

Contents

MANAGING EDITOR'S COMMENTS (<i>Lonnie Edge</i>)	3
ARTICLES	
Control Through Cooperation? Assessing China's Economic and Military-Strategic Interests in the South China Sea (<i>Maximilian Ernst</i>)	7
Towards a Holistic Cross-Border Environmental Governance in the European Arctic (<i>Stefan Kirchner, Nuccio Mazzullo, Ayonghe Akonwi Nebasifu, Pamela Lesser, Paula Tulppo, Katri-Maaria Kyllönen and Katharina Heinrich</i>)	31
Geostrategic Significance of the Bay of Bengal in India's Maritime Security Discourse (<i>Alik Naha</i>)	47
South China Sea: ASEAN Mechanism on Maritime Disputes and the Rise of the Indo Pacific Region (<i>Saidatul Nadia Abd Aziz and Salawati Mat Basir</i>)	65
Reasons and Reactions to the Galwan Clash: An Indian Perspective (<i>Sriparna Pathak and Objia Borah Hazarika</i>)	83
Book Reviews	102
Call for Papers and Style Guide	108

Managing Editor's Comments

Dear *JTMS* Readers,

Greetings again. As spring fades to summer in Seoul the weather is warming and we are putting the finishing touches on our Summer/Fall 2022 issue. At the same time, whispers of a return to normal life turned out to be too good to be true. As we cautiously imagine what normal life means for each of us, not only as academics but everyday people, it is hard not to be jolted back to the reality that, for the people in war-torn Ukraine, this tentative return to the mundane life we have all missed so much during COVID is currently beyond their reach. Instead, they are faced with a struggle for the survival of not only their country, but themselves. Before this, the norm of state sovereignty had become so matter of fact that a journal such as this came to exist: not to contemplate the issue of invasion or annexation, but largely non-kinetic territorial disputes that have largely come to be the realm of international law, politics, and arbitration. The shock in the initial days of the Ukraine conflict demonstrated this fact as the international community channeled its collective outrage and rallied to aid the Ukraine with military, humanitarian, and financial aid, also taking aim at Russia with punishing financial sanctions. Needless to say, state sovereignty is not as safe as we had believed nor is interstate war a thing of the past. In such a turbulent environment, *JTMS* continues to examine sources of territorial conflict between states in hopes that, in some small way, we can contribute to a better understanding that discourages escalation to the point of the kind of bloodshed that fills our news and various media feeds today. On that grim note, I would like to introduce our current issue.

First, Maximilian Ernst notes that China's assertive policy toward the South China Sea (SCS) is commonly explained as a function of Beijing's objective to control shipping lanes and resources (fish, hydrocarbons), and to cater to nationalist sentiments. Some publications also point to the alternative explanation of China's military-strategic interests. By analyzing Beijing's SCS policy, including aggressive action but also offers of cooperation, Ernst determines which explanation is more adequate. He finds that China not only coerces SCS littoral states, but also offers cooperation in maritime security and joint resource exploration. As the example of the Philippines demonstrates, these offers are predicated on littoral states' unequivocal acceptance of Chinese illegal territorial claims. Beijing views joint resource exploration as means to the end of physical control over SCS maritime territory, supporting its military-strategic interests. If the littoral state accepts China's territorial claims, it is granted access to resources within its EEZ or may develop said resources jointly with China. Ernst suggests that Asia-Pacific states should reconsider their SCS policies, accounting for the fact that China's ultimate objective is not control over commercial

shipping lanes and resources, but the deployment of military assets on SCS maritime territory to support A2/AD and further military-strategic objectives.

