention within the SCO challenges China's BRI by emphasizing multilateral trade systems and presenting alternatives to development that ensure balanced growth without the risks of debt dependency that some BRI projects create for nations such as Kyrgyzstan and Tajikistan.<sup>13</sup>

India has also previously reinforced the significance of sustainable development in the multilateral framework. India's example could be based on the green energy projects proposed by the Indian Prime Minister at the 2023 SCO Summit and technology sharing based collaboration that promotes connectivity without damaging the vulnerable ecosystem of the region. That reflects its larger vision of integrating economic and environmental aims, giving it a different focus from more infrastructure-heavy efforts like the BRI.

Through engagement in multilateral organizations, India seeks to cement its geopolitical presence in Central Asia through a multilateral agenda based on common challenges in the areas of security, trade, and sustainable development. These platforms allow India to work with like-minded nations and provide a counterweight to other major powers' dominance and ensure a more balanced and diverse connectivity plan.

#### **IV. India's Connectivity to Connect Central Asia with an Alternative Corridor**

In relation to CARs, India relies on Iran for its connectivity initiatives like INSTC and Chabahar, involvement in Afghanistan, and maintaining a balanced partnership with China and Russia. Nonetheless, the concepts of connectivity differ between geo-strategy and trade in the Central Asian Region. For India, the Connect Central Asian Policy represents a comprehensive strategy that encompasses political, security, economic, and cultural ties. For Russia, Central Asia ranks as a top priority in its foreign policy approach. The rationale behind this is that Central Asia was under Russian control for numerous decades, and Russia considers itself responsible for the significant population of Russian and Russian-speaking ethnic communities in that region. This historical connection to Central Asia is vital for Russia's current interests in the area. The Chinese province of Xinjiang shares a border with Central Asia. Following the disintegration of the Soviet Union and the rise of new actors in Central Asia, China emerged as a dominant force in the region. As per former Chinese Premier Wen Jiabao, by 2012, Chinese investments in Central Asia were estimated at \$250 billion.<sup>14</sup> The Western Development Campaign introduced by China in

2000 aimed to enhance the economic growth of 12 provinces in the western region. Xi Jinping’s vision of Belt and Road connectivity through these provincial gateways plays a significant role in the Central Asia Region.

### *India’s Connectivity via Chabahar Port*

Chabahar Port is located in southeastern Iran just 172 km to the west of Pakistan’s Gwadar Port, which is linked to the China-Pakistan Economic Corridor (CPEC). India opposes the CPEC due to territorial sovereignty concerns and prioritizes the Chabahar Port, which serves as a gateway to Iran, Afghanistan, and other Central Asian nations. This situation has caused unease for China, which perceives it as a challenge to the BRI. Consequently, Iranian Foreign Minister Javad Zarif remarked at the Raisina Dialogue 2021 that Chabahar does not oppose the Gwadar Port. He emphasized, “We have made very clear to our Indian friends.... Chabahar is a place where we can all come together to help Afghanistan, help development and prosperity in the region.”<sup>15</sup> Nonetheless, the new connection through Chabahar allows India to monitor China’s influence in the Arabian Sea more closely. Additionally, natural gas from Central Asia can be transported to India through the Chabahar Port. India is already involved in the Turkmenistan, Afghanistan, Pakistan, and India pipeline project.

### *International North–South Transportation Corridor*

The agreement to create the INSTC aims to link India with Iran while connecting additional countries, thereby enhancing the significance of revitalizing the Silk Route.<sup>16</sup> Cargo is transported from Kandla and Jawaharlal Nehru ports in western India to Bandar Abbas port in Iran by ship, and potentially to Chabahar via road and rail networks through Baku (Azerbaijan) towards Moscow, St. Petersburg, and Europe. A report by the Russian International Affairs Council (2017) identifies two main routes suggested for connecting the INSTC member nations: the first route links India to Azerbaijan through Iran, while the second connects India and Russia via Iran.

**Table 3: Multiple Routes (Old and New) of INSTC**

Route	Distance	USD/TEU	USD/FEU	Transit
Nhava Sheva–Moscow via St. Petersburg	8700 nm	3500	5200	45 days
Nhava Sheva–Moscow via Kotla	8596 nm	3900	5600	45–50 days
Nhava Sheva–B. Abbas	750 nm	200	300	5 days
B. Abbas–Qazwin	1461 km			3 days
Qazwin–Astara	380 km			1 day
Astara–Yalama	504 km			2 days
Yalama–Moscow	2260 km			5 days
Nhava Sheva–Moscow via B. Abbas	4605+sea	2100	3100	14+5 days
Nhava Sheva–St. Petersburg	5566+sea	2200	3037	15+5 days

Source: Federation of Freight Forwarders Associations in India (FAI)

## *India and Russia's Far East Connectivity*

Unlike India, Russia is apprehensive about China's involvement in Central Asia. While numerous analysts discuss the strategic alliance between Russia and China, Moscow ultimately harbors distrust towards Beijing's role in Central Asia and Eurasia; it views this region as its sphere of influence and fears that China's economic penetration will also translate into political sway, which is unwelcome to Russia. A significant development initiative in the Far East was prompted by then Prime Minister Pyotr Stolypin's notable address to the State Duma in 1908, where he emphasized the need to "occupy the barren land and seek its development before foreign settlers arrive."<sup>17</sup> The Stolypin settlement initiative provided financial support for travel and non-repayable loans to individuals willing to relocate to Siberia from European Russia to meet this objective. Thanks to these incentives and newly established infrastructure such as schools, medical facilities, and roads, over 3 million people relocated to eastern Urals between 1906 and 1914.<sup>18</sup> At present, the Far East heavily relies on East Asia, especially China.

In 2019, India was honored with the role of chief guest at the fifth Eastern Economic Forum summit held in Vladivostok. Prime Minister Modi committed a \$1 billion line of credit aimed at fostering development in the region. This singular invitation to invest in the "Russian Far East" (REF) during the annual bilateral gathering in Vladivostok, where Modi served as the chief guest, envisioned enhancing cooperation in sectors like petroleum and natural gas, coal and mining, agroprocessing, and tourism. India's cost-effective labor has proven to be a considerable asset for economic advancement, and this skilled workforce can serve as a valuable resource for the development of Russia's Far East, which is experiencing a labor shortage. India's International North-South Transport Corridor has the potential to link the Far East with the Indian Ocean.

## **V. Technology and Digital Connectivity as Emerging Frontiers**

Technology and digital connectivity are rapidly emerging as critical components of India's engagement with Central Asia, providing India the opportunity to help modernize the Central Asian region and deepen collaboration. According to the World Bank's 2022 report on digital transformation in Eurasia, Central Asia's digital economy is growing at an annual rate of 10–12 percent in e-commerce, fintech, and digital infrastructure sectors. This potential has not gone unnoticed, and with its IT expertise and digital resources, India is gradually forging bonds with the five Central Asian republics—Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan—eager to grow their economies and move away from the oil and gas economy of the past.<sup>19</sup>

India's Digital India program offers a template for other Central Asian states interested in improving their digital infrastructure. Taking this approach further, India's Ministry of External Affairs suggested setting up IT and e-governance training centers in Uzbekistan and Kyrgyzstan, similar to those established in other developing countries.<sup>20</sup> These centers will train local talent in emerging technologies, such as artificial intelligence (AI), cloud computing and cybersecurity, where India has a global competitive advantage. Kazakhstan has also

been a partner for India in the field of space technology, with the joint satellite launches and agreements of data-sharing indicating high-tech cooperation potential.

Internet penetration in Central Asia has more than doubled in the past decade—from just over 30 percent of the population in 2010 to over 70 percent by 2023, according to the International Telecommunication Union. But the region also remains behind in aspects such as the development of digital ecosystems and broadband access, particularly in rural areas. India can play a leading role here by sharing its experience and expertise in providing for affordable and scalable solutions such as the state infrastructure project BharatNet, where over 650,000 villages in the country have been connected to high-speed broadband. India can act as a bridge for growth from the east to the west by replicating similar models, thus also helping to close the digital divide in Central Asia.<sup>21</sup>

Moreover, there is an untapped potential for India and Central Asia on digital trade and e-commerce cooperation. According to a 2021 report by UNESCAP, better cross-border digital payment systems, along with simplified customs procedures, could lead to a 40 percent increase in digital trade in Central Asia. Natively, India's Unified Payments Interface system has changed the landscape of digital payments in India, and as an exportable model would provide for seamless financial transactions across Central Asia, promoting trade and economic integration.<sup>22</sup> Indeed, even discussions are underway to weave India's payment systems into Central Asia's financial architecture, which could greatly enhance bilateral trade volumes.

In addition, with India's software and IT service exports, which according to NASSCOM amounted to \$157 billion in 2022, Central Asian firms could leverage outsourced partnerships. Companies from India such as Infosys, Wipro, and TCS are in talks to set up development centers in the region, which can open paths for local talent to upskill digitally and even find jobs.<sup>23</sup>

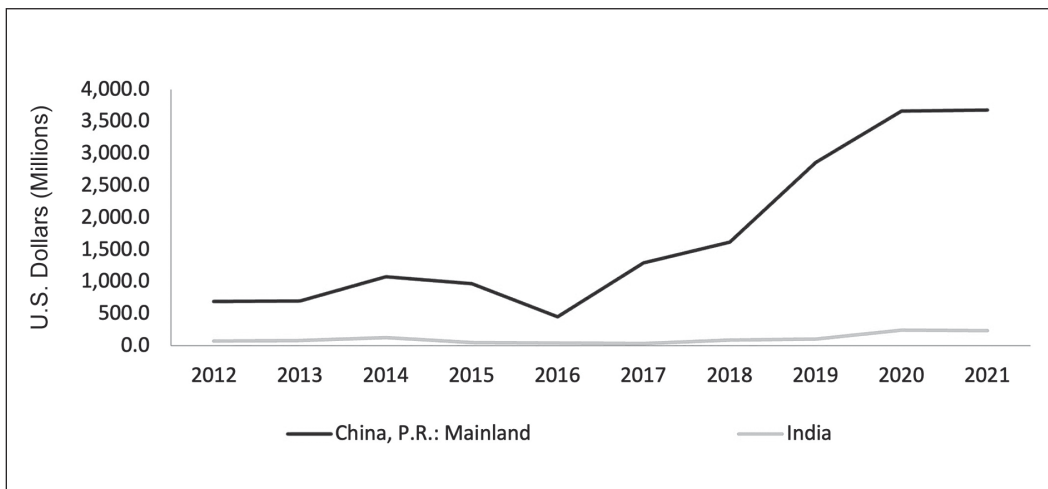
The second frontier for digital connectivity is education and telemedicine. Leading online education platforms in India such as SWAYAM and Coursera had over 200,000 students enrolled as of 2023, also indicating a promising future for virtual education programs in Central Asia. India can broaden these efforts by providing sector-specific training in areas like IT, engineering, and medicine, which are in great demand in the region's labor market. Likewise, telemedicine initiatives, such as those implemented by India in Africa under the aegis of the Pan-African e-Network, could also be modeled in Central Asia to improve healthcare accessibility for remote and rural areas.<sup>24</sup>

India's push for digital connectivity is also in line with its broader geopolitical strategy to counter China's grip on the region. Though China's Digital Silk Road initiative has devoted substantial investment to Central Asia, Indian initiatives aim at collaboration, capacity enhancement, and transfer of technology, presenting an alternative that underscores reciprocal growth and sustainable development in the long run.

## **VI. Analysis of the India and Central Asia Connectivity Approach**

With the lack of engagement of the old players, new emerging players pivoted towards "Central Asia." Our finding shows that despite India's political interest in Eurasia and

external pressure to counterbalance China in the region, Indian actions still do not match the reality. There must be economic gain to sustain the political reality. This is also due to some political scientists' claim that India's gain is for the short term. In contrast, economists are more skeptical about the region if the market is unsustainable for the State's decision-making for more cooperation and engagement. The *Global Fire Power Index* (2022) shows Russia, China, and India rank second, third, and fourth in military strength. In realist assumptions, these states are most likely to go to war in this situation to seek resources or power maximization. The recent Russia-Ukraine war backs this claim of the state to some extent of going to war for resources. Also, in Eurasia, both India and China see trade as a more efficient source of development than conquest. Just like the importance of ancient Silk Route connections, Eurasia requires connectivity.



**Figure 1. Graph on China and India Trade with Central Asia (IMF Direction of Trade Statistics [2022]).**

Figure 1 shows that China's trade with Central Asia is much higher than India's. Even though there are debates regarding India's connection to Central Asia, India's approach towards Central Asia is not based on economic benefits but on a certain level of political hype. That will determine the connectivity in a free-market globalized world. We are not going to build a road where there is no business; we are not going to build a railway where there are no people to go.<sup>25</sup> The main reason behind Chinese trade is its direct links to the region. This is why the Chinese are interested in the railroad; how else will they export to Tajikistan, Kazakhstan, and Uzbekistan? Only the land link is well connected, which also connects to Russia, the primary trade partner for China (exporter of goods).

In the present age, in terms of Russian data, total trade between the two countries was on a downward trend from 2013 until 2016, and it saw an increase of 9.36 percent in 2017. The positive trend continued in 2018 at 10.98 percent and in 2019 at 11.16 percent, a rise over the previous years. In 2019–20, trade between Russia and India totaled \$10.11 billion, with both countries investing in each other's oil and gas sectors. They have set a target of \$30 billion in bilateral trade by 2025. However, this pales in contrast to the \$110 billion trade

between Russia and China in 2019. Examining the facts, Mohan (2020) says, “As much as we would like to have our view in the world markets, the location of markets and transport of people determine outcomes. So, I don’t think much can be expected from the Chabahar rail project unless we can export through Pakistan into Afghanistan and from there to other countries.”

Unlike India, China is in a very different situation, with reserves of \$3 trillion.<sup>26</sup> It must be put somewhere; otherwise, the currency will be devalued. What China has done is to derive a new method. They are not giving the BRI money to these “stan” countries, but they are giving them loans. With those loans, they buy Chinese goods—Chinese cement, Chinese steel, Chinese railroads, and Chinese equipment—and countries like Uzbekistan, Tajikistan, and Kazakhstan must repay the Chinese loans. For example, it’s like American aid; at one time, they give the country money and make them buy goods from the US, which benefits the giver more than the taker. Like the situation in Sri Lanka, they borrowed so much money from China to build ports, etc., and they did not need various things, and now the Chinese are asking for money, Mohan says (2020). As the saying goes, the Chinese do not give anything for free; they offer everything at a high interest rate. They have been lending money to Pakistan at 5 percent, which is higher than the World Bank and IMF rates.<sup>27</sup> This is not a good idea for borrowers. The business of Chinese goods going by train from Russia to Western European markets is not economically sensible since the opening of the sea route from the Northern Sea through the Arctic Sea; you can sail 7 or 8 months a year. It is cheaper to send goods by ship; the freight by road or rail is double the sea freight cost. So, how you can make these more competitive is the big question. The Chinese got the investment and infrastructure without paying for it. They only assume the debts and transfer the cost to somebody else. Kazakhstan, Uzbekistan, and Tajikistan must pay back their BRI money to China; it is not free.

Political leaders in Central Asia may also fail to look beyond the surface level and succeed in glorifying only themselves for their achievements of getting a new drill track, railway station, or airport during their time of power. In that way, India could also have taken vast sums of BRI money to build ports, etc., but it must pay it back. It must make economic sense (Mohan, 2020). For example, Sri Lanka is in a mess already, and so is Pakistan. Now, they have realized whose goods will be carried through the CPEC road and what manufacturing China has in Xinjiang for export through Pakistan. On the other hand, Russia is not taking any BRI money, though they are cleverer. They are not desperate to get Chinese investment at any cost. These are not grants; this is credit. India also gives credit to other African countries, but comparatively less because the project finance is to make money and buy equipment from the giver.

This indicates that more than building roads and railways is needed to solve the problem, but creating a market will. With the Central Asia and the South Caucasus regions, India’s annual trade stands at 2 billion USD annually.<sup>28</sup> Unlike Central Asia, the South Caucasus has not been an eye-catching target for the policymakers of India for a long time. Connection via road is still incomplete unless it goes via Pakistan. Otherwise, the market must be created. India and China will become big economic partners. India is now demographically in the same situation as China was 30 years ago. India’s middle class is expanding, and this middle class wants consumer goods like cars, refrigerators, computers, washing machines, and mobile phones. China has the biggest mobile market in the world

and the second biggest automobile market in the world. According to Chinese statistics, the bilateral volume between China and India stood at \$125.66 billion in 2021, reflecting more dependence on each other in commerce.<sup>29</sup> India's trade with China in 2021 reached \$125.6 billion. China is still India's second-largest trading partner. China contributes 30 percent to the world GDP growth; India contributes about 9 percent, and this is a big growing market. If China would benefit from exporting to India, China must invest in India and sell in India; it is an opportunity to make a profit, not windfall gains.

Also, the Far East has opened the next corridor for India to connect Eurasia; China is still the major trading partner. The area of the Far East contains rich resources such as coal, timber, liquid natural gas, etc., and India can develop new sectors and help companies invest in them. The 2019 Prime Minister Modi's visit to the Far East has already announced to provide a \$1 billion loan to the region's economic development. A memorandum of understanding has been signed to establish a corridor between Chennai and Vladivostok. In addition, India has sought to bring Japan into its investment plan. A negotiation at the Track II level has been initiated between India, Japan, and Russia for joining Far East projects. India's interest is not only economic in the Far East, as there is a concern of Russia getting closer to China with worsening relations with the West. Russian Far East constitutes 40 percent of the country's territory with the availability of natural resources. Russian President Putin's vision of the Far East as a "national priority of the entire 21st century" with only 6 million people in the region provides space to new investors and trading partners.

## **VII. Environmental and Sustainable Development Challenges**

Environmental and sustainable development challenges are vital considerations for India's connectivity initiatives in Central Asia, a region with fragile ecosystems and resource-dependent economies. Water shortages, desertification, and climate change make Central Asia one of the world's most environmentally vulnerable regions. More than 60 percent of Central Asia's water resources are located in Kyrgyzstan and Tajikistan, but downstream countries such as Uzbekistan, Kazakhstan and Turkmenistan hugely depend on shared water resources for agriculture and industry, according to United Nations Development Program.<sup>30</sup> From the neglect of water resources and resolution of trans-boundary disputes around rivers such as Amu Darya and Syr Darya to the Arab Spring, plague in Syria, reactive politics in Afghanistan and many more, one can imagine how regional dimensions must be contributory factors requiring joint and sustainable steps as their solutions.

India has to look towards the environmental implications of enhanced trade and infrastructure development along connectivity projects like the Chabahar Port and the INSTC. The 7,200 km-long Indian INSTC, using different transport modes, could increase emissions if the principles of green logistics are not taken into account. India, in this regard, has suggested that renewable energy be incorporated into its connectivity framework. Companies, including NTPC and ReNew Power, have shown interest in partnering with Central Asian countries to build the projects to harness the abundant natural resources of the region for generation of solar and wind power. Kazakhstan alone has the potential to produce more

than 1,000 GW of renewable energy annually, according to the International Renewable Energy Agency, making it a key partner of India for the sustainable development goals.<sup>31</sup>

Desertification is another challenge in Central Asia, with more than 70 percent of arable land already degraded because of unsustainable agriculture and climate change, according to the World Bank. India has technical knowledge and best practices in land restoration and water management that can complement such actions through initiatives such as the Jal Shakti Abhiyan. An example of what could be done in Central Asia is India's target under the UN Convention to Combat Desertification to improve by 2030 the quality of more than three million hectares of degraded land.<sup>32</sup>

Climate change is already taking a toll on the region's glaciers, which are melting faster than ever. Glaciers in Kyrgyzstan and Tajikistan, which provide water to tens of millions, have retreated by more than 30 percent in the past century, according to the World Glacier Monitoring Service. It has serious consequences for agriculture, energy and drinking water supplies. India's engagement in this context with Central Asia can entail joint research and technology transfer in the areas of glacier monitoring, water resources management and disaster preparedness. Moreover, India's National Action Plan on Climate Change will provide various frameworks that can be molded to suit the specific needs of Central Asia, especially in sectors such as renewable energy adoption and energy efficiency.<sup>33</sup>

The Aral Sea disaster, often acknowledged as one of the world's greatest environmental catastrophes, highlights the necessity for sustainable growth in the region. Long the fourth-largest lake in the world, the Aral Sea has dwindled by more than 90 percent after two rivers were diverted for irrigation. India can thus play a role in the restoration of such ecosystems, sharing the knowledge and experience gained from large-scale afforestation projects including the Green India Mission which looks at increasing forest cover and biodiversity.<sup>34</sup>

Air pollution is another growing problem, driven by industrialization and urbanization in Central Asia. Metropolitan areas as far away as Almaty, Kazakhstan, and Tashkent, Uzbekistan, are struggling with deteriorating air quality, in part as a result of aging energy infrastructure that depends on fossil fuels. As a global leader in renewable energy, India can help Central Asia move towards cleaner energy systems. The International Solar Alliance (ISA), launched by India, can be utilized in terms of imparting technical and financial cooperation (though an Indian stake) in solar projects.<sup>35</sup>

India's focus on sustainability also finds expression in its diplomacy. At the India-Central Asia Dialogue in 2022, India had proposed the setting up of a joint working group on climate change and environmental protection to help foster regional cooperation. This also fits larger Indian goals of realizing the United Nations Sustainable Development Goals through sustainable practices related to connectivity, trade and infrastructure development.<sup>36</sup>

## VIII. Conclusion

Looking at the ongoing Russia-Ukraine conflict, the CARs are reducing their traditional security dependence on Russia, reflecting threatening regional stability, territorial integrity, and sovereignty. This also opens the door for India as a reliable partner in the

coming decades. India must expedite the INSTC and Chabahar Port. Policymakers must view the investment as a strategic counter to China's growing influence. India must utilize the India–Central Asia Dialogue to jointly develop and strengthen its ties with the CARs and Iran for security reasons. In addition, India must work closely with like-minded SCO members, focusing on counterterrorism and a peaceful Afghanistan. The regional players, such as Iran-China-Russia and Iran-Afghanistan-Pakistan-China and Russia, demand India to engage with Iran continually. Thus, New Delhi must continue cultivating its historical, cultural, and spiritual linkages to maintain goodwill and friendship with CARs and beyond.