Second, Stefan Kirchner, Nuccio Mazzullo, Ayonghe Akonwi Nebasifu, Pamela Lesser, Paula Tulppo, Katri-Maaria Kyllönen and Katharina Heinrich show that holistic, interdisciplinary research has a key role to play in the study of cross-border environmental governance using the example of the northernmost regions of continental Europe, in particular the border regions between Norway and Finland and between Sweden and Finland, respectively. Their article is meant to inspire a debate on the modalities of future research related to Arctic governance and to suggest that Arctic governance research requires a broader research philosophy that transcends the dominant views from the perspectives of law and political sciences. Kirchner et al.'s article is not intended as a recapitulation or summary of research but rather contains a call for action by establishing the outlines for a new approach in international and interdisciplinary research into cross-border environmental governance, with a particular view to the protection of biodiversity in the Arctic. Such interdisciplinary research has the potential to contribute to strengthening the position of local stakeholders in the area in question, including rural, indigenous, and underrepresented communities. In addition, such interdisciplinary research can strengthen the capacities of relatively small cross-border institutions, such as border river commissions, by generating and sharing scientific knowledge, the generation of which would have been beyond the economic, technical, or other means of such institutions often providing public services that are disproportionately important in relation to their size or funding.

Third, Alik Naha explains that, in the Indian Ocean region, the Bay of Bengal is re-emerging economically and strategically and argues the region has become a theater of strategic powerplay due to its strategic relevance, the presence of critical SLOCs, and the strong economic prospects of several adjoining states. India is the region's largest naval power, and it strives to maintain a rule-based maritime order. Therefore, Naha investigates possible strategies for India for becoming a regional net security provider by using content analysis. He finds that as key forces in the region fight for strategic and economic initiatives, the Bay of Bengal's strategic importance will only increase. As a result of these advantages, rival states' naval capabilities and presence in the Indo-Pacific will enhance. Along with a pervasive sense of competitiveness in the region, there are more opportunities for friendly nations to collaborate. India must be willing to try new things and let go of old inhibitions when it is needed. It must pursue principles like burden-sharing and fully utilize the friendly navies eager to assist India's position in the area. India would have to manage its relations with China as it continues to construct a Bay community. Naha predicts the Sino-Indian dynamic will have a profound impact on the region's growing security architecture in the maritime sphere, meaning India must work on building trust, strengthening, and diversifying its engagement with partner countries, and continue its HADR role to further calibrate its position in the region. By strengthening its engagements, India would be able to shift from a reactive to a proactive policy.

Fourth, Saidatul Nadia Abd Aziz and Salawati Mat Basir observe that the intensification of disputes in the South China Sea evolved through time concentrating on assertions of sovereignty by the multiplicity of claimants, increasing of competition over maritime resources and worsening geopolitical rivalries among great powers. They contend the Asia-Pacific and Indian Ocean regions are amongst the most dynamic in the world as well

as centers of economic growth for decades, with Southeast Asia at the center. The Association of Southeast Asian Nations (ASEAN) has placed the promotion of regional peace and security at the forefront of its endeavors and had taken a proactive approach in evolving a comprehensive regional security architecture by building ASEAN-centric regional security frameworks, namely ASEAN Outlook on the Indo-Pacific which undertake cooperation in a broad range of areas, including maritime cooperation as well as the ASEAN Regional Forum and the Code of Conduct (COC). Aziz and Basir employ a doctrinal approach and draw data from primary and secondary sources, including desktop research, with a particular emphasis on recent journals, documents, and official reports. They find that, despite the efforts made by ASEAN to balance the influence of great powers, its individual member states craft their own diplomatic relations according to their economic needs and development. Therefore, because the ASEAN Framework has very weak foundations, it is crucial for ASEAN to focus on the implementation of COC and multilateralism to strengthen its ability to shape regional security dynamic. ASEAN already possesses the mechanisms; all that remains is to endow them with significant implementation powers.

Fifth, Sriparna Pathak and Obja Borah Hazarika highlight that India and China have been locked in a border standoff since May 2020 and, even after 14 rounds of border talks between the two militaries, a resolution is nowhere in sight. Their viewpoint paper aims to outline how the events unfolded, track reactions from countries worldwide, and analyze the Chinese rationale behind the attacks. Following an inductive form of reasoning and moving from the particular to the general, statements on the digital platform from heads of state and important people in positions of power from both sides are taken cognizance of and analyzed. Both primary and secondary literature sources are looked into to outline how the crisis unfolded. They contend that the Galwan crisis is a watershed moment in the history of India-China relations and has implications for regional and global stability. As China, owing to its economic and political clout in the international arena, continues rising and posing challenges for the liberal, democratic Western world, countries like India have to take cognizance of the new realities around China and accordingly tweak their foreign policies in accordance. The authors conclude that, for India, it is essential to understand how it can recalibrate its relationship with China by taking note of the countries that stood by it during such a crisis with China.

Finally, in our book reviews we have an excellent assessment of Dariusz Rafal Bugajski's *Navigational Rights and Freedoms in the International Law and Practice* that I'm sure our readers will enjoy.

In closing, I would like to thank our editorial board and staff for their dedication in spite of the difficulties of the past few years of pandemic life. I would also like to thank our authors and readers for their continued faith in *JTMS* and to join us in sending our collective thoughts and prayers to all those enduring the war in Ukraine. May they find peace in the near future.

Lonnie Edge
Managing Editor

Control Through Cooperation? Assessing China's Economic and Military-Strategic Interests in the South China Sea

Maximilian Ernst

Structured Abstract

Article Type: General Review

Purpose—China's assertive policy toward the South China Sea (SCS) is commonly explained as a function of Beijing's objective to control shipping lanes and resources (fish, hydrocarbons), and to cater to nationalist sentiments. Some publications also point to the alternative explanation of China's military-strategic interests. By analyzing Beijing's SCS policy, including aggressive action but also offers of cooperation, this article determines which explanation is adequate.

Findings—China not only coerces SCS littoral states, but also offers cooperation in maritime security and joint resource exploration. As the example of the Philippines demonstrates, these offers are predicated on littoral states' unequivocal acceptance of illegal Chinese territorial claims. Beijing views joint resource exploration as means to the end of physical control over SCS maritime territory, supporting its military-strategic interests. If the littoral state accepts China's territorial claims, it is granted access to resources within its EEZ or may develop said resources jointly with China.

Practical Implications—Asia-Pacific states should reconsider their SCS policies, accounting for the fact that China's ultimate objective is not control over commercial shipping lanes and resources, but the deployment of military assets on SCS maritime territory to support A2/AD and further military-strategic objectives.

Originality/Value—The analysis of Beijing's SCS policy demonstrates the limitations

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Control Through Cooperation?

7

of the common economic security explanation and corroborates the alternative, traditional security explanation in the literature.

Keywords: Chinese foreign policy, security policy, Sino-American strategic competition, South China Sea, traditional security

I. Introduction

China's assertive policy toward the South China Sea (SCS) is among the most salient challenges in contemporary security politics. Particularly China's illegal territorial claims, artificial island building, and militarization of the SCS have the potential to significantly destabilize regional security, which is only exacerbated by the emerging Sino-American strategic competition. Against this background, it remains unclear why Beijing engages in such assertive, even aggressive, actions at the detriment of littoral states, risking further regional conflict and SCS littoral states plausibly organizing against China.¹ The common explanation for Chinese assertive actions in the SCS relates to its economic interests, specifically control over shipping lanes and access to hydrocarbons and fish resources.² Economic or so-called nontraditional security certainly informs Chinese foreign policy, but falls short in explaining China's aggressive actions and violation of international law in the SCS. Notably, the economic security explanation omits the fact that China has repeatedly extended offers to cooperate on maritime security and to jointly develop SCS resources. If control over commercial shipping lanes and resources were so important to China—so important that it would risk the escalation of a regional conflict—why then does Beijing offer to share these resources? There is also the argument that domestic nationalism forces the Chinese leadership to defend territorial claims, lawful or not, and that assertive actions in the SCS gain the CCP legitimacy to rule.³ This explanation is often given alongside the above-mentioned economic security factors as an additional contributing variable.