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# The Legal Nature of Piracy in Somalia: From Criminal Activity to Business Model

*Alban Koci*

## Structured Abstract

Article Type: Research Paper

*Purpose*—The purpose of this study was to conduct an in-depth analysis of Somali piracy, including its legal aspects, mechanisms of illicit enrichment, and impact on international trade.

*Design, Methodology, Approach*—The methodology was based on a combination of international legal, systemic, comparative analysis, historical method, and modeling, which helped to create a model of piracy networks as a business. The study analyzed the United Nations Convention on the Law of the Sea (UNCLOS) and used data from the Corruption Perceptions Index and the Pirates of Somalia: Ending the Threat, Rebuilding a Nation.

*Findings*—The study showed that piracy in Somalia is a complex and well-organized phenomenon where various groups of actors play key roles: investors who provide financial support and logistics, local government agencies that often facilitate pirates through corrupt mechanisms, and direct perpetrators who commit attacks on ships. The analysis confirmed that a sizeable portion of the proceeds of ransoms stays inside the country, where it is used to support armed groups, strengthening their position in the region, and to bribe officials, further compounding the dependence of state structures on piracy. The study found that even with international measures in place to combat piracy, the problem is still extremely acute, as the elevated levels of corruption and socioeconomic instability create favorable conditions for it to flourish.

*Practical Implications*—The findings underline the necessity not only of military countermeasures, but also of a comprehensive approach, including economic, social, and

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political instruments, to effectively combat piracy and can serve as a basis for further research and development of international strategies aimed at lasting change.

Keywords: corruption, financing of crime, maritime criminal activity, merchant ships, robbery, sea bandits

## I. Introduction

The relevance of piracy in Somalia stems from its substantial impact on international shipping security and the economy, as pirate attacks lead to major financial losses and changes in trade routes. Furthermore, piracy reflects the underlying socioeconomic problems in Somalia, such as poverty and unemployment, which require a comprehensive approach to address. As piracy attacks decline, international cooperation and adaptation of strategies to combat evolving forms of maritime crime must continue.

The problem of studying piracy in Somalia lies in the need for a detailed analysis of this phenomenon, which emerged in the early 1990s in response to illegal fishing by foreign vessels in the country's territorial waters. Modern Somali piracy has become an organized business, which not only causes considerable economic damage to international trade but is also linked to the development of armed groups and corruption among government officials.<sup>1</sup> The problem is so severe that an internationally recognized transit corridor has been created to allow ships to safely navigate the Gulf of Aden without having to approach Somalia.<sup>2</sup>

Despite the decline in the number of attacks in the region, the problem is still relevant, as evidenced by the existence of imperfect international legislation, lack of effective state governance, and political instability, which contribute to the flourishing of piracy as a criminal activity with a strong financial backing.

Kidnapping occurs primarily in West Africa and Asia when criminals board ships with the intention of abducting crew members. The hostages are then taken ashore, where they are held while ransom negotiations are conducted. Off the coast of Somalia, pirates steer hijacked ships to the coastline, where they hold both the ship and its crew captive for a long time until a ransom is paid. Somali pirates are also known to use "mother" ships to attack other merchant ships on the high seas.<sup>3</sup>

Contrary to widely held belief, most of the investment from piracy actually stays in Somalia, but the proceeds of crime are not confined to one region. An unexpected result is that the area where pirates most often invest money is in the development of armed groups or bribery of government officials.<sup>4</sup> Although the frequency of pirate attacks in the Indian Ocean has decreased and the risk area has shrunk, a report by the United Nations (UN) Secretary-General warns that the threat persists.<sup>5</sup> This study focused on the financial component of piracy, specifically on identifying the beneficiaries of this crime and analyzing the factors that stimulate its development. Anja Menzel<sup>6</sup> attributes the flourishing of Somali piracy to political instability and the lack of effective governance. The researcher also points out the imperfection of international law in the fight against piracy, particularly the narrow definition of this phenomenon.

Jatin Dua's<sup>7</sup> book is an important contribution to the study of Somali piracy, offering an in-depth analysis of ransom piracy within this specific setting. Jatin Dua's research has

been essential in elucidating the economic incentives driving Somali piracy by emphasizing the relationship between piracy and local power frameworks, including clan dynamics and informal government. His examination of piracy's economic yields and the reinvestment of ransom payments into local economies contests conventional perceptions of it as just a criminal endeavor and suggests that it operates within a larger economic framework.

Carolyn Liss's<sup>8</sup> study provides significant insights into the piracy economic models in the Gulf of Guinea and Southeast Asia. Carolyn Liss underscores the connection among state fragility, corruption, and the return of maritime piracy in these areas, drawing parallels with the Somali situation. Her research on the Gulf of Guinea delineates the institutionalization of piracy within the region's informal economy, whereby pirate factions frequently collaborate with governmental authorities. This concept corresponds with Justin V. Hastings's<sup>9</sup> research, which examines the resurgence of violent maritime factions in Southeast Asia and their evolution into intricately organized criminal entities. These contributions offer a significant comparative framework for comprehending Somali piracy, particularly concerning the operational structures and finance processes that underpin pirate activity.

Diana Slobodian<sup>10</sup> offers an examination of the legal frameworks regulating piracy in the Gulf of Aden, with particular emphasis on the historical origins of Somali pirates. Diana Slobodian's work examines the insufficiency of current international laws in tackling the escalation of piracy, specifically emphasizing the deficiencies in international legal definitions and the obstacles presented by the evolving political dynamics in Somalia.

Jade Lindley<sup>11</sup> presents a criminological framework for comprehending Somali pirates. Lindley examines the social and economic determinants that have facilitated the proliferation of piracy in Somalia, contending that piracy must not be perceived only as criminal behavior but as a reaction to systemic instability, corruption, and economic destitution. Lindley's viewpoint contests conventional perceptions of piracy as just isolated criminal activities, suggesting instead that Somali piracy is a sort of organized crime intricately woven within the socio-political landscape of the area.

Awet Tewelde Weldemichael<sup>12</sup> explores the developmental dimensions of Somali piracy, critically analyzing its relationship with economic development and state failure in the Horn of Africa. Awet Tewelde Weldemichael contends that Somali piracy is fundamentally connected to overarching issues of government, poverty, and corruption, which foster an atmosphere where piracy is both profitable and comparatively low risk. His research provides a significant historical framework for comprehending the emergence of piracy in Somalia, encompassing the effects of illicit foreign fishing activities and the disintegration of the Somali state in the early 1990s.

Lydelle Joubert's<sup>13</sup> study thoroughly analyzed the situation with piracy in the Gulf of Guinea, Southeast Asia, Latin America, and the Caribbean. The researcher not only described the scale of these crimes but also quantified its impact on global trade. Specifically, the researcher analyzed the impact of the Covid-19 pandemic on the shipping industry, especially on the situation with maritime piracy and armed robbery of ships. Abdi Ismail Samatar et al.<sup>14</sup> considered piracy not only as a crime but also a consequence of political processes. Using the example of Somalia, they conducted a critical analysis of piracy and suggested ways to solve this problem. Roger Middleton<sup>15</sup> analyzed piracy in Somalia as a phenomenon that is strongly linked to the activities of illegal groups in the region and classified piracy as one of the greatest threats to international trade.

Sara McLaughlin Mitchell and Cody J. Schmidt<sup>16</sup> examine the relationship between illegal, unregulated, and unreported fishing and piracy. Using the cases of Somalia and Nigeria, the researchers illustrated the mechanisms linking corruption and social conflict and conducted an empirical analysis of the relationship between illegal fishing and piracy events from 1990 to 2015. J. Besenyő and G. Sinkó<sup>17</sup> focused on analyzing the effectiveness and challenges faced by North Atlantic Treaty Organization (NATO) and the European Union (EU) in their counter-piracy operations off the coast of Somalia, particularly through missions such as NATO's Operation Ocean Shield and the EU's Operation Atalanta. The researchers detailed the mandate of the multinational naval counter-piracy missions, as well as the achievements and notable developments in counter-piracy operations. Their argument for expanding the mandate of Operation Atalanta is that to effectively eliminate piracy, it is essential to strengthen multilateral coordination at sea and on land, improve law enforcement mechanisms, ensure greater information sharing, and enhance security capabilities in the Horn of Africa.

The principal problem with earlier studies is that they consider piracy as a negative phenomenon in the context of international trade, but often leave out the criminal networks that accompany piracy.<sup>18</sup> Many of these studies focus on the economic damage caused by piracy and its impact on global trade routes, but do not provide an in-depth analysis of the mechanisms behind this criminal activity.<sup>19</sup> For example, insufficient attention is paid to how illicit profits are generated, how piracy operations are financed, and how these proceeds are used to support further criminal activity.<sup>20</sup> Furthermore, the relationship between piracy and other forms of organized crime, such as human trafficking or smuggling, is not addressed, complicating the understanding of the overall picture of maritime crime.<sup>21</sup> Without a detailed exploration of these aspects, it is challenging to develop effective strategies to combat piracy and to promote legal mechanisms that can prevent the problem.

The purpose of this study was to provide an in-depth analysis of piracy in Somalia, including its legal aspects, mechanisms of illicit profits, and impact on international trade. This purpose was achieved through several objectives, including examining the link between illegal fishing and piracy, as well as analyzing the impact of socioeconomic factors on the development of piracy. The study also focused on assessing the legal mechanisms used to combat piracy and identifying gaps in international legislation that impede effective counteraction to this criminal activity.

## II. Materials and Methods

This research employs a qualitative, multidisciplinary approach, largely utilizing secondary sources, such as international law texts, institutional reports, and peer-reviewed scholarly literature. The dependence on secondary data is a calculated decision, considering the sensitive and sometimes unrecorded nature of piracy-related operations, especially in the Somali setting. Thus, the study concentrates on examining available materials to clarify the legal, economic, and organizational frameworks supporting Somali piracy.

This research utilizes a qualitative, document-centric approach, integrating international legal analysis, comparative policy analysis, and crime script modeling to investigate Somali piracy as a legal issue and an organized criminal activity. The methods were

intentionally chosen for their synergistic ability to fulfill the study's aims: to analyze the legal classification of piracy, to examine the diversity of international responses, and to conceptualize the framework and functioning of piracy as a criminal enterprise. Each strategy is theoretically substantiated and closely correlated with the research enquiries. These methodologies were chosen for their suitability in fulfilling the study's primary aim, specifically, to conceptualize Somali piracy not only as a criminal act but as a systematic economic model situated within a wider socio-political framework.

This paper conceptualizes piracy not just as a sequence of illegal activities at sea but as a complex socio-legal phenomenon with political, economic, and institutional components. The concept of piracy has been characterized differently across legal frameworks, scholarly fields, and practical situations. International law offers a limited framework for prosecuting piracy, often restricted to activities occurring on the high seas for personal profit; nevertheless, this term has faced criticism for failing to encompass the entirety of maritime criminal conduct. Researchers have observed that this approach omits violence happening in territorial seas, dismisses politically driven actions, and neglects the growing participation of organized networks and corrupt institutions in piracy.<sup>22</sup> In the Somali setting, piracy has developed into a highly organized endeavor, frequently linked with clan rule, informal economics, and regional conflict dynamics. This paper employs a comprehensive analytical framework of piracy, conceptualizing it as an organized and profit-driven criminal business functioning within an environment of legal and institutional fragmentation. This method facilitates a more thorough examination of its funding methods, logistical frameworks, and integration into local political economies.

International legal analysis was used to determine the key aspects of the legal status of piracy at the international level. This method helped to establish that piracy is not only an economic activity, but also an international legal problem that requires concerted action by many states. The use of international legal analysis offered an insight into the legal nature of piracy and helped to define the legal basis for combating this phenomenon at the global level, including criminal liability for participation in piracy. The legal study was performed by examining pertinent international law texts and documents. The suitability of current legal concepts and procedures for combating piracy in Somali seas was reviewed. This process included the systematic comparison of international legal frameworks, including United Nations Convention on the Law of the Sea (UNCLOS)<sup>23</sup> and United Nations Resolution No. 2608 Adopted by the Security Council at its 8917th Meeting,<sup>24</sup> against the national statutes and practices of Somalia and its bordering countries. The investigation further evaluated current case law and legal interpretations to identify deficiencies in the legal control of piracy.

Comparative policy analysis was utilized to assess international and regional counter-piracy initiatives. The comparative analysis entailed a rigorous evaluation of counter-piracy methods across various nations. This involved analyzing international initiatives such as Operation Atalanta, the Djibouti Code of Conduct, and national naval strategies from nations affected by piracy, including Somalia, Kenya, and the Gulf of Guinea. The tactics were evaluated based on critical factors, including their efficacy in mitigating pirate episodes, collaborative processes, and the alignment of legislative frameworks with navy enforcement operations. The policy results were analyzed qualitatively, delineating the achievements and challenges of each intervention and recognizing similar trends in the actions of many nations and international coalitions. This method enabled a comprehensive

examination of the various legal and policy frameworks addressing marine crime. It is particularly pertinent for discerning excellent practices and failures across countries, which may enhance both scholarly discourse and policy formulation.

The historical method helped to examine the development of piracy in Somalia from its origins as protection of local fishers to a powerful organized criminal activity. Using the historical approach, the study traced the evolution of piracy in Somalia, which was stimulated by political instability and economic crisis, which made it much more problematic to fight. This provided a better understanding of the social and economic causes that contributed to the growth of piracy, as well as how these factors influence its current legal nature and legal regulation.

Crime script modeling, a method grounded in environmental criminology, was employed to delineate the phases of pirate operations, including recruiting, funding, execution, and ransom distribution. This method facilitated the understanding of piracy as an economically reasonable, procedural activity characterized by certain roles and duties. The study of crime scripts, frequently employed in criminology to delineate the phases and decision-making junctures in criminal activities, was modified in this context to depict the operational roles inside Somali piracy networks, encompassing funders, logistical coordinators, and direct offenders. The approach is especially applicable to the Somali context, where piracy exhibits characteristics of structure, consistency, and role specialization reminiscent of legitimate commercial operations. This study applied crime script methodology to the marine sector, elucidating the operational logic of pirate networks and revealing their weaknesses.

A theoretical framework was established to guide the investigation, utilizing concepts from institutional economics and criminological theories of organized crime. These viewpoints clarified how piracy continues to operate through informal money networks, patronage structures, and community legitimization. The data for this study were predominantly derived from secondary sources, encompassing international law documents, scholarly literature, policy papers, and institutional publications. The sources were chosen for their credibility, relevance, and accessibility. Primary data sources comprised: international legal instruments including the UNCLOS<sup>25</sup> and UN Resolution No. 2608 adopted by the Security Council during its 8917th meeting<sup>26</sup>; scholarly articles from criminology, international relations, and law journals addressing piracy, maritime crime, and maritime governance<sup>27</sup>; reports from international organizations such as the One Earth Future Foundation<sup>28</sup> and Transparency International,<sup>29</sup> which offer in-depth analyses of piracy and corruption in maritime areas; and country-specific data on piracy rates, political stability, and socioeconomic conditions, derived from the Corruption Perceptions Index<sup>30</sup> and reports from the UN Secretary-General on Piracy.<sup>31</sup> Data for this study were primarily sourced from secondary materials, including international legal documents, academic literature, policy reports, and institutional publications.

This analytical paradigm facilitates a multi-faceted investigation of Somali piracy. By triangulating various methodologies, the research offers a holistic perspective on Somali piracy, incorporating legal, economic, and criminological viewpoints. These approaches are suitable because they directly address the study concerns concerning the essence of piracy, its legal implications, and the responses of international and regional actors to this problem. However, certain limitations are recognized. The fundamental issue is the dependence on secondary data sources and the difficulties in acquiring credible empirical evidence on unlawful marine activities. Nonetheless, the integration of legal, economic, and

criminological viewpoints enables a comprehensive conceptual framework that encompasses both the structural and operational aspects of piracy in Somalia.

### III. Results

A comprehensive study of piracy as a specific form of organized crime requires a clear definition of its legal nature. International maritime law, particularly the UNCLOS, provides a comprehensive interpretation of the concept of piracy.<sup>32</sup> Article 101 of this Convention enumerates the specific acts that constitute piracy under international law. These include illegal acts of violence, detention, or depredation committed for private ends by the crew or passengers of a private ship or aircraft, directed against another ship, aircraft, or persons or property on board, occurring on the high seas or outside the jurisdiction of any state. Piracy also includes participation in the use of a pirate ship or aircraft, as well as incitement to such acts. This international legal definition provides a framework for understanding piracy not only as an economic phenomenon, but also as a legal problem that requires international cooperation to address. In the context of Somalia, this definition is of particular relevance considering the scale and organization of piracy in the region.

For piracy to develop in a region, factors such as regional authorities with a vested interest in pirate activity are necessary: geographical conditions that force ships to choose the route used by pirates because other routes are not available; and lack of organized international or national efforts to ensure security on the high seas.<sup>33</sup>

In the context of Somalia, the lack of an effective legal system and difficulties in bringing pirates to justice are particularly critical.<sup>34</sup> The prolonged absence of a stable central government has led to the collapse of law enforcement and judicial systems, creating a favorable environment for piracy. Importantly, impunity is reflected in the absence of a functioning justice system in Somalia. In 2011, a specialized piracy court was established in Hargeisa, but its effectiveness was still limited due to a lack of resources and international recognition. Between 2019 and 2023, only nine piracy trials were conducted in Somalia, indicating the still low effectiveness of the legal system.<sup>35</sup>

Another factor in the spread of piracy is corruption, which is reflected in the weakness of state institutions and the involvement of corrupt officials in cooperation with pirates by providing information on the movement of ships and their cargo. Somalia was ranked 180th out of 180 countries in the CPI, which indicates a lack of progress in the fight against corruption.<sup>36</sup> As a result, the development of systemic corruption substantially complicates the implementation of effective legal mechanisms to combat piracy in the region.

Separately, it is worth noting that the lack of effective mechanisms for transferring suspects to the jurisdiction of competent courts creates difficulties in prosecuting pirates detained by international forces. This suggests that piracy attacks in international waters pose further jurisdictional challenges. The absence of a single international tribunal for piracy cases leads to legal uncertainty.

Another problem is the lack of legal infrastructure, as Somalia lacks adequately equipped courts, prisons, and qualified legal personnel to effectively handle piracy cases.<sup>37</sup> The lack of a proper system for recording crimes and identifying criminals complicates the prosecution of pirates. There is also a legal vacuum in territorial waters, creating a “grey zone” where international law may be limitedly applicable and national law is ineffective.<sup>38</sup>

Despite a considerable decline in piracy activity off the coast of Somalia in recent years, many of the structural issues that have fueled piracy are still unresolved. Firstly, ongoing political instability and a lack of effective governance leave a power vacuum that hinders the implementation of the rule of law and the strengthening of institutions.<sup>39</sup> Secondly, poverty and unemployment among the population, especially in coastal areas, create favorable conditions for local fishers to engage in piracy as a means of survival.<sup>40</sup> Furthermore, continued illegal fishing by foreign vessels in Somali territorial waters disrupts the traditional livelihoods of local fishers, leading to escalating conflicts.<sup>41</sup> Corruption and weak law enforcement also hamper the effective fight against piracy, as criminals can escape punishment and continue their activities.<sup>42</sup> Continued international efforts and the further strengthening of Somalia's legal system are key to a long-term solution to piracy in the region.

The tactical act of hijacking a vessel may seem simple, necessitating just access to weapons, ammunition, and a suitable means of maritime transport, yet the overarching operational framework of piracy is far more intricate and multifarious. Successful pirate operations rely on a network of logistical and financial assistance, encompassing local informants, access to marine information, collaboration with corrupt authorities, and dependable finance channels.<sup>43</sup> In the Somali context, these activities are frequently integrated into clan-based frameworks that affect recruitment, resource allocation, and the safeguarding of pirate factions against state or international interference.<sup>44</sup> The acquisition of equipment and the execution of assaults are often managed by a hierarchy of participants, from local middlemen to overseas financiers, each fulfilling a specific function in maintaining the operational effectiveness of piracy. The layered dynamics indicate that piracy is not simply an act of maritime violence, but a concerted business ingrained in the region's socio-political fabric. According to the international agreement on maritime trade, crew members of civilian ships are prohibited from carrying weapons.<sup>45</sup> Furthermore, merchant ships are not designed to move fast and cannot quickly evade pursuit. Advanced pirate groups use the latest GPS systems. The cargo of a typical commercial vessel is worth approximately USD 1 million.

There are several risks of piracy, and they are unchanged:

1. Pirates will be unable to seize a vessel due to well-organized naval defenses.
2. The ransom will not be received or will be received incompletely.
3. Merchant ships will not enter Somali territorial waters but will instead choose safer routes.
4. Due to external or internal circumstances, the corruption link that allows pirates to engage in established activities is disrupted.

Piracy in Somalia is controlled by warlords who recruit the poor. It is a sophisticated structure, with few direct participants, but many more who profit directly or indirectly:

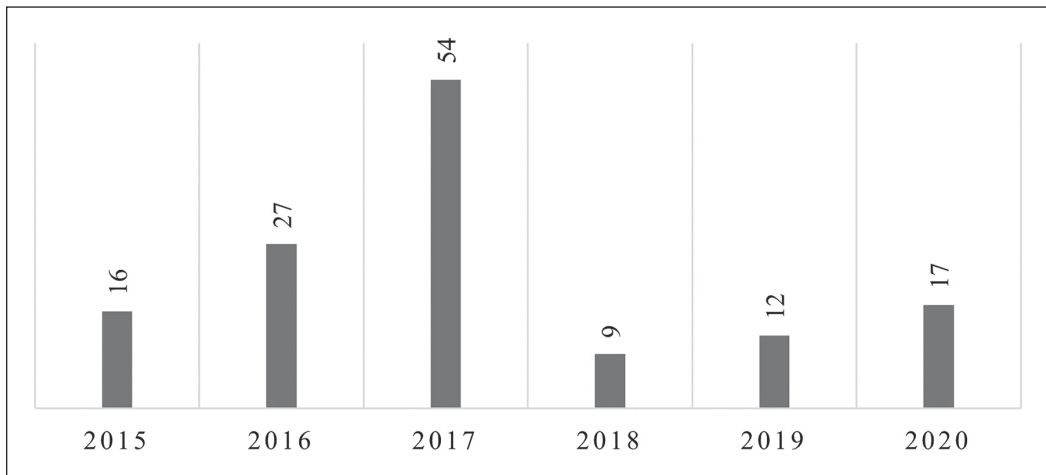
1. Heads of so-called "maritime companies."
2. Pirates (direct executors of tasks).
3. State structures of small towns in Somalia whose civil servants are also involved in the pirate business in a certain way.
4. Aircraft owners and pilots who transport ransoms in the form of cash.
5. Investors in the pirate exchange who help pirates to organize armed attacks on merchant ships.

Somali pirates often justify their actions by claiming that they are protecting the country's marine resources from illegal fishing and pollution by foreign companies. According to David O'Connell,<sup>46</sup> foreign fishers cause USD 300 million in losses to the Somali economy annually by illegally fishing in the country's territorial waters.

The quick enrichment promised by piracy is a powerful incentive for many Somalis. This has led to the expansion of piracy networks and their popularity among the local population. The UN provides data on how the profits from piracy are distributed: a sizeable portion goes to the perpetrators, while the rest is distributed among local authorities, financiers, sponsors, and even the families of the pirates who have been killed. This system of incentives contributes to the sustainability of piracy.<sup>47</sup>

The Report of the Secretary-General<sup>48</sup> shows a considerable decrease in the number of piracy attacks in the region. This demonstrates the effectiveness of international efforts to combat piracy. However, experts warn that the situation is still unstable. Isolated cases of pirate vessels approaching merchant ships suggest that pirate networks have not been completely eliminated and may resume their activity under favorable conditions. Furthermore, there are reports that former pirates may be involved in other illegal activities in the maritime industry, such as smuggling. This suggests that the problem of piracy has much deeper roots than mere criminal activity and requires a comprehensive solution.<sup>49</sup>

In 2010 and 2011, there were 445 and 439 pirate attacks on ships worldwide. However, in 2012, the number of incidents dropped to 297. As of 2020, this number has decreased to 195 (Figure 1). In 2020, the Covid-19 outbreak severely affected the shipping industry. Thousands of seafarers who could not freely visit ports due to restrictions caused by the coronavirus infection were practically surrounded. However, for the most part, Covid-19 has had little impact on the number of cases of maritime piracy and armed robbery of ships.<sup>50</sup>



**Figure 1. Number of piracy cases in South Africa, 2015–2020 (Joubert 2020).**

The severe economic crisis in Somalia, caused by a lack of effective governance and corruption, has been one of the key factors contributing to the rise of piracy. Over half of the country's population lives in abject poverty, with youth unemployment among the highest in the world. The lack of prospects for legal employment pushes many young people

into crime, including piracy. For the reasons outlined above, piracy has become a particularly lucrative business, generating an estimated USD 415 million in ransom payments from 2009 to 2010.<sup>51</sup> A concrete figure for the proceeds of piracy cannot be determined as it is an unregulated illegal activity.

At the peak of their activity in 2010–2011, Somali pirates caused colossal economic losses to the global community. One Earth Future Foundation<sup>52</sup> estimates that the ransoms demanded by pirates alone amounted to hundreds of millions of dollars annually. However, this is only the tip of the iceberg. Considering the costs of enhancing ship security, changing trade routes, and other counter-piracy measures, the total losses from these activities reached several billion dollars annually. This resulted in a dramatic increase in the cost of international trade and caused extensive human suffering.

However, the number of armed attacks on ships dropped by 90% in 2012 as cargo ships began hiring private security, with EU and US naval forces also getting involved. Despite the absence of successful hijackings by Somali pirates in 2013, this does not signify the definitive end of piracy in the region.<sup>53</sup> A resurgence occurred in March 2017 when Somali pirates hijacked the *Aris 13*, a fuel tanker headed to Djibouti, marking the first successful hijacking of a commercial vessel in the region since 2012. This instance showed that, despite global initiatives and temporary suppression, pirate networks continued to function and might be reactivated under conducive circumstances.<sup>54</sup> In August 2021, an armed attack on a ship was recorded off the coast of Middle Shabelle. This indicates that the problem of piracy in the region is still relevant, despite official statistics. Recent incidents involving the approach of merchant vessels in the region raise concerns about the stability of the situation and suggest that the problem of piracy may escalate again. While open piracy at sea has declined, threats to maritime security have not completely disappeared. Pirate groups have adapted their methods, opting for less risky activities such as smuggling, making them more challenging to combat.

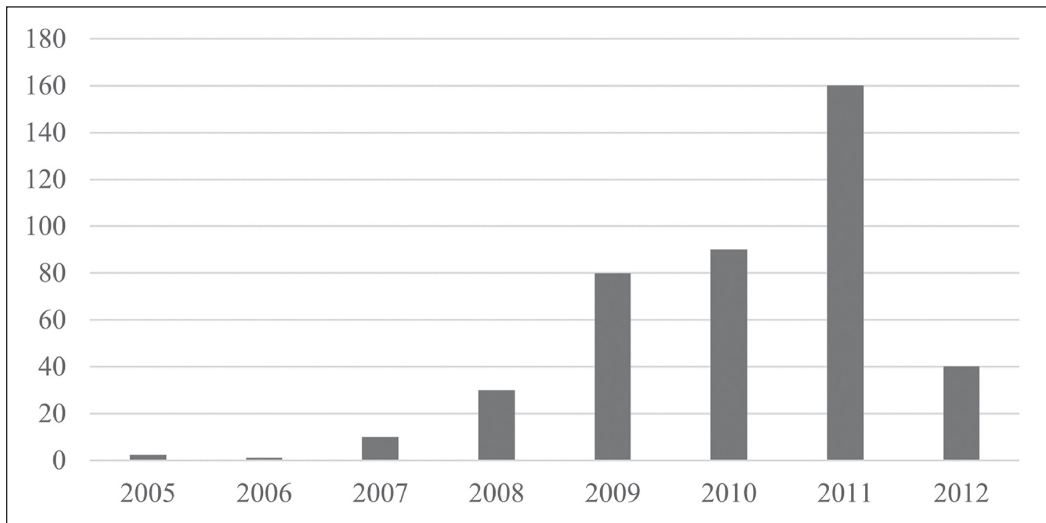
It is also worth considering the fact that piracy has contributed to the development of infrastructure, hospitality, and light industry in some cities. Thus, the profits from piracy have led to the rapid growth of cities, especially the centers of maritime companies. Notably, even if the pirates do not receive a ransom, they profit by reselling parts of ships or the goods they transport on the illegal market. This is especially true for ships transporting oil and oil products.<sup>55</sup>

As mentioned earlier, a stock exchange was opened in Somalia, where anyone can become a venture capitalist and invest in more than 72 offshore companies. Undoubtedly, this greatly influences the global economy. Pirates run this exchange to finance their activities and earn tens of millions of US dollars.<sup>56</sup> The pirate exchange works according to the following system. Pirates analyze trade routes in search of a target that will bring significant profits. When they find a target that they think is a good fit, they enter the exchange to raise funds. Anyone can sponsor them by providing barrels of kerosene, information, Kalashnikov assault rifles (AK-47s), and packed lunches in exchange for a profit after a successful operation. Next, the pirates take over the cargo ship and take the sailors hostage. They then charge Western shipping insurance at an average of USD 4 million for the return of the hostages.<sup>57</sup>

There is no exact data on the number of maritime companies registered on the Harardhere “pirate stock exchange,” but Avi Jorisch<sup>58</sup> estimates that their number exceeds 70. This information suggests some signs of institutionalization of piracy. For example, one woman financed the purchase of an RPG-7 grenade launcher for a local pirate group and received

USD 75,000. However, this is a high-risk investment activity. Considering the illiquidity, lack of regulation and inevitable corruption, investors can lose their money and subsequently have problems with the law. The income from such investments, clearly, cannot be declared.<sup>59</sup> Proponents of this speculative market promise massive profits, hoping that investors will ignore the risk. For example, initially, the shareholders of the pirated Harardhere exchange quickly made exceptionally large profits. However, after pirate activity began to bring tremendous losses and the international community began to actively fight piracy, all investors in this exchange lost their investments.

Government officials receive their share of piracy proceeds to fund schools, hospitals, and other public infrastructure.<sup>60</sup> Piracy has become a notable and profitable economic endeavor in some regions of Somalia, especially in Puntland, where ransom payments have fostered local economic growth and enhanced investment in selected regional hubs.<sup>61</sup> Although certain local leaders, government officials, and clan elders have profited from pirate revenues, and a fraction of ransom funds is occasionally allocated to community initiatives, the Somali economy is not wholly reliant on illicit activity. The effects of piracy are disparate, with certain groups obtaining advantages while others are excluded, and expenditures in public services like hospitals and schools remain limited. The economic benefits derived from piracy are not sustainable over the long run and have also exacerbated inflation, instability, and the displacement of legal enterprises. A pirate expedition can earn USD 10 million in profits from a single successful attack, with ransom amounts ranging between USD 3–4 million. According to rough estimates, from 2005 to 2013, pirate companies earned about USD 400 million in revenue (Figure 2).<sup>62</sup>



**Figure 2. Yearly income from piracy in Somali, 2005–2012, million USD (*Pirates of Somalia: Ending the Threat, Rebuilding a Nation*, 2013).**

The official pirate exchange was founded in 2009 in the center of Harare. It operates on the model of a standard stock market: it is open 24 hours a day and any person can become an investor. Somalia’s banking system, which consists of several state-owned and one private bank, faces major challenges in controlling financial flows. International

financial institutions servicing Somali banks lack sufficient tools to effectively trace transactions related to piracy and other criminal activities, such as terrorist financing through the Harardhere stock exchange.<sup>63</sup>

In terms of the distribution of profits from piracy, a UN report analyzed investments in piracy in Djibouti, Ethiopia, Kenya, Seychelles, and Somalia, and sampled 59 pirate “financiers.” It was found that 30–75% of the ransom money goes to the “financiers,” while the people who directly perform the tasks on board the ships receive only a small portion of the proceeds, less than 1% of the total.<sup>64</sup> It is also worth considering the costs to all parties that may create obstacles to the piracy business. For example, in 2010, pirate companies paid 5% of the ransom to members of the al-Qaeda group in exchange for security of operations. Even though today the level of maritime piracy along the Somali coast is almost zero, it is far from being completely eliminated.

Crime script analysis reveals that piracy in Somalia functions as a sophisticated, multi-faceted organization with specific responsibilities and profit-sharing structures. The initial phase of the piracy operation includes recruiting, when individuals from economically marginalized communities are integrated into pirate factions. These organizations are often overseen by seasoned individuals, frequently with military or criminal histories, who direct the operation from inception to completion.

The funding of pirate operations is another essential component of this approach. Although early funding typically originates from local stakeholders or regional financiers, multinational entities, especially investors in illicit markets, supply essential capital for extensive operations. The logistics of piracy are highly intricate, necessitating the coordination of vessels, armaments, munitions, and intelligence sources. Pirate factions utilize informal networks to procure armaments and obtain knowledge on maritime activities, frequently through paid officials and corrupt local authorities.

Upon the hijacking of a vessel, the ransom negotiation process assumes primacy within the business model. Ransom payments are allocated not just to the criminals but also to investors, clan leaders, and corrupt authorities, maintaining the economic allure of piracy for a diverse array of participants in the operation. This profit-sharing framework maintains the pirate enterprise and enables its continued operation despite global counter-piracy initiatives. Figure 3 has been included below to illustrate the pirate business model. The diagram delineates the progression of resources, commencing with the first recruiting of pirates and culminating in the ultimate allocation of ransom revenues. It illustrates the interrelated functions of financiers, logistical coordinators, perpetrators, and local officials, demonstrating how piracy is perpetuated by a complicated network of contributors.

Stage	Description
Recruitment	Local communities to piracy groups
Financing	Pirate groups to international investors
Logistics	Pirates acquire boats, weapons, and intelligence
Hijacking and Ransom	Ship hijacked, negotiations, ransom payment
Profit Distribution	Pirate perpetrators, investors, clan leaders, corrupt officials

**Figure 3. Somali Piracy Business Model** (*Pirates of Somalia: Ending the Threat, Rebuilding a Nation*, 2013).

The analysis reveals that, while military operations reduced the incidence of hijackings, they fail to tackle the underlying factors of piracy in Somalia when comparing several international and regional counter-piracy methods. Initiatives like Operation Atalanta and the Djibouti Code of Conduct have effectively diminished pirate occurrences on the high seas. Nevertheless, they frequently neglect the socioeconomic and political determinants that facilitate the proliferation of piracy, including corruption, poverty, and inadequate governance.<sup>65</sup> This disparity underscores the necessity for more extensive interventions that extend beyond military measures to tackle the underlying reasons contributing to piracy.

The study indicates that the legal frameworks regulating piracy, especially international law as delineated in UNCLOS, are inadequate for prosecuting pirates and dismantling pirate networks. Legal constraints, including the inadequacy in addressing piracy within territorial seas or politically driven piracy, persistently obstruct international initiatives. Integrating insights from legal, criminological, and policy analyzes, Somali piracy is revealed as an economic venture that capitalizes on informal economies and legal ambiguities. In contrast to traditional criminal organizations, piracy functions inside a well-structured framework where violence is not the primary impetus. Conversely, piracy is perceived as a profitable enterprise when participants from many sectors (financial, political, and criminal) collaborate to derive profit from global transportation routes. This economic model persists due to ineffective governance, political instability, and the lack of a strong legal framework in Somalia.

The legal consequences for investors, which may include criminal liability, confiscation of property, reputational losses, and civil liability, should be mentioned separately. Specifically, investors who knowingly finance piracy operations can be detained, extradited, and sentenced to imprisonment in any country that has jurisdiction over the crime.<sup>66</sup> States may also confiscate assets used to finance piracy or obtained as a result of such acts. Victims of pirate attacks can file civil lawsuits against financial sponsors of piracy. Thus, piracy financing is a severe crime that carries major legal risks for investors. To protect their interests, investors must adhere to stringent standards of transparency and accountability and actively cooperate with law enforcement agencies.

## IV. Discussion

Piracy is one of the oldest types of criminal activity. It has always been one of the fastest ways to make a large profit. Many experts have investigated this phenomenon since its inception and development.

Roger Middleton<sup>67</sup> considered piracy in its heyday. In 2008, piracy activity in Somalia reached its peak (more than 60 ships were attacked). The researcher placed the responsibility for solving this issue on the international community. The study showed that part of the profits from piracy in Somalia is used to finance armed groups, particularly the al-Shabab terrorist organization. This led to a considerable increase in risks for international trade and caused an upsurge in the insurance costs for ships passing through the Gulf of Aden. As a result, many shipping companies were forced to alter their trade routes, which drove up the cost of transporting raw materials and finished goods. Compared to the current study, it can be observed that the financing of armed groups is still a major problem that

complicates the fight against piracy. However, the current study highlighted how the economic hardship of the local population continues to fuel these activities, pointing to the underlying roots of the problem.

Jason Patinkin<sup>68</sup> explored piracy as a business activity, the relevance of which is not lost today. According to the researcher, pirates mainly target small ships, but with faster boats, better weapons, and more accurate information from their spies; they can also target large cargo ships, tankers, and even passenger liners. Referring to the 2008 hijacking of the Ukrainian ship *Faina*, the researcher emphasized that pirate attacks can have far-reaching consequences, as pirates gain access to dangerous cargo such as weapons. They also robbed the Saudi oil tanker *Sirius Star*, which was carrying oil worth USD 100 million. Pirates usually attack in groups of about 10 people and hijack ships with about 20 passengers. This ratio of hijackers to prisoners allows pirates to control the situation. To ensure complete security against pirate attacks, all merchant ships should be escorted by naval vessels and helicopters, but not all shipping companies can provide each of their ships with such protection. The current study also highlighted the value of maintaining merchant marine security but pointed out that without addressing underlying socioeconomic issues such as poverty and unemployment, no military measure can provide lasting security.

Amali Kartika Karawita,<sup>69</sup> in her study of piracy in Somalia, noted that this phenomenon has created many problems and challenges for the international community since the beginning of the 21st century. An attempt to effectively counteract piracy requires a comprehensive approach from the international community. The researcher pointed out that it is necessary not only to strengthen joint maritime operations, but also to address the roots of the problem—the social and economic crisis in Somalia. According to the researcher, piracy is the result of underlying social problems that have enabled this phenomenon to take hold. To successfully combat piracy, it is necessary not only to strengthen the legal framework, but also to create conditions for sustainable development in Somalia, providing economic opportunities and improving the lives of the population. An analysis of international reports suggests that while the initial efforts to combat piracy were insufficiently effective, further cooperation and new initiatives have led to a certain decrease in the number of attacks in the region. Comparing the findings, the current study highlighted the necessity of a comprehensive approach but also emphasized the significance of analyzing the specific legal gaps that hinder the implementation of these initiatives.

Kenneth Yeo Yaoren et al.<sup>70</sup> noted that in the 15 years since the emergence of modern piracy, pirates have turned the seas of East Africa into the most dangerous waters in the world. In 2008 alone, maritime criminals in Somalia hijacked more than 40 large vessels in the Gulf of Aden, which is a crucial route for international maritime trade. The phenomenon of piracy is challenging to overcome today, as it constantly adapts to new conditions and successfully evades countermeasures. The current study confirmed that the adaptability of pirate groups is a critical issue but also pointed to the necessity of updating counter-piracy strategies to meet the current threats and methods used by pirates.

Patricia Schneider's<sup>71</sup> study offered a fresh perspective on piracy by applying social movement theory to the analysis of maritime violence, particularly in the cases of Nigeria and Somalia. The expert noted that pirate and terrorist groups in these countries not only pose a threat to international shipping but also exploit powerful social narratives that give them legitimacy as forms of social protest. This approach allows considering piracy

not merely as a source of risk, but as a manifestation of social protest fueled by local economic and political conditions. The researcher argued that although social movement theory has limitations in explaining all aspects of piracy, it helps to better understand the dynamics behind these acts of violence and to treat pirate groups not only as objects to be controlled, but as a reaction to global inequalities and social problems. The researcher's findings are consistent with the current study, which also considered piracy in Somalia as a phenomenon strongly linked to socioeconomic conditions and structural instability. While the researcher focused on piracy as a form of social protest, the current study focused on its economic aspects, perceived as an organized business. While both approaches reveal distinct facets of piracy, they emphasize that combating piracy requires a comprehensive approach that includes both social and economic measures.