Some studies point to the importance of the military-strategic component as the driving force behind China's behavior in the SCS.⁴ This line of argument follows a traditional conceptualization of security. Although this argument also neglects China's offers of cooperation and joint resource development, it at least does not constitute an inherent contradiction, as is the case for the more common economic security explanation. The present study corroborates the alternative traditional security argument by demonstrating that non-traditional economic security interests and the need to cater to domestic nationalism cannot possibly be the main driver for Chinese actions in the SCS. After all, China has, repeatedly over the past two decades, offered littoral states to cooperate in maritime security and to jointly explore and develop resources in the SCS. But such offers to cooperate have a catch: China requires the littoral state to accept its illegal territorial claims. Building on the traditional security argument, it is proposed that Beijing's offers of cooperation are not an end, but a means of incentivizing littoral states to accept China's unlawful territorial claims, serving the end of China's strategic control of the entire SCS—which is, from China's perspective, a strategic necessity to prevail in the great power competition with the United States.

The remainder of this article is structured as follows. Section II briefly introduces the phenomenon of China's aggressive behavior in the context of SCS territorial disputes.

Section III provides an overview of the common explanation for China's actions in the SCS, namely its alleged desire to exclusively control shipping lanes, unilaterally explore hydrocarbon and fish resources, and for the CCP to cater to nationalist sentiments at home and gain legitimacy. Section IV presents the alternative explanation of China's military-strategic interests to be the driver for Chinese actions in the SCS, specifically its plans to develop Anti-Access Area Denial (A2/AD) capabilities, to provide a safe bastion for its nuclear-powered ballistic missile submarine (SSBN) fleet, and to develop the SCS as a secure perimeter for its space program operating out of Wenchang on Hainan. Section V corroborates the alternative argument by demonstrating, through an empirical analysis of Chinese policy toward the Philippines and ASEAN, that Beijing is willing to share control of the SCS and its resources. Section VI synthesizes the analytical part with the review of the literature in earlier sections to present the argument that China's offers to cooperate and jointly explore resources are a means to the end of securing military-strategic control of the SCS. Based on this, the economic security explanation can be refuted. The article concludes with a summary of findings, points to limitations as well as avenues for future research, and discusses policy implications.

II. The Phenomenon: South China Sea Territorial Disputes and China's Assertive Actions Toward Littoral States

The SCS has witnessed numerous territorial disputes over the past decades which have, on numerous occasions, erupted into hostilities between claimants.⁵ Especially violent examples are clashes between the Vietnamese and Chinese militaries over the Parcel Islands in January 1974⁶ and again with Vietnam over Johnson South Reef of the Spratly Islands in March 1988.⁷ Between 1994 and 1995, China's occupation of Mischief Reef, which is in the Eastern Spratlys within the Philippine Exclusive Economic Zone (EEZ), and the building of military observation posts on it, had also resulted in the confrontation of Philippine and Chinese ships on several occasions.⁸ Absent such occasional high-intensity crises, of which there are plenty, SCS disputes still complicate diplomacy and deteriorate regional security. The relationship between SCS littoral states and China is especially and profoundly impacted by these territorial disputes. It is beyond the scope of this article to provide a detailed review of the legal claims, pertaining laws, and court decisions.⁹ Hence, a short overview will have to suffice.

Besides China, other claimants of SCS maritime territory are the Philippines, Vietnam, Malaysia, Indonesia, Brunei, and Taiwan. Many parties have conflicting claims, and some have had disputes with one another. But China's role in these disputes is preeminent because it is the claimant with the most developed military capabilities, claiming almost the entirety of the SCS—per its 9-Dash Line—whereas other parties only claim parts of the SCS.¹⁰ ASEAN members have by now harmonized their claims with UNCLOS, so that there exist, in principle, no major disputes among all other SCS littoral states (see Map 1).¹¹ In addition, China has built artificial islands and deployed military infrastructure on natural and artificial islands inside disputed waters, thus creating facts on the ground.¹² China's artificial island building and subsequent militarization thereof has been ruled illegal

by the Permanent Court of Arbitration (PCA) in June 2016. China’s appeal to what it calls “historic rights” (through its 9-Dash Line) was judged to have no legal weight; none of China’s land holdings are considered “islands” under the United Nations Convention on the Law of the Sea (UNCLOS) criteria, and therefore don’t generate EEZ entitlement.¹³ Nevertheless, Beijing continues to disregard the PCA ruling and asserts physical control of SCS maritime territory.