Eric Shea Nelson<sup>72</sup> classified piracy as maritime terrorism—a politically motivated crime committed at sea. The researcher found that in recent years, the East African Community (EAC) region has witnessed a series of terrorist incidents in Kenya. However, no terrorist attack at sea has yet occurred in the EAC region, although Kenya shares a common land and sea border with Somalia. The cited study analyzed the phenomenon of piracy in Somalia and predicted its further development in the EAC. Kenya is at war with the Somali-based terrorist group al-Shabab. The region, which includes Kenya and Tanzania, is characterized by a high degree of vulnerability to various maritime threats. This is caused by the lack of a coherent regional security strategy, including an early warning system for potential threats, as well as insufficient cooperation between the maritime law enforcement agencies of the two countries.<sup>73</sup> Compared to Eric Shea Nelson's study, the current study focused on its economic aspects as a business activity. While Eric Shea Nelson emphasizes the influence of terrorist groups on piracy, the current study found that economic gain is the primary driving force behind this activity in Somalia.

As noted by Abdi Ismail Samatar et al.,<sup>74</sup> maritime trade is vital to the global economy, transporting a considerable portion of the world's goods. However, despite the growth in maritime trade since the mid-20th century, the sector is still vulnerable to threats such as piracy. Although the exact value of economic losses from piracy is hard to estimate, this crime clearly exerts a major negative impact on the global economy. Furthermore, piracy results in loss of life and poses a threat to maritime safety. Despite the considerable attention that Somali piracy attracts, this phenomenon is still understudied. Researchers offered a critical assessment of the moral aspect of the Somali pirates' economy. The researchers defined piracy not only as a criminal activity on the high seas, but also as a complex socioeconomic phenomenon caused by many problems in society. Unlike the cited study, the current study detailed the role of individual investors and business schemes in the functioning of the pirate economy. The researchers considered piracy as a reaction to political instability, while the current study emphasized its strong organization and economic efficiency.

The European Union has extended the duration of its missions in Somalia aimed at combating piracy and other criminal activities. On December 16, 2024, the Council of the European Union<sup>75</sup> prolonged the mandate of Operation Atalanta until February 28, 2027. The extension demonstrates the EU's ongoing dedication to improving maritime security around the Horn of Africa and the Western Indian Ocean. The revised mandate broadens the operational jurisdiction to encompass the Red Sea and underscores cooperation with Operation Aspides, which protects commercial vessels in that area. The Maritime Security

Centre—Horn of Africa has been renamed the Maritime Security Centre—Indian Ocean to signify its expanded reach and enhanced function.

According to a study by Stanley Osezua Ehiane and Dominique Uwizeyimana,<sup>76</sup> the Somali government faces a series of formidable challenges in the fight against piracy. They found that a lack of resources, corruption, and weak state institutions severely limit its ability to control the situation. This conclusion is consistent across both studies. Moreover, the presence of pirate groups further complicates the establishment of state control over the long coastline and adjacent waters. The researchers emphasized that the international community is taking steps to support the Somali government by deploying international naval forces, implementing modern security systems on ships, and providing technical assistance to the government. What both studies find in common is that despite these efforts, most of the problems, such as poverty, unemployment, and political instability, are still unresolved, which contributes to the resumption of piracy activity after temporary downturns. The study highlighted the challenges faced by the Somali government in the fight against piracy, such as corruption and weak state institutions. This is consistent with the findings of the current study, which revealed the high degree of corruption and the dependence of state institutions on piracy revenues. However, the current study also added an analysis of the mechanisms for distributing revenues to investors and local leaders.

## V. Conclusions

Piracy in Somalia has transformed into a sophisticated and systematic kind of organized crime, exhibiting several characteristics similar to those of business enterprises. This study illustrates that piracy in the region is not only a consequence of opportunistic criminal action but is instead a structurally embedded activity supported by networks of financiers, local power dynamics, and informal institutions. A crucial element influencing the viability of these networks is extensive corruption, which facilitates the flow of illicit funds and complicates effective law enforcement. Political instability, socioeconomic distress, and the lack of effective government have solidified piracy as a legitimate source of income for many stakeholders, including informal investors and local elites.

A prominent characteristic of Somali piracy is the extent of institutionalization, as shown in the funding of activities. Informal investment and profit-sharing arrangements have been noted, with indirect evidence indicating the involvement of individuals extending beyond those directly engaged in marine assaults. These arrangements underscore the systemic characteristics of piracy and obstruct attempts to disrupt its economic foundations.

The research emphasizes that piracy in Somalia should be regarded as both a legal and socioeconomic issue. It signifies entrenched institutional deficiencies, inadequate regulatory structures, and the restricted applicability of international law in conflict-affected areas. Although military and security measures have aided in reducing incidents of conflict, they are inadequate in tackling the underlying reasons. A sustainable solution necessitates a comprehensive plan encompassing legal changes, anti-corruption measures, developmental aid, and the strengthening of public institutions.

The primary limitation of this study was the lack of reliable data on piracy activities, as this illegal phenomenon is challenging to document with precision. Furthermore, the

political instability of the region complicates the analysis of socioeconomic factors, which limits the ability to generalize the results. The findings of this study can serve as a basis for further research in the field of countering piracy and contribute to the creation of effective mechanisms to combat this phenomenon.

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# The Riyadh MoU on Port State Control and Environmental Security in the GCC Region: State Commitment and Legal Gaps

*Gerasimos Rodotheatos and Vasiliki Alexandra Politi*

## Structured Abstract

Article Type: Research Paper

*Purpose*—The Riyadh Memorandum of Understanding on Port State Control is based on participating states' commitment to inspect vessels calling at their ports to verify compliance with relevant IMO and ILO Conventions. The article assesses the Riyadh MoU's institutional and operational effectiveness and investigates ways to further improve these aspects.

*Design, Methodology, Approach*—The article aims to assess the Riyadh MoU's (a) institutional effectiveness by examining the level of its members' participation in relevant instruments and their willingness to expand this list and (b) its operational effectiveness based on the results of the regimes' Annual Reports.

*Practical Implications*—The article highlights gaps and priorities on regulatory and operational levels concerning the conduct of Port State inspections in the Riyadh MoU area.

*Findings*—This research suggests significant progress has been made among its members. While several actions can improve the MoU's overall effectiveness, establishing a harmonized inspection system, updating the selection process, and promoting international cooperation are among the most influential variables supporting the regime's evolution.

*Originality, Value*—Although maritime activities in the region are significant on a global scale, relevant research on this MoU has been limited. This research paper is based on primary data and aims to showcase the importance of international cooperation in the GCC area and the progress recorded by its participants.

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Law of the Sea, marine pollution, Port State Control,  
Riyadh MoU, safety of life at sea

## I. Introduction

The Riyadh Memorandum of Understanding (MoU) on Port State Control (PSC) (est. 2004) is the youngest in a series of nine relevant agreements. It applies to 55 ports located in the western Arabian Gulf, the Strait of Hormuz, the Oman Gulf, the western Arabian Sea and the eastern Red Sea (only ports on the coastline of Saudi Arabia), and across the six countries that are members to the Gulf Cooperation Council (GCC), namely Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates.

Indeed, among parties to the MoU, the GCC appears to serve as a more cohesive organizational framework connecting those countries. Apart from the overlap between the MoU and GCC members, all the Riyadh MoU annual reports state that the MoU pertains to “port state control activities in the Gulf Cooperation Council Region”; on top of this, the GCC also holds observer status in the MoU’s annual meetings.<sup>1</sup> However, there is no mention of the GCC in the MoU text,<sup>2</sup> which sets its area of application as the Gulf region. The GCC endorses the MoU by including it in its achievements, under the Cooperation in the Field of Sea Transportation.<sup>3</sup>

Shallow waters, limited freshwater input, high salination, and the tropical to subtropical climate that characterizes the Arabian Gulf have caused great interest in the area’s preservation of the marine environment.<sup>4</sup> Beyond the domestic environmental laws of the countries bordering the Arabian Gulf, the Strait of Hormuz, and the Gulf of Oman, this general area is also considered a “semi-enclosed sea” under the Law of the Sea Convention (LOSC) (1982, art. 122). This legal designation requires border states’ efforts to cooperate on issues such as the management and conservation of marine resources, the preservation of the marine environment, and scientific research (LOSC [1982, art. 123]). Accordingly, most of the engaged states participate in the Kuwait Regional Convention for Cooperation on the Protection of the Marine Environment from Pollution (ROPME 1978), which is also stipulated in the preamble of the MoU. Finally, the area’s ecological significance is reflected in the designation of two “Special Areas” under the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 (MARPOL 73/78),<sup>5</sup> namely the “Gulfs area” and the “Oman area of the Arabian Sea,” by the International Maritime Organization (IMO).

PSC MoUs have been the subject of academic scrutiny since the inception of the Paris MoU in 1982. Still, although there is a body of scholarly literature that addresses the environmental security challenges associated with shipping in the Riyadh MoU area—such as oil and gas exploitation, fishing, and maritime transportation,<sup>6</sup> there remains limited English-language research regarding the contribution of PSC measures to strengthening environmental security in the area. Among the limited literature available, two publications are particularly noteworthy: (a) Xiao et al. 2021, which calculates the efficiency and productivity of PSC MoUs worldwide over a period of 11 years, and (b) Mantoju 2021, which carries out a global comparative analysis related to MARPOL 73/78 related deficiencies

between 2009–2019. However, no publication addresses the legal dimension of the Riyadh MoU. Therefore, this article aims to highlight how international obligations and cooperation contribute to the region’s environmental security, analyze the need for adherence to an updated international legal framework, identify potentially alarming legal gaps, and propose ways and actions to improve PSC measures in the region. It also aspires to assess the operational effectiveness of the regime, based on the data provided by the MoU’s annual reports of the last 11 years (2012–2022).<sup>7</sup>

Based on our findings, the Riyadh MoU has indisputably contributed to establishing a PSC regime that was previously absent. Notably, it has facilitated an increase in the number of inspections conducted by its members on an annual basis, leading to an increase in detected deficiencies. The MoU has achieved this by urging its members to ratify important international conventions that are relevant to PSC procedures, while also introducing new instruments over the years, aiming to fortify member states’ ability to safeguard the area’s environmental security.

## II. Theoretical Framework

While security has traditionally been understood by political scientists and policymakers as stemming from outside threats and inter-state power struggles, a growing number of challenges—including climate-related threats, biodiversity loss, and, more recently, the global Covid-19 pandemic—highlight that insecurity can also stem from environmental risks within a nation’s own borders.<sup>8</sup> As the environment has gradually become a determinant of prosperity—or its absence—the concept of environmental security expanded traditional notions of security. This broader understanding recognizes that environmental challenges can affect populations in ways resembling traditional security challenges, such as war, by constraining economic growth and undermining people’s and communities’ needs.<sup>9</sup>

According to Barnett,<sup>10</sup> environmental security is, “the assurance that individuals and groups have that they can avoid or adapt to environmental change without critical adverse effects.” This concept extends beyond just land issues to include the seas and oceans. Although land-based sources are considered the most prominent cause for the degradation of the marine environment, oil spills, waste transportation and dumping, as well as the introduction of invasive species, pose serious risks that must be addressed as comprehensively as possible.<sup>11</sup>

In the GCC area’s case, the fragility of the marine environment and the close economic relationship between Gulf countries and marine resources establish the need to ensure its protection. Considering the additional pressure that the Arabian Gulf is facing from the shipping and oil industries, with an estimated 53,000 ships passing through the Strait of Hormuz and into the Gulf each year,<sup>12</sup> the threats to both the environment and marine resources in the area cannot be overlooked.

Port states conducting inspections on ships voluntarily entering their ports is not a new notion. Such measures were implemented by port states as early as 1929, through the second edition of the International Convention for the Safety of Life at Sea (SOLAS Convention).<sup>13</sup> Despite that, the LOSC awards the primary responsibility for

inspecting and enforcing ship standards to the flag state.<sup>14</sup> It also gives jurisdiction to the port state to undertake investigations into illegal activities when within a port or at an offshore terminal of that state.<sup>15</sup> Additionally, several IMO Conventions—including MARPOL 73/78 and the SOLAS Convention—recognize that authority, with the IMO referring to PSC as “the inspection of foreign ships in national ports to verify that the ship and its equipment’s condition comply with the requirements of international regulations and that the ship is manned and operated in compliance with these rules.”<sup>16</sup>

However, port states realized that coordinating their efforts on a regional level is much more effective than conducting individual inspections, in order to avoid wasting time and resources on repetitive inspections, and to prevent the emergence of Ports of Convenience—also known as “Ports of Non-Compliance.”<sup>17</sup> As a result, they took it upon themselves to enhance the efforts of flag states and classification societies to make shipping safer, both for the people and the marine environment.<sup>18</sup> It was that idea, driven by the major oil spill caused by the grounding of “Amoco Cadiz” a few years earlier, in 1978, that led to the creation of the first Memorandum of Understanding on Port State Control, the Paris MoU, that was signed among several European states in 1982.<sup>19</sup> In the following years, several incidents of marine pollution of varying severity and impact cemented the usefulness of such regimes around the world.<sup>20</sup>

Despite that MoUs do not constitute binding treaties under international law, they are widely used instruments in international relations. Unlike treaties, which entail legal obligations upon ratification, MoUs are typically political or administrative agreements that express mutual intentions. In fact, MoUs are intentionally not legally binding, since they are often used by states when they prefer flexibility or wish to avoid formal treaty processes.<sup>21</sup> As a result, MoUs serve as cooperation instruments without the legal consequences of treaties.<sup>22</sup>

Nonetheless, MoUs are crucial in fostering international collaboration. Participation in an MoU demonstrates a state’s political commitment and willingness to align its actions with others to pursue shared objectives. Especially in domains like environmental protection or maritime governance, where signatories may already be parties to binding multilateral treaties. In such cases, MoUs become mechanisms to operationalize or enhance the implementation of existing obligations. Subsequently, non-binding agreements can act as complements to treaties, helping states to coordinate policy, share information and know-how, build trust, and respond more dynamically to emerging challenges.<sup>23</sup> Thus, while not enforceable in court, MoUs can be instrumental in promoting coherence, cooperation, and compliance with the goals of binding international frameworks.

Currently, approximately 120 countries are involved in PSC regimes, established through the signing of relevant Memoranda of Understanding with the blessings of the IMO [Resolution A.682(17)], motivated by major shipping accidents around the world.<sup>24</sup>

PSC measures have since played a significant role in the prevention of maritime accidents and incidents,<sup>25</sup> thus contributing largely to the environmental security of oceans and seas. The logic behind these MoUs is that each of the participating states assumes the duty to annually inspect a suggested number of vessels calling their ports in order to verify compliance with IMO environmental and safety regulations, as well as ILO labor regulations. Hence, vessel inspections serve various purposes: among them, the prevention

of violations, enforcement of international regulations, and the promotion of maritime awareness.<sup>26</sup>

However, the provision of authority to the port states not only enhances international standards and regulation implementation, but it also protects the rights of coastal states. Especially regarding environmental security, LOSC clearly states, “States have the obligation to protect and preserve the marine environment” (Art. 192), further stating that activities should “not cause damage by pollution to other States and their environment” (Art. 194). While the right to undertake investigations against a vessel that is voluntarily within a port is given to a port state unreservedly (Art. 218), Article 220 explicitly recognizes, “the prevention, reduction, and control of pollution from vessels” as grounds for a coastal state to institute proceedings against a vessel that is voluntarily within a port. Recognizing the significance of protecting the marine environment for coastal states, the right to physically inspect a ship is conditionally granted even for ships outside its port, so long as it is believed that it has committed a violation, “resulting in a substantial discharge causing or threatening significant pollution of the marine environment” (Art. 220, par. 5).

In practice, considering that port states generally have the necessary assets, personnel, and time to conduct inspections, they are often in a better position to detect substandard ships.<sup>27</sup> If we also take into account the existence of flags of convenience, the marine insurance industry’s inadequacies, and the presence of ineffective ship classification societies,<sup>28</sup> one could argue that PSC plays a significant role as an extra layer of precaution regarding seaworthiness, marine environment protection, and seafarers’ rights.<sup>29</sup>

### III. Results

#### 3.1. *The Riyadh MoU Commitments*

Following in its predecessor’s footsteps, the Riyadh MoU aims to increase maritime safety, protect the marine environment, and improve seafarers’ living and working conditions. To accomplish these goals, the MoU builds upon the fulfillment of four commitments (Articles 1.1. to 1.4.):

- Implementation and Ratification: Members are to enforce the provisions of the MoU and its annexes, taking necessary steps to ratify or accede to the relevant instruments.
- Establishment of a PSC system: Each member shall ensure that foreign merchant ships in its ports comply with relevant standards and avoid committing flag discrimination.
- Inspection Targets. Within three years of the Memorandum’s effect, each state’s relevant port authority will aim for annual inspections covering 10% of the foreign merchant ships entering its ports. The MoU’s Committee will monitor and adjust inspection targets based on experience and progress.
- Collaboration and Information Exchange. Members’ Authorities will consult, cooperate, and share information to further the Memorandum’s goals.

The wording of the MoU is standard among similar pre-existing regimes, with the Paris MoU as the primary reference in terms of typology and terminology.<sup>30</sup> Therefore, little needs to be said on these fronts. In terms of implementation, the establishment of a PSC system is self-evident, given that all member states provide information on the inspections conducted by their authorities, which are included in the regime's annual reports. Moreover, several training sessions are organized and conducted annually by the MoU's Secretariat, enhancing cooperation and coordination of member states' efforts, as mentioned in the annual reports, while a database has been created to ensure the exchange of information among the members' authorities.

Taking those commitments into consideration, to assess the Riyadh MoU's success, this article will examine its members' actual engagement and the agreement's implementation. This assessment will be based on two factors: (a) the institutional commitment of the members, determined by the status of ratification of the relevant instruments, and (b) the inspections' volume and effectiveness, based on the information provided in the MoU's annual reports.

### *3.2. Assessment of Institutional Commitment*

One of an MoU's most important elements is establishing common criteria and standards among member states, both regarding the selection of ships to be inspected and the inspection process.<sup>31</sup> The significance of this harmonization lies in the fact that states participating in a PSC MoU have to consider the results of other members' inspections as equivalent to their own to avoid repetitive inspections and ensure that the maximum number of ships entering the MoU's area have been inspected, with the aim of protecting the marine environment.

Section 3 of the Riyadh MoU fulfills the first part of this equation, the selection of ships, by laying the ground rules for which vessels should be prioritized for inspections. The second part, harmonization of inspection standards and procedures, is a little more complicated.

The MoU also provides a specific series of international instruments that member states are instructed to follow in order to achieve coordination of the inspection standards and procedures. These so-called "relevant instruments" are explicitly listed in Section 2.1. of the Riyadh MoU and are listed as follows, along with any protocols, amendments, or mandatory codes related to them:

1. The International Convention for the Safety of Life at Sea, 1974 (SOLAS 74);
2. The International Convention on Load Lines, 1966, as amended by the Protocol 1988 (LL 1966 & LL Protocol 88);
3. The Protocol of 1978 relating to the International Convention for the Safety of Life at Sea, 1974 (SOLAS Protocol 78);
4. The International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78);
5. The International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW 78);
6. The Convention on the International Regulations for Preventing Collisions at Sea, 1972; (COLREG 72);

7. The International Convention on Tonnage Measurement of Ships, 1969; (TONNAGE 69);
8. The Merchant Shipping (Minimum Standards) Convention, 1976 (ILO No.147);
9. The International Convention on Civil Liability for Bunkers Pollution Damage, 2001 (BUNKERS 2001);
10. Protocol of 1992 to amend the International Convention on Civil Liability for Oil Pollution Damage, 1969 (CLC Protocol 92).

However, Section 2.3 states that the applicable relevant instruments are those that have been ratified and are, thus, in force for the authority of each member state. This establishes potential for a significant difference among the rules applied by MoU members. To determine whether this is cause for concern for the Riyadh MoU, we looked at the ratification status of each state for every listed relevant instrument.

While one may argue that MARPOL deficiencies are what relate directly to marine environment protection and, therefore, that this is the main instrument related to environmental security, there is a strong correlation between marine pollution and shipping accidents,<sup>32</sup> whether caused by technical issues or the human factor.

Indicatively, several provisions related to marine environment protection are included in the SOLAS Convention, with Regulation 2 stating that ships shall be, “safe and environmentally friendly,” which means that they “shall have adequate strength, integrity, and stability to minimize the risk of loss of the ship or pollution to the marine environment.” Furthermore, there are several mentions of the marine environment and pollution prevention measures throughout the treaty. Similarly, the STCW 78 states that members of the convention must ensure that “from the point of view of safety of life and property at sea and the protection of the marine environment, seafarers on board ships are qualified and fit for their duties” (Article 1). Moreover, according to the COLREGs, seafarers in charge shall “be aware of the serious effects of operational or accidental pollution of the marine environment and shall take all possible precautions to prevent such pollution” (Section 1.13). Even the CLC Protocol, which is designed to address the liability deriving from loss or damage, requires “compensation for impairment of the environment other than loss of profit” (Article 2.6 [a])—a phrase that has been identically adopted by the BUNKERS Convention (Article 1.9 [a]), introducing the concept of reparations to help rectify environmental damages.

Moving on to the human factor, the ILO has highlighted the correlation between accidents involving merchant ships by stating that these accidents may result in the loss of life and ships, as well as damage to the marine environment.<sup>33</sup> In the same guidelines, the ILO also quotes that one of the primary goals of the Merchant Shipping (Minimum Standards) Convention (No. 147) is to “enhance measures to protect the marine environment.”

Accordingly, the treaties listed in the Riyadh MoU should be considered important to the protection of the marine environment of the GCC area. Therefore, the status of participation in all of these conventions is considered relevant to the region’s environmental security. Table 1 showcases that status, displaying the year of entry into force for every member state regarding each instrument, with dashes used to indicate instruments that have not

been ratified as of April 2025. Since the objective of this section is to examine the extent of harmonization during the MoU's implementation period (i.e., after 2004), this display aims to showcase any relevant irregularities.

	Bahrain	Kuwait	Oman	Qatar	Saudi Arabia	UAE
SOLAS 74	1986	1980	1985	1981	1985	1984
LL 1966	1986	1968	1975	1980	1975	1984
LL Protocol 88	2015	2019	2000	2019	2019	2017
SOLAS Protocol 78	-	1981	1985	-	1990	1984
MARPOL 73/78	2007	2007	1984	2006	2005	2007
STCW 78	1996	1998	1990	2002	1991	1984
COLREG 1972	1985	1979	1985	1980	1978	1983
TONNAGE 69	1986	1983	1990	1986	1982	1984
ILO No.147	-	-	-	-	-	-
BUNKERS 2001	2017	-	2020	-	2019	2021
CLC Protocol 92	1997	2005	1996	2002	2006	1998

**Table 1. Status of ratification of relevant instruments to the Riyadh MoU and the year of entry into force by member state (ILO and Status of IMO Treaties, as of 24 July 2024).**

Starting with the IMO treaties, member states were already adhering to some of the major maritime conventions prior to signing the Riyadh MoU, such as SOLAS 74, the Load Lines Convention of 1966, the Convention on the International Regulations for Preventing Collisions at Sea of 1972 and more. However, there are other, equally significant conventions that were ratified much later or not at all to this day.

More prominently, MARPOL 73/78, the most important international instrument aiming at marine environment protection, was one of the later additions for all member states except for Oman. Saudi Arabia and Qatar eventually joined in 2005 and 2006, respectively, but three more states remained unmoved during the 3-year grace period provided by the Riyadh MoU. Ultimately, it was the GCC Council's Supreme Council<sup>34</sup> urging its members to accede to the convention in 2006, which seems to have motivated the remaining states to complete the ratification process.

As such, one would expect that by 2007, all members' authorities were following harmonized processes when it comes to MARPOL 73/78. However, close inspection reveals that there remain discrepancies regarding the Protocol of 1997 to amend MARPOL 73/78, which introduces Annex VI on the Prevention of Air Pollution from Ships. Except Saudi Arabia (2005), Kuwait (2007), and eventually, the United Arab Emirates, which joined much later in 2019, the three remaining member states have yet to accede to that instrument, allowing for inconsistencies during inspections on relevant matters.

Similarly, early on, the member states decided to harmonize their processes regarding the Protocol of 1992 that amended the International Convention on Civil Liability for Oil Pollution Damage, with the two remaining states, Kuwait and Saudi Arabia, joining in 2005 and 2006, respectively. For a long time, Oman was also the only MoU member

that complied with the Protocol to the International Convention on Load Lines of 1988, which significantly contributed to harmonizing the convention's survey and certification requirements with those of SOLAS and MARPOL.<sup>35</sup> It took Bahrain 11 years after signing the Riyadh MoU to follow suit, with the remaining members following as late as 2019. Progress has been even slower regarding the International Convention on Civil Liability for Bunkers Pollution Damager, which covers a critical regional issue. Four member states joined the convention between 2017 and 2019, while Kuwait and Qatar are still abstaining.

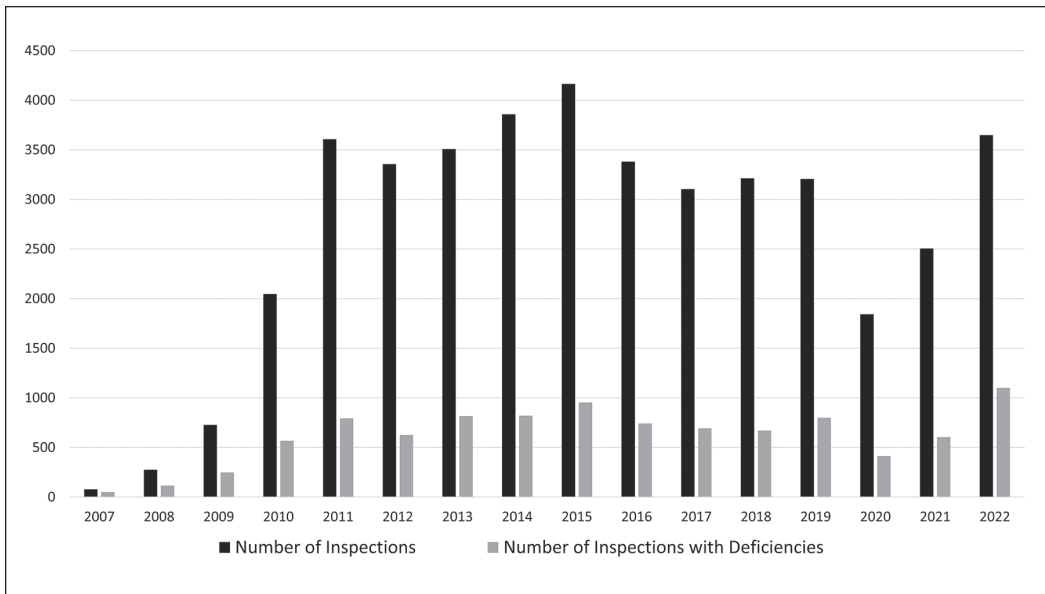
Finally, there is the issue of the Merchant Shipping (Minimum Standards) Convention of 1976 (No. 147), the single ILO treaty included on the list. As provided by Table 1, none of the Riyadh MoU member states have ratified this instrument. However, Annex 2 of the MoU provides that the authorities should apply the "Inspection of Labour Conditions On Board Ship: Guidelines for Procedure," which are guidelines to facilitate the application of the ILO Convention itself. Clearly the MoU members adhere to the guidelines, particularly when it comes to implementing the Conventions outlined in ILO No. 147 (Appendix), which they have individually ratified.<sup>36</sup> The presence of documented deficiencies reported by the states in the MoU's annual reports (Table 4) confirms that the GCC countries agree regarding the criteria and procedures pertaining to certain minimum labor standards during inspections at their ports.

In general, the MoU appears to have triggered or at least encouraged some level of harmonization among members, a fact that is also highlighted on an operational level by capacity-building initiatives organized under its auspices. The notion of joint training programs and seminars has been introduced by the MoU under Section 6, which has resulted in several sessions, workshops, and seminars being organized annually, aiming to educate and train the PSC officers. However, there are still institutional shortcomings and variations that allow for discrepancies in the inspections carried out by MoU member states.

### *3.3. Operational effectiveness of the MoU*

After signing the Riyadh MoU in June 2004, the participating maritime authorities agreed to a three-year grace period to achieve "an annual total of inspections corresponding to 10% of the estimated number of individual foreign merchant ships [...] which entered the ports of its State during a recent representative period of 12 months."<sup>37</sup> Therefore, since the MoU became effective in late 2004, no inspections were reported prior to 2007, with some rudimentary data available from that year. After a slow start of less than 100 documented inspections in all member states during 2007 (Figure 1), the numbers remained low for the next 2 years (2008–2009), with reported inspections and ships marked with deficiencies being fairly limited (1002 and 364 cases, respectively).

The first comprehensive inspection data available are from 2012, with the report of 2022 currently being the latest available, providing an 11-year period to examine the MoU's progress.<sup>38</sup> Examination of the collected data showcases an undoubtedly significant rise in both the number of inspections conducted and the deficiencies detected during the MoU's implementation period.



**Figure 1. Total Inspections and Inspections with Deficiencies (Riyadh MoU Annual Reports, 2012–2022).**

According to Figure 1, the number of inspections significantly rose after 2011 and stabilized at around 3,000–3,500 inspections per year (peak year: 2015–4,165 inspections), while the number of inspections with deficiencies rose accordingly, ranging from about 600 to more than 1,000 cases per year (peak year: 2022–1,100 cases).

In general, when compared to other MoUs, the Riyadh MoU is not only the youngest but also among the smallest, at least in terms of participating states. With the exception of the US Coast Guard PRC regime, only the Black Sea MoU has as few members as the Riyadh MoU, each counting six members. It is also on the lower side of the total conducted inspections, given that during the 2009–2019 period, the Riyadh MoU member states managed to surpass only the Caribbean and the Abuja MoU efforts.<sup>39</sup> However, these numbers make sense when taking into account the number of ports under an MoU’s area, the number of ships entering those ports, and, subsequently, the inspection quotas set by its members.

With these factors in mind, a more precise assessment of the regime’s efficiency can be conducted, thereby facilitating a clearer determination of its comparative standing among existing PSC regimes. Based on Xiao et al.,<sup>40</sup> who calculated the efficiency of all existing PSC regimes based on the number of inspections conducted, the number of ships with detected deficiencies, and the number of detained ships between 2009 and 2019, the Riyadh MoU could definitely do better. Notably, during the 11-year period, the Riyadh MoU maintained a low-efficiency position, ranking it second to last based on its average score.

Still, over the last 11 years (2012–2022), the states participating in the Riyadh MoU have conducted more than 35,000 inspections, detecting 8,240 ships with deficiencies (see Figure 1). Thus, it is apparent that they have gradually stepped up their efforts, even though there is always room for improvement.

*Signs of progress: achieving more with unrelenting effort.* While the Riyadh MoU does not rank particularly high when compared to other MoUs, relative efficiency does not define the

progress made among its own members. In fact, data included in the annual reports indicate that the PSC system of the GCC area has, in fact, become significantly more effective.

As mentioned, the number of inspections conducted under the MoU has been relatively stable, with a median of 3,253 inspections for the period 2012–2022. This stability can be attributed to several reasons, one of them being that this number could correspond to the aforementioned selection quota designated by the MoU.<sup>41</sup>

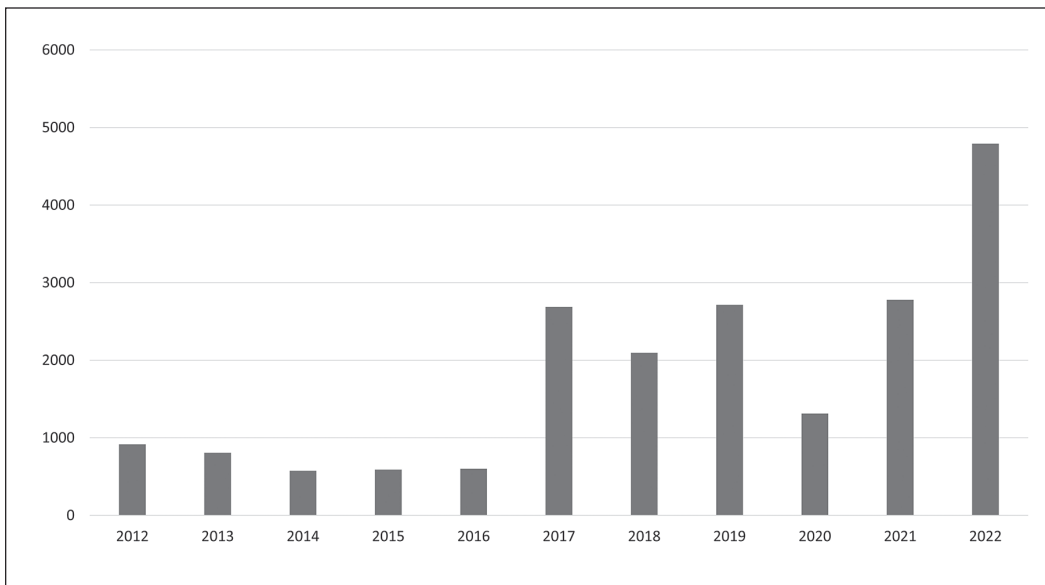
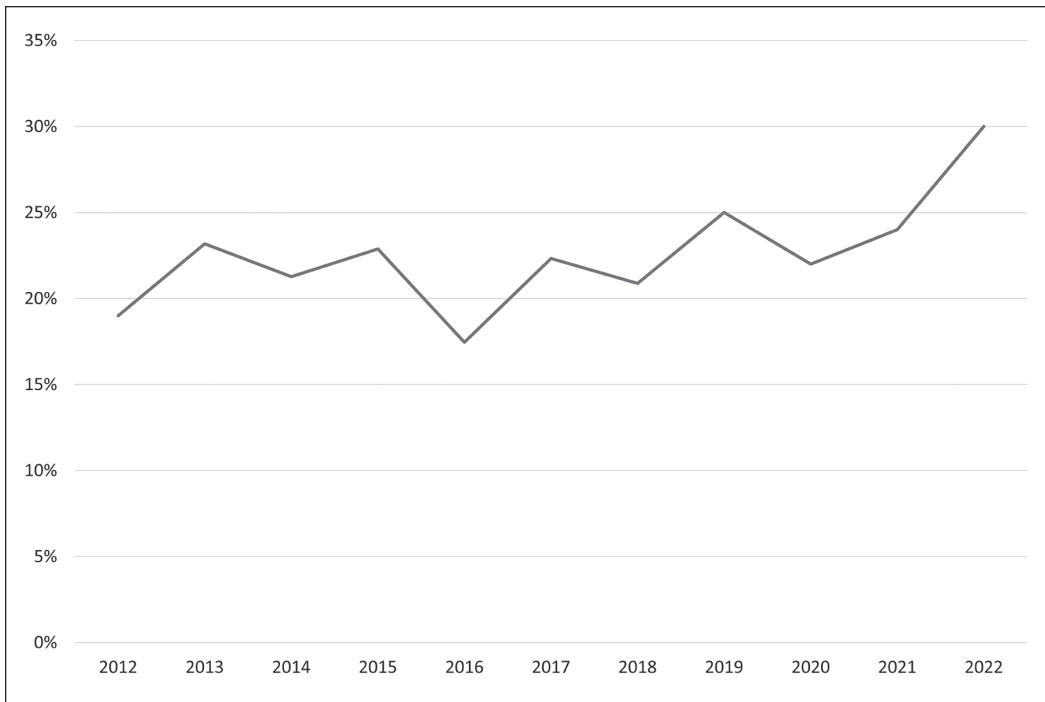
Moreover, even though inspections leading to the detection of deficiencies fluctuate in both absolute numbers and as a percentage of the inspected ships [Figure 2.(a)], they too are relatively stable, with a significant improvement noted in 2022. More specifically, during the last 11 years, the rate of ships inspected with at least one detected deficiency has ranged from 17% (2016) to 25% (2019) of the overall inspections, with 2022 recording an outstanding 30% of inspected ships having at least one deficiency. This results in an average 23% ratio of ships with deficiencies for inspected vessels over the 11 years reviewed.

While those numbers present a certain stability regarding the number of inspections carried out on a yearly basis, there is a very prominent rise in the number of detected deficiencies reported after 2017 (Figure 2.[b]). According to the data available from the Annual Riyadh MoU Reports, an average of 697 detected deficiencies was recorded between 2012 and 2016, with the median reaching 2,729 deficiencies from 2017 to 2022, almost four times higher than the previous period.

Considering that more than one deficiency can be detected on the same ship, this signifies that either the quality of ships entering the area's port has deteriorated or, more likely, there has been a significant improvement in the quality of inspections and the ability of PSC officers to detect those deficiencies. While this article does not assess the quality or quantity of the PSC officers, a suggestive association can be established between workshops conducted under the Riyadh MoU's auspices and a rise in related detected deficiencies. For instance, there was a significant rise in MARPOL-related deficiencies in 2016 after a Workshop on MARPOL Rules and Regulations conducted in April 2015—from 8.14% in 2015 to 22.17% of total detected deficiencies in 2016, which has been maintained to the latest report. Similarly, consecutive workshops conducted on the IMO International Safety Management Code in 2015 and 2016 have also been followed by a noteworthy increase in related deficiencies since then—from around 3% in those first years to 7%–8% in the two following years.

*Member States' Commitment: Lopsided Devotion.* Like every memorandum of understanding, the Riyadh MoU was founded on the belief that its participants can achieve more together than separately. Nevertheless, that belief does not necessarily imply equal or proportional efforts among its member states, a fact affirmed by their individual performance.

When focusing on the number of conducted inspections (Figure 3), three GCC countries are carrying the heaviest load: Saudi Arabia (KSA), the United Arab Emirates, and Qatar have conducted 94.55% (33,842 out of 35,792 inspections) of all Riyadh MoU inspections since 2012. Despite the reduction in the number of inspections by both KSA and the UAE during the years affected by Covid-19, these two countries alone still carry out 83.44% of the inspections in the region, while Qatar's contribution has been declining (from ~18% in 2012 to an average of less than 6% over the last three years—2020–2022). The fourth contributor is Oman, but it should be noted that the number of



**Figure 2. *top:* (a) Percentage of inspected ships with deficiencies; *below:* (b) Number of total deficiencies detected (Riyadh MoU Annual Reports, 2012–2022).**

inspections the Sultanate reports is highly unstable (average: 153 inspections per year, ranging from 25 to 300). The remaining two countries have a very limited contribution to the MoU’s performance, with Bahrain carrying out an average of 20 inspections per year and Kuwait approximately two.

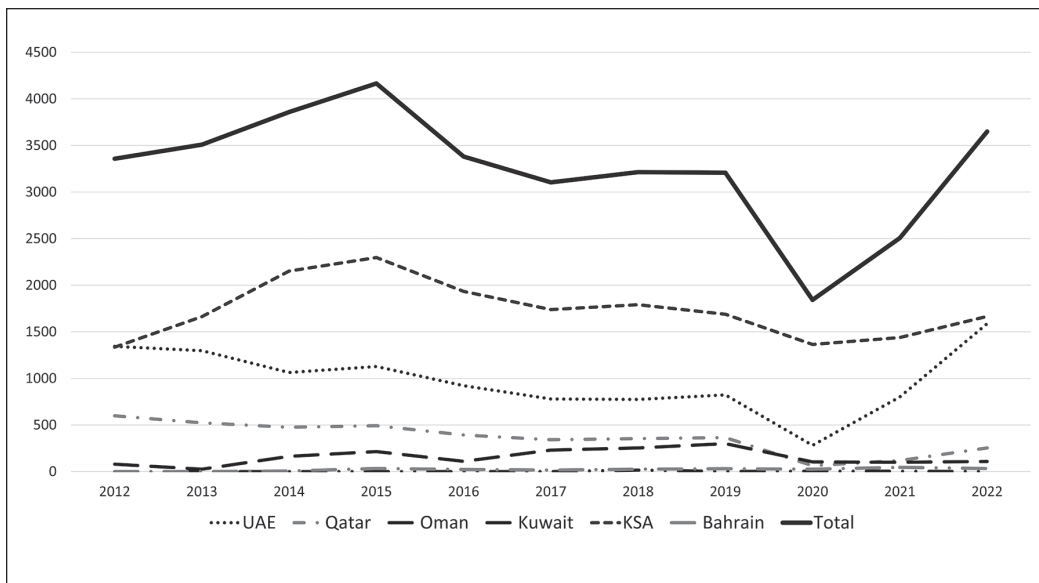


Figure 3. Number of inspections conducted per State (Riyadh MoU Annual Reports, 2012–2022).

Of course, it is understandable that the number of inspected ships will vary per state for reasons including, but not limited to, its coastline; the number of its ports; its population, which defines its import needs; its trade relations; and even hosting important events, like the World Cup hosted in Qatar in 2022 or the construction boom expected in Saudi Arabia over the next few years. On that basis, even a minimum number of inspections could be considered acceptable, but zero conducted inspections—which is the case for some members over the years—indicate inactivity. Still, all participating states are expected to adhere to the quantitative target set in the Riyadh MoU since joint effort and burden-sharing are considered high priorities for this kind of agreement.