The year 2012 saw intense exchanges between the Philippines and China over the Scarborough Shoal. In April 2012, the two countries were on the brink of armed conflict,



Map 1: Territorial Claims in the South China Sea. Source: Voice of America, “Territorial Claims in the South China Sea,” VOA, July 30, 2012, <https://blogs.voanews.com/state-department-news/2012/07/31/challenging-beijing-in-the-south-china-sea/>, accessed May 5, 2022. (Public domain; edited by author.)

both dispatching naval vessels to the shoal. China was able to gain control over the shoal through the deployment of hundreds of ships belonging to its maritime militia and coast guard in addition to a few PLA Navy (PLAN) vessels. China continues to control the shoal to this day.¹⁴ In an attempt to compel the Aquino Benigno III administration (2010–2016) to accept its territorial claims, China also imposed restrictions on banana imports and curbed the number of Chinese tourists, resulting in considerable economic hardship to the Philippines.¹⁵

It should be noted that this review article is written in the academic discipline of international security and strategic studies. The objective is not to analyze the legality of Chinese actions, but to explain why China acts the way it does. China's actions in the SCS have already been ruled unlawful under UNCLOS by the PCA in the Hague in 2016 after a case was brought against China by the Philippines. But Beijing has made it clear from the beginning that it does not recognize the court's jurisdiction over SCS territorial disputes and continues to claim maritime territory through its 9-Dash Line, thereby violating other SCS littoral states' EEZ. This article operates based on the realization that China disregards international law, including treaties and conventions it has ratified. The article seeks to understand what drives Chinese actions in the SCS, specifically whether economic or military security interests are the main drivers for Chinese actions. Importantly, this article's analysis of China's strategic considerations is not to be understood as an endorsement of China's actions.

III. Common Explanation: Control Over Shipping Lanes, Access to Resources, Nationalism

The common explanation for Beijing's assertive policy toward SCS littoral states is based on China's economic interests.¹⁶ These economic interests can be divided into three subcategories, namely (1) control over commercial shipping lanes, (2) access to hydrocarbons (oil, gas), and (3) access to fish resources. There is also the argument that links Chinese assertive policy to nationalism and the CCP's ambition to gain legitimacy at home through appearing strong on international politics. Notably, many scholarly and journalistic accounts arguing in favor of these economic and nationalist variables treat them inclusively and acknowledge all four dimensions, merely diverging over their hierarchy of importance.

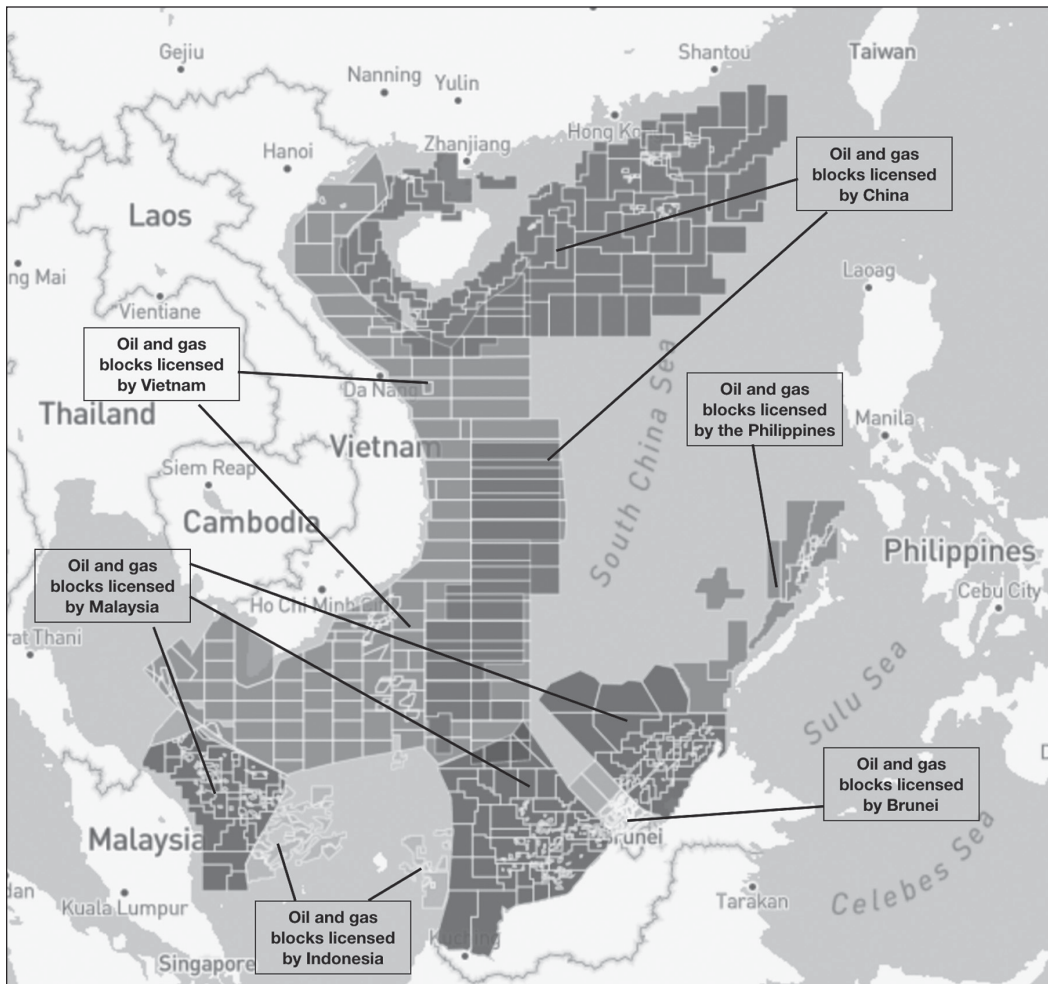
3.1 Control Over SCS Commercial Shipping Routes

The SCS carries about 21% of global trade. Importantly, about 40% of China's international trade in goods passes through the SCS.¹⁷ The SCS is critical also in terms of energy security; about 50% of global oil tanker shipments pass through it.¹⁸ Moreover, 70% of China's electricity is generated from fossil fuels,¹⁹ 80% of which pass through the SCS.²⁰ Taken together, the SCS carries three times as much commercial shipping as the Suez Canal and five times as much as the Panama Canal.²¹ The problem for China inheres in the maritime geography of the SCS,²² which is vulnerable to peace-time interruptions caused by natural or man-made disasters as well as to blockage by a military adversary during regional conflict.²³ The maritime chokepoints of the SCS are especially important in this regard, namely

the Sunda Strait, the Lombok Strait and, most prominently, the Malacca Strait.²⁴ From Beijing's perspective, the U.S. Navy and Air Force, with their ability to control and blockade these maritime chokepoints, hold a dagger to China's throat, allowing them to interrupt China's energy imports and trade flows at any given time. Besides being home to some of China's harbors, the SCS is the main transit between the Indian and the Pacific Oceans, and disruption through natural disaster, blockade, or military escalation would lead to increased shipping costs and global supply chain interruptions.