While the number of inspections per state is one thing, one more relevant parameter worth considering when examining individual members' contributions is each state's level of efficiency. To that end, Table 2 showcases the number of conducted inspections and the percentage of inspected ships found with at least one deficiency.

	UAE		Qatar		Oman		Kuwait		KSA		Bahrain	
	Inspections No.	Ships with deficiencies %	Inspections No.	Ships with deficiencies %	Inspections No.	Ships with deficiencies %	Inspections No.	Ships with deficiencies %	Inspections No.	Ships with deficiencies %	Inspections No.	Ships with deficiencies %
2012	1344	20.9%	599	17.5%	79	27.9%	0	0%	1335	16.3%	0	0%
2013	1297	26.4%	523	24.7%	25	24%	0	0%	1663	20%	0	0%
2014	1063	27.6%	475	30.3%	163	52.8%	0	0%	2152	13.7%	6	16.7%
2015	1128	33.7%	492	27.2%	215	47.9%	0	0%	2297	14.9%	33	39.4%

	UAE		Qatar		Oman		Kuwait		KSA		Bahrain	
	Inspections No.	Ships with deficiencies %	Inspections No.	Ships with deficiencies %	Inspections No.	Ships with deficiencies %	Inspections No.	Ships with deficiencies %	Inspections No.	Ships with deficiencies %	Inspections No.	Ships with deficiencies %
2016	922	34.7%	393	33.1%	110	33.6%	0	0%	1933	12.7%	23	39.1%
2017	779	34.3%	341	31.1%	230	40%	0	0%	1738	12.9%	16	18.7%
2018	774	34.4%	354	33.3%	254	32.3%	16	43.8%	1791	10.8%	25	20%
2019	823	30.4%	365	27.4%	300	43.7%	1	100%	1688	18.1%	30	43.3%
2020	281	26.3%	63	22.2%	104	37.5%	4	50%	1364	20.5%	26	23.1%
2021	801	35.3%	118	32.2%	100	35%	3	0%	1439	16.7%	45	15.6%
2022	1588	42%	254	29.9%	109	25.7%	0	0%	1665	19%	33	0%

**Table 2. Number of conducted inspections and percentage of ships with deficiencies (Riyadh MoU Annual Reports 2012–2022).**

It should be noted that, in the case of states reporting a very small number of inspections, percentages are not indicative or have minimal impact on the overall PSC performance of the area. For instance, while Kuwait had a 100% success rate in 2019, that year, it conducted a single inspection. Similarly, Bahrain had a 16.7% success rate in 2014, which amounts to one ship with detected deficiencies.

There are several factors that could be responsible for such inconsistencies in performance, with the number of PSC officers per state and their ratio to that state's ports being the easiest to access (Table 3). As it turns out, discrepancies among the Riyadh MoU members cannot be attributed solely to the insufficient number of PSC officers. This is because, while the ratio of officers per port in two of the higher-performing states (Saudi Arabia and Qatar) exceeds one person per port, so does the ratio for the two lowest-performing states (Kuwait and Bahrain). Even Oman, which has the lowest ratio among members of the Riyadh MoU, can, despite its aforementioned variation on a yearly basis, boast a better effectiveness ratio than half of its fellow states. That said, Qatar, which has as many as 4.2 officers for each port within its territory, is still vastly behind Saudi Arabia, with almost half the number of officers per port.

	Number of Ports	Number of PSC Officers	Officers / Ports ratio
UAE	19	14	0.73
Qatar	5	21	4.2
Oman	11	5	0.45
Kuwait	4	10	2.5
KSA	12	32	2.66
Bahrain	4	6	1.5

**Table 3. Number of Ports, PSC Officers, and Officers/ Port ratio per state<sup>42</sup> (List of the Riyadh MoU Register of Port State Control Officers, 2022).**

Even among the top two performers, there is a noticeable difference in the rate of effectively detecting ships with deficiencies. More specifically, the UAE presents a much higher percentage of deficiencies with a lower number of inspections than Saudi Arabia. Indicatively, in 2022, despite having a far smaller officers-to-port ratio (see Table 3), and conducting fewer inspections than Saudi Arabia, the Emirates recorded more than double the number of ships with detected deficiencies.

This difference in performance can be attributed to reasons such as implementing a more sophisticated selection process—in accordance with the selection criteria included in Section 3.6 of the MoU—better trained or more PSC officers per inspection, better use of the data provided by the MoU's database, and more.<sup>43</sup> The fact is that the UAE has managed an overall better effectiveness percentage and a very close actual number of detected deficiencies to its southwestern neighbor.

Nevertheless, it is important to acknowledge that such differences in performance are anything but unexpected and have been detected among different MoUs, member states of the same MoU, and even PSC officers of the same state and, sometimes, the same port.<sup>44</sup>

*The effects of the Covid-19 pandemic.* While examining the effectiveness of the Riyadh MoU, it is crucial to consider the discrepancies observed during 2020–2021 due to the particular circumstances related to Covid-19. As it is widely known, the Covid-19 pandemic significantly affected not only the volume of maritime traffic,<sup>45</sup> but also the volume and quality of port state inspections worldwide.<sup>46</sup> Indeed, it has been noted that during the pandemic, surveys and services were difficult to organize due to the in-person element of inspections, while at the same time, ports, the shipping industry, and the supply chain faced significant challenges.<sup>47</sup> Moreover, seafarers faced difficulties with certificate extensions, while port restrictions complicated the boarding and repatriation of crews.<sup>48</sup> As a result, special measures were agreed upon and implemented with the guidance of the IMO.<sup>49</sup>

Despite general restrictions on the movement of people, maritime transportation of essential goods and merchandise remained essential throughout the pandemic but was undoubtedly severely affected. According to UNCTAD,<sup>50</sup> cargo ship port calls alone decreased by -5.1% starting from week 12 of 2020 compared to 2019, with the percentage deteriorating throughout the second and third quarters of the year, at some point reaching -8.3%. Eventually, the drop decreased to -4.7% during the final quarter, when lockdowns started to be replaced with more relaxed measures, but these percentages range widely among different types of cargo vessels.

Unexpectedly, vessels calling at ports saw an overall increase for the two most active members of the Riyadh MoU during 2020, namely Saudi Arabia (0.8%) and the UAE (1.8%).<sup>51</sup> At the same time, the West Asia area, where the six MoU member states are included, fared much better than the rest of Asia and the world.<sup>52</sup> However, the operations of the Riyadh MoU did not remain unaffected by the pandemic, with some members opting to close their ports completely to passenger vessels during 2020, while cargo ships continued calling under restrictions.<sup>53</sup>

Even so, the extraordinary measures dictated by the IMO and the obstacles posed during in-person inspections took their toll; both the number of physical inspections and detected deficiencies dropped drastically in 2020: -42.55% and -48.25%, respectively, compared to 2019.<sup>54</sup> Still, the MoU managed to preserve its efficiency, given that the percentage of inspected ships with deficiencies remained at 22%, which is not so far from the 23.8%

median of the period under investigation, a fact that reveals the devotion and professionalism of the maritime authorities to carry out their tasks under challenging circumstances.<sup>55</sup>

The situation showed some improvement in 2021 (2,506 inspections, 604 cases of deficiencies, and 24% of ships with detected deficiencies), but the numbers still lacked comparison to the 2012–2019 period (see Figures 1 and 2[a]).<sup>56</sup> However, they seem to have been rectified in 2022, with 3,649 inspections and 1,100 ships with deficiencies.

Another interesting observation over the Covid-19 pandemic (2019–2022) was the drastic rise reported in crew-related detected deficiencies, as shown in Table 4. More specifically, the average of those deficiencies for this period amounted to 18.27% of total detected deficiencies (peak year: 2022–26.21%), almost triple the performance of the previous four-year period (2015–2018, average: 6.55%).

	Crew Certificates*	Living Conditions**	Working Conditions**	Total crew-related deficiencies %
2012	-	2.37%	3.88%	6.25%
2013	-	2.71%	4.55%	7.26%
2014	-	-	1.27%	1.27%
2015	-	0.55%	0.11%	0.66%
2016	-	0.61%	1.46%	2.07%
2017	5.58%	1.75%	4.43%	11.76%
2018	3.80%	2.20%	5.70%	11.70%
2019	3.32%	2.03%	6.75%	12.10%
2020	2.06%	2.82%	6.33%	11.21%
2021	3.85%	7.48%	12.23%	23.56%
2022	3.84%	10.73%	11.64%	26.21%

**Table 4. Crew-related detected deficiencies under the Riyadh MoU, as a percentage of all detected deficiencies (Riyadh MoU Annual Reports, 2012–2022).**

\*The code referring to the crew certificates was only introduced in 2017, so no deficiencies were reported before that year.

\*\*Over the years, multiple codes have been used by the MoU members to register deficiencies related to seafarers’ rights. Specifically, from 2012 to 2014, the codes used were: (a) 0300–Crew and accommodation (ILO 147), (b) 0400–Food and catering (ILO 147), (c) 0500–Working spaces (ILO 147), (d) 0800–Accident prevention (ILO 147) and (e) 1300–Mooring arrangements (ILO 147). For the period 2015–2016, code 1300 was maintained, while all codes related to the crew’s living conditions were included under the newly introduced code 18300—Labour Conditions—Accommodation, recreational facilities, food and catering. Finally, since 2017 and up to this date, three new codes have replaced all preexisting codes, namely: (a) 1200–Certificate & Documentation–Crew Certificates, (b) 9100–Working and Living Conditions–Living Conditions, and (c) 9200–Working and Living Conditions–Working Conditions. For the purposes of Table 4, all deficiencies related to living conditions (0300, 0400, 18300, and 9100) will be listed under “Living Conditions,” while all deficiencies related to working conditions (0500, 0800, 1300, and 9200) will be listed under “Working Conditions.”

The percentage has started to rise since 2017, with a slight rise recorded during 2019, the first year of the pandemic. However, the years accounting for the outbreak’s aftermath— notably 2021 and 2022—showcase a significantly higher percentage of crew-related deficiencies, 23.56% and 26.21%, respectively. These findings are consistent with results based on other MoU reports, which, according to Yan et al.,<sup>57</sup> are the product of the fact that port

states became more focused on seafarers' well-being due to the adverse effects of the pandemic, both on their living conditions and their repatriation and on their mental health and stress levels. However, a broader timeframe is necessary to decide whether this shift is here to stay or a passing trend.

## IV. Discussion

When assessing the impact of the Riyadh MoU on the region's environmental security, it is important to consider its geographical coverage. This is especially significant since pollution often transcends national borders, particularly in the marine environment. In the GCC area, a semi-enclosed sea that includes two Special Areas under MARPOL and is home to the top crude oil-producing countries of the Middle East, the stakes are even higher.<sup>58</sup> As a result, the absence of two littoral states—Iran and Iraq—from the Memorandum has not gone unnoticed.

Even though ROPME is serving as an institutional link between the MoU's participants and the two remaining Gulf states, the latter's absence clearly creates a gap in the MoU's spatial implementation. And, while Iraq only accounts for 66 km of coastline, Iran boasts a significant 2781 km of coast, making it the state with the longest coastline in the region. Nevertheless, the differences between the two states and the impact of their absence go far beyond the trivial matter of coastline length, actually translating into a series of inconsistencies in inspection protocols, lack of institutional harmonization, and, most importantly, lack of cooperation and exchange of information.

Out of the two, Iraq's contribution to the region's marine environmental protection is less evident. However, the state has started showing institutional commitment. Although it is still not a party to two international regimes listed under the Riyadh MoU, it proceeded to ratify the rest of the instruments related to PSC regulations, though only recently, signing the treaties between 2018 and 2025.<sup>59</sup> Considering that it does not participate in any PCS regime, there is also no accessible record of any inspections conducted in its ports or deficiencies detected.

Iran, on the other hand, is presumably more active in matters related to PSC inspections, having ratified all relevant instruments included in the Riyadh MoU. The fact that it is a member of the Indian Ocean PSC MoU also substantiates that the state occupying the eastern shores of both the Arabian Gulf and the Gulf of Oman is indeed implementing a PSC system. However, any findings that might be of interest to safeguard the region's environmental security are of limited use to the rest of the states in the area since, up to this date, PSC data has been mostly available to the members of a certain MoU,<sup>60</sup> with different MoUs showcasing diverse levels of transparency when publicly sharing inspection results outside their auspices. When combined with the differences in used terminology among MoUs, it is almost impossible for authorities to benefit from the results of inspections conducted by port states outside their MoU.<sup>61</sup>

On that note, and since Annex 10 clearly allows for new additions, the Riyadh MoU could benefit from extending its membership to Iraq and Iran. This would improve both efficiency and harmonization in the MoU's implementation area, especially since the former is currently not participating in any of the existing MoUs. As for the latter, membership in more than one MoU has occurred before.

Institutional cohesion is a more straightforward issue, with the member states' different statuses and ratification dates on several relevant international regimes creating gaps in the harmonized conduct of inspections and threatening the MoU with dissimilar inspection outcomes. This situation also implies that a port authority has to accept that the inspections conducted by other states' authorities are equal to its own or are of adequately high quality, at least for ships that have not been detected with any deficiencies.<sup>62</sup> This is a prerequisite to fulfill the goals of the MoU, which, apart from ensuring that international standards are adhered to by ships entering the area, also entails avoiding unnecessary inspections on the same ship. This is not a problem solely acknowledged in the Riyadh MoU; it is a source of concern in many PSC regimes since inconsistent inspection practices can undermine the effective implementation of regulations and create unfair competition within the region,<sup>63</sup> which could eventually lead to the establishment of Ports of Convenience.

Expanding the list of relevant instruments is also a strategy that could ameliorate the outcomes of the Riyadh MoU efforts to maintain the safety and security of navigation and the environment in the GCC region. The issue has come up at quite a few annual PSC Committee meetings, leading to the addition of three more instruments to the original list.<sup>64</sup> However, several significant conventions already endorsed by other PSC MoUs have still not made the official Riyadh MoU's relevant instruments list.

Among them, the ILO Maritime Labour Convention of 2006 (MLC 2006) stands out. The long-awaited convention, which aims at securing both seafarer's and ship-owners rights and obligations, is an international legal instrument that applies to labor conditions of one of the biggest globalized industries in the world.<sup>65</sup> It also provides Regulation 5.2, which aims at further defining the rights and obligations of port states during inspections. According to Fotteler et al.,<sup>66</sup> as of 2017, the level of ratification of this instrument among the members of the nine MoU regimes operating in the world is quite diverse. Three MoUs have 70% or more of their members who have adopted the Convention, four regimes show medium levels of acceptance, and two, including the Riyadh MoU, have minimal acceptance (50% or lower). Due to the importance of the MLC 2006, there have been efforts under the MoU since 2012 to encourage its members to ratify the Convention, including a workshop offered by the Director of International Labor Standards at the ILO, aiming to present the benefits of the newest treaty.<sup>67</sup> However, as of today, only Oman has ratified the MLC 2006, enforcing it since March 2023.

The MoU has also been encouraging its members to ratify the IMO International Convention for the Control and Management of Ships' Ballast Water and Sediments of 2004 (BWM), an essential instrument for fragile ecosystems such as the Gulfs Area. After the entry into force of the convention for Saudi Arabia, the UAE, and Qatar, the MoU even organized a Workshop on the Ballast Water Management Convention in 2018. Oman also recently proceeded to ratify the BWM (May 2022). However, because the convention is of utmost importance to the marine environment, aiming to control and prevent the transfer of harmful aquatic organisms and pathogens that can significantly impact semi-enclosed seas where water circulation is usually limited,<sup>68</sup> efforts to encourage the two remaining member states to accede should continue.

Additionally, the International Convention on the Control of Harmful Anti-Fouling Systems on Ships of 2001 (AFS 2001) and the Nairobi International Convention on the

Removal of Wrecks (Nairobi WRC 2007) could complete the list. Currently, only Oman and Saudi Arabia have ratified those instruments.

Finally, the Riyadh MoU could also benefit from expanding the regime's spatial implementation to include permission to conduct inspections on ships calling at offshore installations operating in the member states' continental shelf or their EEZ, correspondingly to the EU Directive 95/21/EC of 19 June 1995, which extends that right to its members. According to Article 60 of the LOSC, the coastal state has exclusive jurisdiction over such installations, including on matters regarding customs, fiscal, health, safety, and immigration laws, while a safety zone can be established around the installation that cannot exceed 500 meters in breadth. Applying the right to inspect ships voluntarily calling at those installations could significantly increase the number of inspected ships and reduce the possibility of ships with deficiencies traveling through the area uninspected.

Moving on to the MoU's operational effectiveness, several good practices that are applied by the regime can be credited for impacting the quality and quantity of inspections conducted in the GCC area. More specifically, the MoU has been known to consistently conduct training sessions and workshops for its members' authorities, while there is also evidence throughout the years that PSCOs from the Riyadh MoU were invited and attended training sessions organized by other MoUs. Even during Covid times, the MoU Secretariat continued conducting its training workshops virtually,<sup>69</sup> following the IMO guidelines to eliminate unnecessary risks related to the pandemic, by promoting remote procedures whenever possible.<sup>70</sup>

Additionally, the regime organizes Concentrated Inspection Campaigns (CICs), a coordinated strategy adopted across most PSC MoUs to enhance the focus of inspections thematically. CICs are usually carried out over a fixed three-month period and target specific areas of concern, such as fire safety, compliance with MARPOL, or working and living conditions. These campaigns serve two purposes: raising awareness among ship operators and crews and generating regionally comparable data on compliance in these crucial areas. Inspection officers follow a mutually agreed-upon standardized checklist, ensuring consistency and enabling statistical comparison. Thus, CICs have become instrumental in improving the overall effectiveness of port state inspections by highlighting recurring deficiencies and facilitating future policy adjustments across MoU regions.

Recent academic work has sought to further optimize CICs by applying advanced data analysis tools to better target inspection priorities. Notably, the use of grey relational analysis and TOPSIS (Technique for Order Preference by Similarity to Ideal Solution) could be used as decision-making aids to identify high-risk ships and concentrate inspection resources more effectively.<sup>71</sup> Such models highlight the potential of CICs not only as tools of coordination among MoU participants but also as proactive mechanisms that can help bridge enforcement gaps and maximize the impact of limited resources.

In the case of the Riyadh MoU, while its annual reports confirm participation in CICs—often in coordination with other regional MoUs—it does not appear to publicly disclose detailed strategies or checklists. This contrasts with practices observed in regimes such as the Paris MoU, which not only publishes its annual CIC topics in advance but also shares overall results and evaluation documents after its campaign's conclusion, contributing to greater transparency and data sharing.<sup>72</sup> As such, the Riyadh MoU could benefit from adopting similar practices, which would not only strengthen inspection outcomes but also increase the validity of the regime, regionally and internationally.

One interesting suggestion that has been introduced by the IMO during the Covid-19 pandemic—but shows prospects of becoming a more solid process—is the application of remote procedures by PSC authorities. What began as a guide to implementing safety control measures and reducing risk by conducting inspections remotely when possible,<sup>73</sup> has the potential to become routine with the aid of digitization and technological advancements.<sup>74</sup> This would allow better real-time communication between all interested parties—including classification societies, shipping companies, the vessels’ crew, flag states, and port states.<sup>75</sup> It could also enhance accountability of PSC officers, thus lessening the subjective element of individual officers, since all proceedings and results of an inspection would be available online and accessible for review. Finally, it could promote efficiency, by eliminating the time needed to board and physically inspect a vessel or—in the case of PSCOs that are appointed to more than one facility—the time to travel from one port to another. And, while on-site inspections cannot be completely eliminated, remote inspections could be introduced as an alternative to follow-ups—for example, to check certificate renewals—or as a preliminary procedure to determine whether further investigation is required.

Applying a different selection regime could also benefit the Riyadh MoU’s contribution to the area’s environmental security. Currently using a risk-based selection system to carry out inspections on a specific percentage of all ships calling at their ports, Xiao et al. suggest that the New Inspection Regime (NIR)—originally introduced by the Paris MoU in 2011—might increase the Riyadh MoU’s effectiveness in overall detected deficiencies, a notion that its members are presently in the process of developing.<sup>76</sup>

Practically, the NIR readapts the way port state inspections are prioritized. Rather than relying on inspection quotas or random selection, it uses a data-driven ship risk profile to determine inspection frequency and targeting. Ships are categorized as high, standard, or low risk based on multiple parameters including flag performance, company history, prior inspection information, and ship type.<sup>77</sup> The regime then instructs member states to inspect ships according to their risk profile in time intervals that ensure regular and proportionate coverage. As a result, the NIR is designed to maximize the use of inspection resources by focusing the participants’ efforts on ships posing the highest risk to the purposes of the MoU.