3.2 Access to Hydrocarbons (oil, gas)

Proven and probable reserves of hydrocarbons in the SCS are estimated at around 190 trillion cubic feet of natural gas and 11 billion barrels of oil. Additional undiscovered



Map 2: Oil and Gas Exploration in the South China Sea Source: Asia Maritime Transparency Initiative, "South China Sea Energy Exploration and Development," CSIS, n.d., <https://amti.csis.org/south-china-sea-energy-exploration-and-development/>, accessed May 5, 2022; edited by the author.

resources could amount to another 160 trillion cubic feet of natural gas and 12 billion barrels of oil.²⁵ Although this may sound like a lot, the estimated exploitable oil resources, for example, would merely cover one year of China's oil consumption.²⁶ The largest reserves of oil and natural gas have been discovered under the SCS floor north of Borneo (within the EEZs of Malaysia, Indonesia, and Brunei), east of the Malay Peninsula (within the EEZs of Malaysia and Indonesia), and northwest of Palawan (within the EEZ of the Philippines).²⁷

3.3 Fish Resources

Thanks to the inflow of nutrient-laden waters from land, SCS marine life is rich and accounts for about 10% of global fish stocks. It holds at least 3,365 marine species, the most abundant being tuna, mackerel, croaker, anchovy, shrimp, and shellfish.²⁸ The area is heavily fished, providing the main source of animal protein in densely populated Southeast Asia.²⁹ About 1.5 billion people in the region depend on SCS fisheries for nutrition, and about 3.7 million people find employment in the region's fishing industry.³⁰ However, due to over-fishing, the fish stocks of the SCS have been degraded by about 70–95% since 1950. Moreover, the destruction of coral reefs, among other environmentally destructive actions such as artificial island building, has exacerbated the dramatic reduction of fish stocks and marine biodiversity more broadly.³¹ If overfishing and the destruction of marine biodiversity were to continue at this rate, the argument of SCS fish resources informing Chinese actions will soon be obsolete.

3.4 Nationalism as a Constraint on CCP Decision-Making

Finally, there is the argument that nationalist sentiments within the Chinese population constrain the options of the Chinese leadership in finding a multilateral solution to SCS disputes short of insisting on full control over the entirety of the SCS.³² This argument is not in contradiction to the economic security explanation and is often mentioned as an additional factor, alongside shipping lanes and resources. Fostered by decades of state-controlled political indoctrination across media, education, and academia, the Chinese public predominantly supports China's illegal actions in the SCS and believes that the international maritime legal regime as well as international courts are controlled by a U.S. imperialist agenda and more broadly hostile foreign interests.³³ Hence, defending China's territorial claims in the SCS at all costs can be seen as a deliverable by the CCP to the Chinese public to gain legitimacy to rule. Whereas the CCP's legitimacy has thus far mostly been secured through the provision of stable economic growth and welfare, some scholars argue that the promotion of national glory and the protection of territorial integrity can plausibly inform Beijing's readiness to risk security and stability in the SCS, and even to use military force against regional states.³⁴

IV. Alternative Explanation: Military-Strategic Considerations

Contrary to the above discussed explanations relating to economic security and nationalism, several scholarly articles point to the military-strategic dimension as the main

driver behind China's aggressive and destabilizing policy toward the SCS.³⁵ This argument must be understood against the background of the Sino-American strategic competition. Apart from a technological-industrial as well as an economic-ideological dimension, this competition also has a military-strategic dimension. China has the declared objective to assume regional hegemony in the Asia-Pacific, as it is stated in the *Chinese Dream of National Rejuvenation*.³⁶ This *Chinese Dream* has a clear foreign policy objective, which is, in the words of Yoshihara and Holmes, to make “the nation prosperous and confident at home and abroad,” to “assume its rightful station as a pole in a multipolar world, presumably Asia's dominant power,” and to “make good on its intent to alter the US-led status quo and revise the international order to its liking.”³⁷

Although the United States is today and will remain for the foreseeable future the preeminent military power in the world, China will be able to challenge U.S. preponderance in the Western Pacific. Over the past two decades, China has invested heavily in the PLAN. Between 2014 and 2018 alone, China added more vessels to the PLAN than the number of ships in service of the navies of the UK, Spain, India, and Germany combined. By 2019, the PLAN consisted of 339 ships, compared to 296 U.S. Navy ships. Since, however, the PLAN's modernization concentrates on littoral warfare capabilities based