Such a system could substantially increase both the efficiency and deterrent effect of inspections in the Gulf region. Additionally, it would support creating a banning mechanism whereby persistently high-risk vessels could be denied access to the area, a tool that is currently being implemented in the Paris, Indian Ocean, and Black Sea MoUs.<sup>78</sup>

However, transitioning to the NIR system would entail enhanced efforts by all member states, since, unlike quota-based systems, it primarily requires that every vessel entering the area of application has been inspected by any member state during a specific period of time. It also relies on timely data-sharing and accurate updating of inspection records across port state authorities. These requirements raise challenges for non-legally binding regimes like the Riyadh MoU, which do not impose enforceable obligations on their members. Subsequently, it is ultimately the participating states that will decide whether the new selection regime is a reason to enhance their efforts or not.

Regarding the exchange of information and the harmonization among member states and among different PSC MoUs, the IMO has initiated discussions to create an overarching database with related web services to bolster coordination efforts. The international

organization has also proposed to standardize inspection procedures among all nine MoU regimes, effectively solving the matter of dissimilar standards and processes applied among different ports.<sup>79</sup> The Riyadh MoU has agreed in principle on both of these topics,<sup>80</sup> but it is unknown how long it would take for the database to become operational or to what extent the harmonization is possible when it comes to operational processes, since institutional inconsistencies are still at play. Until then, the Riyadh MoU has proceeded to finalize agreements for data exchange with EQUASIS and IHSM, which has since merged with S&P Global,<sup>81</sup> two independent databases that could vastly enhance information on ships entering the MoU's ports.

It is clear that the IMO initiative would solve the problem of the lack of cooperation with bordering states that participate in other PSC regimes and enhance the existing cooperation among MoUs in general, especially those in neighboring regions. In the case of the Riyadh MoU, apart from the Indian Ocean MoU, the Med MoU is also of interest due to its proximity and the complexity of marine ecosystems, but further cooperation with MoUs in other regions can also be beneficial.

This process has been initiated by giving and obtaining observer's status to other MoUs,<sup>82</sup> which has already resulted in the exchange of know-how in the form of PSCOs attending training sessions organized by other regimes and could escalate to sharing detailed inspection data, a process that would undoubtedly optimize the PSC processes across different regimes.<sup>83</sup> The observer status has also been extended to relevant organizations other than the IMO and ILO, such as ROPME, and could be supplemented by the Regional Organization for Conservation of the Environment of the Red Sea and Gulf of Aden (PERSGA). Such organizations that focus on protecting the marine environment can contribute by sharing scientific knowledge and information with the MoU's members.

If all the IMO's plans consolidate efficiently, especially regarding the harmonization of standards and processes, it is only logical to assume that existing PSC regimes will have less of an institutional role but will definitely maintain the role of coordinating and training their members' authorities. This is a critical aspect of PSC MoUs because the environmental particularities of each area may call for focused efforts and specific CICs in order to be effective and efficient.

## V. Conclusions

The analysis above highlights the advancements and ongoing challenges faced by the Riyadh MoU. Operational performance has, indeed, improved over the years and there are signs of alignment regarding the institutional frameworks. However, disparities in member state engagement, capacity, and effectiveness continue to hinder the overall impact of the regime. More specifically, although significant progress has been made on the enhancement of the Riyadh MoU's institutional harmonization, with member states having ratified several relevant instruments since 2004, there are still actions that could be taken on that front. To this end, the 19th annual meeting of the Riyadh MoU Committee, held in February 2022, announced its intention to harmonize inspection standards and processes among member states' authorities,<sup>84</sup> an endeavor that is still in progress.

When examining the Riyadh MoU's operational effectiveness, it is crucial to recall that it is the youngest and one of the smallest PSC regimes established to enhance the enforcement of international regulations regarding safety in the shipping industry, the protection of the marine environment, and the rights of seafarers across the world. With only six member-states, 55 ports, and a combined coastline of approximately 7,200 km,<sup>85</sup> the MoU covering the GCC area has come a long way since its inception, both in operational and institutional effectiveness.

Making a slow start, with no inspections reported during the grace period provided to its members (2004–2006) and limited inspections conducted from 2007 to 2009, the numbers have risen significantly over the following years, seemingly stabilizing around 3,000–3,500 inspections across all members, on an annual basis, between 2012 and 2022. More importantly, the member states seem to have become much better equipped to detect deficiencies in ships entering their ports (see Figure 1), which is one of the main goals of any PSC MoU, and the reason why these regimes are considered central to the environmental security of the area in which they operate.

However, progress has not been proportional among the participating states, with two members, Saudi Arabia and the United Arab Emirates, carrying out the majority of inspections and recording the most deficiencies detected in the region. This uneven distribution may be interpreted as a free-rider problem, an issue that is anything but uncommon in international agreements and is closely associated with environmental regimes.<sup>86</sup> Traditionally associated with the provision of public goods, the free-rider problem arises when actors benefit from the efforts or contributions of others without proportionately contributing themselves.<sup>87</sup> In the context of the Riyadh MoU, this manifests in certain member states—most notably Kuwait and Bahrain—conducting significantly fewer port state control inspections than others, despite formally committing to a shared target, namely inspecting at least 10% of ships calling at their ports.

While the Riyadh MoU is not a legally binding treaty, it does establish a framework for cooperation. However, in the absence of formal legal enforcement mechanisms, compliance relies heavily on mutual trust, political will, and peer accountability.<sup>88</sup> When some states fail to meet their commitments—whether due to limited capacity, lack of prioritization, or other challenges—they nonetheless reap the collective benefits of the regime, which include safer shipping conditions in the region and reduced environmental risks from substandard vessels.<sup>89</sup> Meanwhile, the burden of upholding the regime's credibility and effectiveness falls disproportionately on the more active members. Eventually, this dynamic illustrates a core tension in voluntary regimes such as MoUs: they aim to foster cooperation in the absence of binding enforcement but remain vulnerable to asymmetries in effort and results.

In the context of the Riyadh MoU, while the PSC officers-to-port ratio is one measurable parameter, outcomes resulting from Table 3 show that there are more important aspects that can affect a state's effectiveness. Indicatively, the UAE has the second lowest officers-to-port ratio (0.73) among the MoU members but had the highest inspections with deficiencies ratio in 2022, based on the annual report. At the same time, Saudi Arabia, an equally, if not more, active member, has the highest ratio of officers per port (2.66), which is only slightly higher than that of Kuwait (2.5), one of the lowest performers.

This observation helps remind us that, similarly to the number of inspections, quantitative data are helpful and telling, but there are qualitative aspects that should also be

considered. Apart from the established institutional discrepancies, evidence from other MoUs suggests that differences in the ship selection process, the level of the country's overall development, the professional profile of individual PSC officers, and even the number of officers present per inspection can all differentiate the inspection outcomes among members of the same MoU, or even different ports of the same member.<sup>90</sup> Specifically, in the case of the Riyadh MoU, complexities in harmonization, both institutional and practical, have been identified as a significant problem for its overall effectiveness,<sup>91</sup> making it apparent that the regime would benefit greatly from addressing them.

Oman, in particular, is an indicative example of the need to enhance regional cooperation to ensure the protection of the marine environment of the GCC region. The southern member of the MoU is operationally fairly active, conducting varying numbers of inspections over the years, and is one of the most active participants on an institutional level, being among the first to ratify relevant instruments. However, it has not effectively established the second Special Area recognized since October 15, 2004, under MARPOL (MEPC.117[52]), the Oman area of the Arabian Sea.<sup>92</sup> This struggle stems from the fact that, despite the recognized sensitivity of the area regarding oil contamination, Oman faces challenges in providing port facilities equipped to manage wastes generated by ships, a fact that was accentuated by the Supreme Council's Closing Statement of the Twenty-Seventh Session.<sup>93</sup>

Regarding the impact of the Covid-19 pandemic, this was found to be similar to other regimes around the world, with no calls from passengers' ships at the MoU's ports for a significant part of 2020 and seafarer's rights gaining attention and importance during inspections. However, the region covered by the Riyadh PSC MoU was found to have performed better than other areas in Asia and globally in terms of the number of ships calling ports,<sup>94</sup> a fact that was attributed to the higher demand for goods transferred by cargo ships. The MoU has also managed to maintain a stable effectiveness ratio in terms of the total inspections to ships with deficiencies percentage, indicating that, despite the difficulties faced, the members were able to adapt and rise to the occasion.

Overall, despite the fact that the MoU has been deemed relatively ineffective when compared to its peers,<sup>95</sup> the significance of establishing cooperation in the Gulf area, which has been plagued by discord and mistrust among states for years, is imperative. The importance of strengthening regional cooperation and facilitating further coordination on matters of common interest, such as the environment, is a trait that is much needed in the region and should not be underestimated.

## Notes

1. Mentions of the connection and Observer status of the GCC can be found in the "Forward" and "Chairman's Message" sections of the Riyadh MoU, *Annual Reports, 2012–2022*, <https://riyadhmou.org/annual-report/>, accessed April 25, 2025.

2. Riyadh MoU, *Annual Report 2004*, Riyadh Memorandum of Understanding (2004), <https://riyadhmou.org/annual-report/>, accessed April 25, 2025.

3. "Sea Transportation," *The Cooperation Council for the Arab States of the Gulf*, n.d., <https://www.gcc-sg.org/en-us/CooperationAndAchievements/Achievements/EconomicCooperation/CooperationintheFieldofTransportationandCommunications/Achievements/Pages/SeaTransportation.aspx>, accessed August 20, 2024.

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Sheppard (ed.), *World Seas: An Environmental Evaluation*, 2nd ed., vol. 2, (Amsterdam, NL: Academic Press, 2019), pp. 1–23, <https://doi.org/10.1016/B978-0-08-100853-9.00001-4>.

5. The Gulfs area—including the Arabian Gulf and the Gulf of Oman—was the first to be established and designated as Special Areas under MARPOL Annexes I (Oil) and V (Garbage), during the adoption of the 1973 MARPOL Convention on November 2, 1973. Annex I entered into force on October 2, 1983, and Annex V on December 31, 1988. Stricter measures were applied to the area after August 1, 2008 (MEPC.168(56)). The second Special Area, the Oman area of the Arabian Sea, was added under Annex I on October 15, 2004 (MEPC.117(52)), but it has not yet entered into force due to the lack of appropriate reception facilities provided by Oman.

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10. *Ibid.* 2009, pp. 553–557.

11. Hulme 2009, pp. 3–26.

12. Vaughan et al. 2019, pp. 1–23.

13. George C. Kasoulides, *Port State Control and Jurisdiction* (Leiden, NL: Brill Nijhoff, 1993), pp. 110–141, <https://doi.org/10.1163/9789004632608>; Oya Özçayir, “The Use of Port State Control in Maritime Industry and the Application of the Paris MoU,” *Ocean & Coastal Law Journal* 14(2) (2008), pp. 201–239, <http://digitalcommons.maine.edu/oclj/vol14/iss2/4>, accessed July 15, 2024; Armando Graziano, Pierre Cariou, Francois-Charles Wolff, Maximo Q. Mejia Jr. and Jens-Uwe Schröder-Hinrichs, “Port State Control Inspections in the European Union: Do Inspector’s Number and Background Matter?” *Marine Policy* 88 (2018), pp. 230–241, <https://doi.org/10.1016/j.marpol.2017.11.031>.

14. “United Nations Convention on the Law of the Sea,” *International Legal Materials* 21, no. 6 (November 1, 1982), pp. 1261–1354, art. 94, para. 3, <https://doi.org/10.1017/s0020782900057363>.

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16. International Maritime Organization (IMO), “Port State Control,” *IMO Member State Audit Scheme*, <https://www.imo.org/en/ourwork/msas/pages/portstatecontrol.aspx>, accessed August 10, 2024.

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26. Molenaar 2021.
27. Despina Kiltidou, “From the Flag State Duty for Inspections to the Remote Port State Control: The Necessity for Distant Controls,” *TransNav, the International Journal on Marine Navigation and Safety of Sea Transportation* 14(4) (2020), pp. 963–968, <https://doi.org/10.12716/1001.14.04.22>; Molenaar 2021.
28. Özçayir 2008, pp. 201–239.; Bolat and Alpaslan 2021, pp. 224–246.
29. Li and Zheng 2008, pp. 61–71; Molenaar 2021.
30. Li and Zheng 2008, pp. 61–71; Özçayir 2008, pp. 201–239.
31. Graziano et al. 2018, pp. 230–241.
32. Saiful Karim, *Prevention of Pollution of the Marine Environment from Vessels* (Switzerland: Springer International Publishing, 2015), pp. 1–14, <https://doi.org/10.1007/978-3-319-10608-3>.
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34. The Supreme Council’s Closing Statement of the Twenty-Seventh Session, 9–10 December 2006, stated: “The Council underscored the importance of accession of GCC Member States that have not yet acceded to the MARPOL agreement to accede to the agreement in order to protect the marine environment.”
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36. The Appendix of ILO Convention No. 147 lists several individual Conventions that apply to seafarers. Members of the Riyadh MoU have ratified several of those Conventions, thus making their provisions applicable in their territories; International Labour Organization, *Ratification by Convention*, <https://normlex.ilo.org/dyn/normlex/en/f?p=1000:12001>, accessed October 11, 2024.
37. Riyadh Memorandum of Understanding on Port State Control (2004), Section 1, para 3.
38. Despite the fact that some earlier data are available prior to this 11-year period, the authors have decided only to include basic information—(a) Total Inspections, (b) Inspections with Deficiencies—for the period 2007–2011 in Figure 1, in order to showcase progress achieved since the initial stages of the MoU’s implementation. Due to the fact that these earlier data were scarce and scattered throughout later reports, data collected only from 2012 have been taken into account during the MoU’s assessment to maintain the results’ homogeneity.
39. Mantoju 2021, pp. 132–145.
40. Yi Xiao, Guanqiu Qi, Mengjie Jin, Kum Fai Yuen, Zhuo Chen, and Kevin X. Li, “Efficiency of Port State Control Inspection Regimes: A Comparative Study,” *Transport Policy* 106 (2021), pp. 165–172, <https://doi.org/10.1016/j.tranpol.2021.04.003>.
41. Riyadh Memorandum of Understanding on Port State Control (2004), Section 1, para. 3.
42. Most Officers are registered to all ports of a state, but certain ports have specifically appointed PSC Officers (Riyadh MoU Register of Port State Control Officer’s, 2022). Therefore, the officers per port ratio included in the table is indicative only.
43. Graziano et al. 2018, pp. 230–241; Honniball 2019, pp. 19–54; Francisco Piniella, Juan Ignacio Alcaide and Emilio Rodriguez-Diaz, “Identifying Stakeholder Perceptions and Realities of Paris MoU Inspections,” *WMU Journal of Maritime Affairs* 19(1) (2020), pp. 27–49, <http://dx.doi.org/10.1007/s13437-020-00193-0>; Xiao et al. 2021, pp. 165–172.
44. Özçayir 2008, pp. 201–239; Piniella et al. 2020, pp. 27–49; Molenaar 2021; Xiao et al. 2021, pp. 165–172; Yan et al. 2022, pp. 82–103.
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*Transport: Navigating the Crisis and Lessons Learned* (Geneva: UNCTAD, 2022), [https://unctad.org/system/files/official-document/tcsdtlinf2022d1\\_en.pdf](https://unctad.org/system/files/official-document/tcsdtlinf2022d1_en.pdf), accessed on April 25, 2025.

46. Bolat and Alpaslan 2021, pp. 224–246. Xiao et al. 2021, pp. 165–172; Yan et al. 2022, pp. 82–103.

47. United Nations Conference on Trade and Development (UNCTAD), *COVID-19 and Maritime Transport: Impact and Responses* (Geneva: UNCTAD 2024), [https://unctad.org/system/files/official-document/dtltlbinf2020d1\\_en.pdf](https://unctad.org/system/files/official-document/dtltlbinf2020d1_en.pdf).

48. Bolat and Alpaslan 2021, pp. 224–246; Yan et al. 2022, pp. 82–103.

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50. UNCTAD 2022.

51. *Ibid.*

52. UNCTAD 2022; Riyadh MoU, *Annual Report 2021*, Riyadh Memorandum of Understanding, <https://riyadhmou.org/annual-report/>.

53. Riyadh MoU, *Annual Report 2020*, Riyadh Memorandum of Understanding, <https://riyadhmou.org/annual-report/>.

54. *Ibid.*

55. Riyadh MoU, *Annual Report 2022*, Riyadh Memorandum of Understanding, <https://riyadhmou.org/annual-report/>.

56. Riyadh MoU, 2021.

57. Yan et al. 2022, pp. 82–103.

58. Vaughan et al. 2019, pp. 1–23.

59. Iraq is not a party to the SOLAS protocol of 1978, or the ILO Convention No. 147. Additionally, it only ratified MARPOL (excluding Annex VI) and COLREGs in 2018, the MARPOL Protocol (1997) in 2024, the CLC Protocol (1992) in 2022, the Bunkers Convention (2001) in 2023, the Load Lines Convention of 1966 and its Protocol (1988) in 2025.

60. Chiu-Yu Lai, Chung-Ping Liu and Kuo-Ming Huang, “Optimization of the Concentrated Inspection Campaign Model to Strengthen Port State Control,” *Journal of Marine Science and Engineering* 11(1166) (2023), pp. 2–3, <https://doi.org/10.3390/jmse11061166>.

61. Dimitrios Ampatzidis, “Leveraging Big Data in Port State Control: An Analysis of Port State Control Data and Its Potential for Governance and Transparency in the Shipping Industry,” *Data-Centric Engineering* 4 (e8) (2023), <https://doi.org/10.1017/dce.2023.6>.

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64. The relevant instruments added through the years are (a) the Protocol of 1988 relating to the International Convention on Load Lines of 1966; (b) the International Convention on Civil Liability for Bunkers Pollution Damager of 2001; (c) the Protocol of 1992 to amend the International Convention on Civil Liability for Oil Pollution Damage of 1969.

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68. Vaughan et al. 2019, pp. 1–23.

69. Riyadh MoU 2020; Riyadh MoU 2021.

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HotTopics/Documents/COVID%20CL%204204%20adds/Circular%20Letter%20No.4204-Add.19%20-%20Coronavirus%20(Covid-19)%20-%20Guidance%20For%20Flag%20States%20Regarding%20SurveysAnd%20Renewals%20Of%20Cert.pdf, accessed September 15, 2024.

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90. Piniella et al. 2020, pp. 27–49; Yan et al. 2022, pp. 82–103.

91. Graziano et al. 2018, pp. 230–241.

92. The relevant amendment has generally entered into force since January 1, 2007; but MEPC.1/Circ.778/Rev.4 of October 30, 2023, states: “The special area requirements for these areas have not yet taken effect because of lack of notifications from MARPOL parties whose coastlines border the relevant special areas regarding the existence of adequate reception facilities.” MARPOL Annex I, regulation 38.6; MARPOL Annex V, regulation 8.2.

93. The Supreme Council stated: “Emanating from the strong desire of the Supreme Council to protect the environment from pollution; and in order to preserve the natural resources of the GCC states, the council emphasized the importance of accelerating the completion of “amenities to receive ship waste,” upon States where the implementation of such projects are still underway. This is in order to declare the Gulf region a special marine region.” See The Cooperation Council for the Arab States of the Gulf, *Closing Statement of the Twenty-Seventh Session* (18–19 Dhul-Qaa’da 1427 AH/ 9–10 December 2006 AD), <https://gcc-sg.org/en/MediaCenter/DigitalLibrary/Documents/1274260674.pdf>, accessed August 10, 2024.

94. UNCTAD, 2022.

95. Xiao et al., 2021, pp. 165–172.

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# Book Review

*JTMS* publishes short summaries of all books received and complete reviews of selected books. Parties interested in reviewing books not listed here should contact the book review editor. Authors and/or publishers interested in having a summary or review of a maritime and territorial studies related book appear in our journal should send a complimentary copy to the book review editor. All reviews should be sent to the book review editor, Samuel Dodge ([jtmsbookreviews@gmail.com](mailto:jtmsbookreviews@gmail.com)) and cc'd to the managing editor, Dr. Lonnie Edge ([jtmsjournal@gmail.com](mailto:jtmsjournal@gmail.com)).

## **2025:**

- Anderson, Nicholas. (2025). *Inadvertent Expansion: How Peripheral Agents Shape World Politics*. Cornell University Press.
- Barker, Nicholas. (2025). *States, Secessionists and De Facto Control after Separatist Wars: Strategies for Controlling Territories and Populations after Conflict*. Routledge.
- Ó Beachain, Donnacha. (2025). *Unfinished Empire: Russian Imperialism in Ukraine and the Near Abroad*. Agenda Publishing.
- Bueger, Christian, Christian Mendenhall & Rebecca Strating (eds.). (Exp. 2025). *The Politics of Global Ocean Regions*. Palgrave Macmillan.
- Koktsidis, Pavlos I. (2025). *Ethnofederalism in Cyprus: Territory, Power and Security*. Routledge.
- König, Daniel. (2025). *Entangled Worlds: 600–1350*. Harvard University Press.
- Ringbom, Henrik, and Åbo Akademi (eds.). (2025). *The International Convention for the Prevention of Pollution from Ships: A Commentary*. Elgar.
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- Wigen, Kären (ed.). (2025). *Territorial Imaginaries: Beyond the Sovereign Map*. University of Chicago Press.

## **2024:**

- Bueger, Christian, & Timothy Edmunds. (2024). *Understanding Maritime Security*. Oxford University Press.
- Carballo Piñeiro, Laura. (2024). *The Elgar Companion to the Law and Practice of the International Maritime Organization*. Elgar.



- Gerber, James. (2024). *Border Economies: Cities Bridging the U.S.-Mexico Divide*. University of Arizona Press.
- Hall, Ian, Troy Lee-Brown, & Rebecca Strating. (2024). *Blue Security in the Indo-Pacific*. Routledge.
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- Moyo, Inocent. (2024). *Cross Border Security in the Southern African Region: Transcending Statolatry*. Routledge.
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### **2023:**

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- Chandra, Vivek. (2023). *The Law of the Sea and Maritime Boundary Disputes in Areas of Hydrocarbon Potential: A Review of Global Hot Spots*. Routledge Research in Law of the Sea Series. Routledge.
- Kaplan, Robert D. (2023). *The Loom of Time: Between Empire and Anarchy, from the Mediterranean to China*. Random House.
- Larsen, Jessica. (2023). *Counter-Piracy Law in Practice: An Ethnography of International Security Governance*. Routledge.
- Peña, Juan Cayón, & J. Martín Ramírez. (2023). *Threats to Peace and International Security: Asia Versus West: Current Challenges in a New Geopolitical Situation*. Springer Nature Switzerland.
- Shimada, Ryuto, & Radhika Seshan. (2023). *Connecting the Indian Ocean World: Across Sea and Land*. Taylor and Francis.
- Vrancken, Patrick. (2023). *State Ocean Jurisdiction*. Routledge Research in the Law of the Sea Series. Routledge.

### *Change in the Law of the Sea: Context, Mechanisms and Practice*

Rozemarijn J. Roland Holst (2022). Leiden: Brill Nijhoff. 372 pages. ISBN: 978-90-04-50854-5, hardcover, \$202; ISBN: 978-90-04-50855-2, e-book, \$202.

*Change in the Law of the Sea: Context, Mechanisms and Practice* is a timely aid to scholars and practitioners in the law of the sea who seek to make sense of this field of international law during a time of challenge and change. As is well known, anthropogenic climate change is causing multiple and cumulative impacts on the oceans, including increasing acidification and warming, sea-level rise, loss of biodiversity and other disruptive effects on the habitats and health of marine species. Against this backdrop, Rozemarijn Roland Holst's book rightly emphasizes the Anthropocene as a key part of understanding the present *context* generating demand for change in the law of the sea (p. 16), which crucially is a context radically different from that in which UNCLOS first emerged. To answer the question of "how an 'old' treaty like UNCLOS [...] can respond to demand for change

arising from its contemporary context” (p. 4), the book identifies two related categories of *mechanisms* for change—firstly, treaty-based mechanisms rooted in the terms of UNCLOS and the institutions it establishes, and secondly, mechanisms outside UNCLOS, “arising from the wider dynamics within international law” (p. 22)—to which it gives thorough and insightful treatment.

The book comprises seven chapters. Chapter 1 introduces the central concepts and overarching question of the book (noted above), observing that like international law in general, “a certain ‘mutability by design’” is built into UNCLOS (p. 21), and therefore the book proceeds on the premise that the conclusion of a treaty should be considered as part of “an ongoing ‘law-building’ process” (p. 4).

Preparing the reader for the book’s core chapters on context, mechanisms and change (whose centrality is signaled in the book’s title), Chapters 2 and 3 step back to look respectively at questions of history and the “deep structure” of UNCLOS. In Chapter 2, Roland Holst examines the dominant forces that shaped the development of UNCLOS, particularly highlighting the “rapid diversification of state interests in ocean space as a result of new exploitation prospects, the political dynamics of the postcolonial era, and a growing awareness of both the potential and the perils of spatially shared ocean space in an increasingly globalized world” (p. 49). The chapter demonstrates how despite this diversification, the conclusion of UNCLOS should be seen as a (largely successful) attempt to rein in unchecked unilateralism, instead bringing this diversity of ocean interests under a central international system. Importantly, this also had the effect of putting in place “substantive and procedural parameters, a frame of reference” within which the future development of the law of the sea was to take place (p. 50). Chapter 3 then explores the balancing of interests embodied in UNCLOS through tracing how the foundational concepts of the freedom of the seas and sovereignty are framed and balanced in each of the maritime zones.

Chapter 4 turns to treaty-based mechanisms for change, that is, mechanisms envisaged in the terms of UNCLOS itself or brought about through the institutions it creates. Roland Holst identifies three categories of such mechanisms. Firstly, the chapter examines treaty-based mechanisms for formal change brought about by UNCLOS parties. The key mechanisms under this category include the UNCLOS formal amendment procedures, the role of the Meeting of States Parties to the Law of the Sea Convention, and the role of the UN General Assembly. However, Roland Holst concludes that overall, such mechanisms “have historically played a very limited role in developing the Convention” (p. 166). Secondly, the chapter considers the role of UNCLOS institutions as a mechanism for change, looking respectively at the Commission on the Limits of the Continental Shelf (CLCS), the International Seabed Authority (ISA), and dispute settlement before the International Tribunal for the Law of the Sea (ITLOS). Although the workings of the CLCS and ISA might not often be considered to embrace the potential for change in the law of the sea, Roland Holst persuasively demonstrates and argues how both institutions have “shaped the implementation and development of the law through non-linear processes that are interactive, and not necessarily captured in the doctrine of sources,” and how “institutional practice communicates closely with state practice” (p. 166). Thirdly, the chapter focuses on the role of “rules of reference” in UNCLOS as a potential mechanism for change, noting that the varying degrees of normativity in rules of reference usually relates to how the balance of interests was ultimately struck in that part of the Convention (p. 156). While this is a clear example

of in-built flexibility in UNCLOS—a technical, textual mechanism designed to allow for “harmonization of UNCLOS’ general provisions with existing and future standards” (p. 167)—Roland Holst also hints at their potential for uncertainty.

Chapter 5 turns to mechanisms of change by reference to actions or frameworks outside UNCLOS, what Roland Holst calls “change through interpretative practice,” considering both judicial and State interpretative practice. Following an overview of treaty interpretation and the framework for it reflected in the Vienna Convention on the Law of Treaties, Roland Holst offers a useful clarification on the meaning of “evolutionary interpretation,” concluding that “there is no need to label a particular interpretative approach as an ‘evolutionary interpretation,’” nor to label it expressly as interpretation by subsequent practice or subsequent agreement (p. 196). Instead, Roland Holst proposes that the general rule of interpretation should more usefully be understood to allow for a range of means of pragmatic interpretation “to give *effect* (in light of the object and purpose of the treaty), in *good faith*, to the *contemporary shared expectations* of the parties” (p. 197, original italics). With that understanding, the chapter identifies common opportunities (or “openings”) for judicial development through interpretation, including where UNCLOS provides for recourse to general international law, and in relation to broad obligations with evolving content, such as those relating to due diligence. The chapter also considers the interpretative practice of States, such as through interpretative agreements and subsequent practice, ultimately observing that in relation to all methods of change through interpretative practice, “whether an interpretative argument is ultimately acceptable to the relevant community depends not only on the chosen means of interpretation, but also on whether it connects to the past and present context of the treaty, by doing justice to the kind of relationships it establishes, and the current expectations of the parties” (p. 245). This conclusion clearly links back to Holst’s conclusions on the centrality of the “balance of interests” unpacked in Chapter 3.

Chapter 6 presents examples of change in practice, selecting several case studies that are characteristic of or prompted by the context of the Anthropocene. For example, the chapter considers the capacity for the pollution prevention obligations in UNCLOS to serve as mitigation measures, for example, in relation to ocean acidification (whether by means of the “rules of reference” included in UNCLOS, or in the interpretation of the requirements of “due diligence”). The chapter also considers change “in response to evolving scientific knowledge and a shifting balance of interests” (p. 285), considering the drafting of exploitation regulations for the area. Chapter 7 sums up the book’s arguments and conclusions.

*Change in the Law of the Sea: Context, Mechanisms and Practice* is an articulate, persuasive and thoroughly substantiated work, presenting a unique study on the context, mechanisms and practice of change in the international law of the sea. The book complements general studies on the history and development of the law of the sea<sup>1</sup> and specific works on particular aspects of treaty interpretation<sup>2</sup> or the decisions of courts and tribunals,<sup>3</sup> and builds upon and updating earlier works with similar concerns.<sup>4</sup>

Three years from its initial publication, it is instructive to briefly observe recent developments in relation to two topics mentioned in the book. Roland Holst identifies the due diligence obligation as an “opening” for the judicial development of the law of the sea by interpretation. This observation is borne out in the recent reasoning of ITLOS, where in finding that States are obliged to act with due diligence in taking necessary measures to prevent, reduce and control marine pollution arising from anthropogenic greenhouse gas emissions,

ITLOS clarified that the standard of due diligence is “stringent, given the high risks of serious and irreversible harm to the environment from such emissions,”<sup>5</sup> adding also that compliance with a State’s obligations under the Paris Agreement does not necessarily satisfy that stringent standard of due diligence necessary for satisfaction of its obligations under Article 194 of UNCLOS.<sup>6</sup>

Furthermore, Chapter 6 mentions that “perhaps the most fundamental outstanding question as regards legal adaptation to changing physical circumstances is that of the effects of sea-level rise on existing baselines and maritime boundaries” (p. 282), in particular, the feasibility of “an adaptive interpretation” (p. 283) of relevant UNCLOS provisions to allow for stable baselines and maritime zones. In the book, Roland Holst expressed the view that, particularly as there is little appetite for formal amendment or law-making processes, it is through other mechanisms such as State practice that will most likely determine how the law will adapt to this issue (p. 308). In examining State practice since the date of the book’s publication, the International Law Commission (ILC) has observed an increase in States’ support for “an interpretation of the Convention in the sense that it did not forbid or exclude the option of fixing baselines. In doing so, [States] had stressed the importance of interpreting the Convention with a view to preserving maritime zones, and had noted that the Convention did not prohibit the freezing of baselines.”<sup>7</sup> In reaching this view, the ILC had regard to a range of State practice, including information submitted to the ILC and statements delivered at the UN General Assembly.

These developments demonstrate the continuing salience of Rozemarijn Roland Holst’s book. While this book keeps sight of the connections between the international law of the sea and general international law, its main insight is to illuminate what this means for the availability of mechanisms for change for the law of the sea in particular, an area of international law increasingly called upon to respond to the uncertainty and unpredictability of the Anthropocene.

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## Notes

1. For example, James Harrison, *Making the Law of the Sea: A Study in the Development of International Law* (Cambridge University Press, 2011).

2. For example, Irina Buga, *Modification of Treaties by Subsequent Practice* (Oxford University Press, 2018); Eirik Bjørge, *The Evolutionary Interpretation of Treaties* (Oxford University Press, 2014).

3. For example, Natalie S. Klein and Kate Parlett, *Judging the Law of the Sea: Judicial Contributions to the UN Convention on the Law of the Sea* (Oxford University Press, 2022).

4. For example, Alex G. Oude Elferink (ed.), *Stability and Change in the Law of the Sea: The Role of the LOS Convention* (Martinus Nijhoff, 2005).

5. *Request for an Advisory Opinion Submitted by the Commission of Small Island States on Climate Change and International Law* (ITLOS Case No. 31, 2023), para. 243.

6. *Ibid.* para. 223.

7. For example, see State practice discussed in Bogdan Aurescu and Nilüfer Oral, *Additional Paper to the First Issues Paper* (UN International Law Commission, Study Group on Sea-level Rise in Relation to International Law, 2023).



# Call for Papers and Style Guide

## *JTMS* Winter/Spring 2025 Issue Call for Papers

The *Journal of Territorial and Maritime Studies (JTMS)* is soliciting submissions for its Winter/Spring 2025 issue. *JTMS* is an interdisciplinary journal of research on territorial and maritime issues sponsored by the Northeast Asia History Foundation with editorial offices hosted by Yonsei University in South Korea. The Journal provides an academic medium for the announcement and dissemination of research results in the fields of history, international law, international relations, geography, peace studies, and any other relevant discipline as they pertain to terrestrial and maritime territorial issues. The journal covers all continental areas across the world, and it discusses any territorial and maritime subjects through the various research methods from different perspectives; moreover, practical studies as well as theoretical works, which contribute to a better understanding of terrestrial and maritime territorial issues, are encouraged.

For consideration in the Summer/Fall 2025 issue, Manuscripts should be submitted electronically to [jtms@yonsei.ac.kr](mailto:jtms@yonsei.ac.kr) by September 1st, 2025. Submitted papers should include four major sections: the title page, structured abstract, main body, and references. The title page should contain the title of the paper, the author's name, the institutional affiliation, and keywords. To be considered, Manuscripts must follow the *JTMS* style guide available on our website. A length of maximum 9,000 words is preferred for an article, including endnotes, and approximately 2,000 words for a review. Inquiries may be sent via the email address provided above.

Our style guide and other journal information may be found on our website at: <http://www.journalofterritorialandmaritimestudies.net/>

## *JTMS* Call for Blog Entries

The blog of the *Journal of Territorial and Maritime Studies* welcomes submissions for blog entries. This forum is intended to discuss topics related to recent territorial and maritime news, research, and policy. It is hoped that this blog will help bring a fresh perspective on how to deal with territorial and maritime issues and the complexities these issues present.

Those wishing to submit a blog post can send their post to [jtms@yonsei.ac.kr](mailto:jtms@yonsei.ac.kr) along with the author's contact info, bio, and a recent photo.



# *JTMS Style Guide*

## **General Guidelines**

*JTMS* is a scholarly journal. Paragraphs must be fully developed without contractions, first and second person pronouns, repetition, jargon, sexist language, awkward syntactical constructions. Use a limited number of succinct headings and subheadings that are underlined or italicized as appropriate. Carefully honed style that is in a mellifluous prose is as important as substantive content. *JTMS* recommends authors ask colleagues whose writing style they respect for help with review and revision. Please note that all accepted material is subject to editorial emendation.

**Length:** Research articles should be no more than 9,000 words, commentary essays no more than 4,000 words and book reviews no more than 2,000 words.

**Format:** Research should be saved as Microsoft Word document formatted Times New Roman, 12-point font, double-spaced. There should be generous margins, no right-hand justification, and pages numbered consecutively.

**One File:** Submit the paper as one file in the following order: Title, Structured Abstract, Text, Endnotes, Tables and Figures, and Biographical Statement.

**Title Page:** Title page must include 1.) the title of the paper, 2.) author's contact information including name, affiliation, address, phone number, fax number, email address 3.) A structured abstract (see samples below) and a few key words for the paper.

**Biography:** Author's biographical statement (75 words or less) must be underneath his/her contact information. This will be edited and published in the *Journal of Territorial and Maritime Studies*.

**Headings:** *JTMS* uses three levels of headings. Major headings (heading level 1) are center justified in bold with no indentation of the first sentence following the heading. Secondary heading (heading level 2) is left justified in italic with the first sentence after the heading indented. Tertiary heading (heading level 3) is left justified in italic with the first sentence after the heading beginning on the same line.

**Tables & Figures:** Insert each table or figure on a separate page at the end of the text. Indicate the position of the table or figure in the text (e.g., Insert Table 2 here). The page containing the table or figure should be placed after the page that first references the table/figure in the text. Authors have the responsibility of providing high quality figures and images in tiff format and a resolution of 800 dpi or higher. Supporting materials may be submitted as hard copies for scanning or through email submission. Please forward all materials to the editor.

**Endnotes:** Use full citation endnotes with no bibliography or reference list. Endnotes should be brief, used sparingly, and consecutively numbered with subscript Arabic numbers. Please convert all footnotes to endnotes.

### *Book*

1. Robert Jervis, *The Meaning of the Nuclear Revolution: Statecraft and the Prospect of Nuclear Armageddon* (Ithaca, NY: Cornell University Press, 1989), p. 167.

### *2nd non-consecutive endnote*

2. Jervis 1989, p.160

### *Consecutive endnote*

3. Ibid, p.50

### *Journal*

2. David Karl, "Proliferation Pessimism and Emerging Nuclear Powers," *International Security* 21(3) (1996–97), p. 89.

### *Website*

3. Sangwon Yoon and David Lerman, "Hagel Calls on North Korea to Tone Down Rhetoric," *Bloomberg News*, April 11, 2013, <http://www.bloomberg.com/news/2013-04-10/south-korea-braces-for-possible-missile-test-from-north-today.html>, accessed January 21, 2014.

### *Legal Case Citations*

*Maritime Delimitation and Territorial Questions between Qatar and Bahrain* (Qatar v. Bahrain), Merits, Judgment, I.C.J. Reports 2001, pp. 101102, para. 205

### *Non-consecutive citations:*

*ICJ Reports 1978*, supra note 18, p. 50, para. 102

### *Newspaper Article*

4. Andrei Lankov, "Stay Cool. Call North Korea's Bluff," *New York Times*, April 9, 2013.

### *Footnote*

5. The classic optimist-pessimist debate can be found in Scott Sagan and Kenneth Waltz, *The Spread of Nuclear Weapons: An Enduring Debate*, 3d. ed. (New York: W.W. Norton & Company, 2013). For detailed surveys of the literature more generally, see Peter Lavoy, "The Strategic Consequences of Nuclear Proliferation: A Review Essay," *Security Studies* 4(4) (1995), pp. 695–753; and Francis Gavin, "Politics, History and the Ivory Tower-Policy Gap in the Nuclear Proliferation Debate," *The Journal of Strategic Studies* 35(4) (2012), pp. 573–600.

### *Structured Abstract*

*Article Classification:* JTMS categorizes articles into 6 of the following classifications: Research Paper, Viewpoint, Technical Paper, Conceptual Paper, Case Study, and General

Review. Please write *one* of the categories in which your paper belongs on the article title page.

The article title page must include a structured abstract with 4–5 of the following sub-headings: 1.) Purpose, 2.) Design/Methodology/Approach, 3.) Findings, 4.) Practical Implications, 5.) Originality/Value. The structured abstract, including keywords and article classification, must be 200 words or less.

### *Structured Abstract Samples*

#### SAMPLE 1:

Article Type: Research Paper

*Purpose:* Some scholars imprint an academic discipline by their contribution to the manner in which people think and research, namely, by putting forward novel concepts and insights. The purpose of this paper is to examine the impact of Sumantra Ghoshal's work on the study of subsidiaries and multinational enterprises and organizational formats for foreign operations.

*Design, Methodology, Approach:* A bibliometric study on Bartlett and Ghoshal's well-known book *Managing Across Borders: The Translational Solution* is performed to assess its impact in international business (IB) research. The entire record of publications in the top leading IB journal, *Journal of International Business Studies* (JIBS), is examined.

*Findings:* Theoretically supported, Ghoshal's work was keenly influenced by his corporate experiences and his constant questioning of the dominant theories and assumptions. The analyzes in this paper show the impact of the work on the "transnational solution," namely, on the understanding of multinationals and subsidiaries, thus being one of the most notable contributions for IB research over the past 20 years.

*Practical Implications:* Useful for graduate students and in writing a literature review, this paper presents an interesting manner to examine a scholar's and a theory's impact on a discipline.

*Originality, Value:* This paper presents an extensive bibliometric analysis of research published over a timespan of 22 years in international business studies.

#### SAMPLE 2:

Article Type: Research Paper

*Purpose:* While many studies on institutional environment have primarily focused on the influence of the host country environment, limited insights have been offered on how the different dimensions of home institutions affect firm internationalization. This paper aims to fill this gap by investigating the effects of regulatory institutions at home.

*Design, Methodology, Approach:* Using country governance quality to proxy quality of regulatory institutions, this study attempts to reveal how regulatory institutions at home facilitate a multinational enterprise's (MNE's) international expansion and why the influence differs in different country clusters. Using hierarchical linear modeling and cluster analysis, proposed hypotheses were tested with a three-year panel 511 firms from 38 countries.

*Findings:* The results provide substantial support for authors' hypotheses that MNEs with high governance quality at home are more engaged in internationalization than those

with low governance quality at home. Moreover, differences in institutional effect do exist between country clusters.

*Practical Implications:* This study provides evidence that while country difference exists, governance quality at home can facilitate MNE's expansion into foreign markets. This finding will help managers of any MNEs to consider country-level factors and evaluate the governance quality at home before committing resources into foreign operations.

*Originality, Value:* Building on the institutional environment literature, this theory and results make original contributions by underscoring how the consideration of regulatory institutions at home can significantly improve understanding of institutional influence on MNEs. The findings have important implications for both international business researchers and managers of MNEs.