Map 3: The First and Second Island Chains. Source: U.S. Department of Defense, “Annual Report to Congress: Military and Security Developments Involving the People’s Republic of China 2010” (Washington, D.C.: Office of the Secretary of Defense, 2010), p. 23; edited by the author.

on smaller vessels, the tonnage of the U.S. Navy remains more than double that of the PLAN.³⁸ In the coming decades, the Western Pacific will likely emerge as a militarily contested space in which neither the United States and its regional allies nor China enjoys military supremacy.³⁹

In addition to U.S. military presence, China's path toward regional hegemony is complicated by natural barriers in the Western Pacific, namely the first- and second island chains, of which the former is particularly important. Running down from Japan via Taiwan, the Philippines, and Malaysia, the first island chain presents a natural barrier that contains China's "strategic will to the sea," complicating its commercial and military sea lines of communication (SLOCs).⁴⁰ The fact that China's littoral waters are shallow and that the first island chain is inhabited by U.S. allies and partners makes it extremely difficult for the PLAN to project naval power—above and below the surface—beyond China's littorals and into the Pacific proper. In this geopolitical context, the SCS matters profoundly in China's military-strategic interest. The SCS can be understood as the *soft underbelly* of the first island chain, with the Strait of Luzon (the gap between the northern tip of the Philippines and Taiwan) as the most promising exit point for Chinese naval power. If China wants to prevail in a prolonged military-strategic competition with the United States and its allies, it must develop the SCS as strategic rear from which it can break out of U.S. containment and conduct naval operations across the Indo-Pacific and beyond.⁴¹

Based on a review of relevant expert literature, three interrelated military-strategic dimensions—conditions of sorts—can be identified, which China needs to fulfill to break out of its littoral dilemma and to become a peer-competitor to the United States in the Asia-Pacific. Notably, Beijing's desire to fulfill these three dimensions also explains China's artificial island building, militarization of the SCS, illegal territorial claims, and its aggressive behavior toward SCS littoral states. It is furthermore not in contradiction to China's efforts to also cooperate on maritime security and to jointly develop SCS resources with littoral states (cf. section V). These three dimensions are discussed below.

4.1 Deny U.S. Power Projection into the South China Sea

The first dimension is the physical control over territorial features in the SCS, such as rocks, reefs, and small islands. China's objective is to construct on them conventional military infrastructure in support of an A2/AD perimeter covering the entire SCS.⁴² To fulfill this objective, the PLA must build radars and runways to deploy theater-range missiles, air- and missile defense, fighter aircraft, and air-refueling tanker planes across SCS islands, including the Spratly Islands, the Paracel Islands, and Scarborough Shoal.⁴³ With logistical support and existing capabilities based on Hainan, the PLA would acquire the ability to deny the U.S. Navy access to the SCS and complicate U.S. military supremacy in the wider Western Pacific, inhibiting U.S. power projection in the Taiwan Strait and onto the Chinese mainland.⁴⁴ Chinese A2/AD over the SCS is an ambitious yet rewarding objective, since it enhances China's national security, improves the PLA's position in a potential Taiwan-Strait contingency or invasion of Taiwan, and reduces U.S. coercive potential over China. But A2/AD over the SCS is also the necessary condition for the other two dimensions.

4.2 Submarine-Based Nuclear Deterrence

Chinese strategic thinkers have been observing with concern U.S. ambitions to improve ballistic missile defense (BMD) in the Asia-Pacific. In China's perspective, particularly worrisome is the participation of U.S. allies, notably Japan, Australia, and South Korea, in U.S. BMD.⁴⁵ Beijing believes that U.S. and allied BMD systems enhance U.S. national missile defense, and hence undermine China's second-strike capability which has so far relied on a limited arsenal of land-based nuclear warheads and intercontinental ballistic missiles (ICBMs).⁴⁶ The case of China's economic retaliation in response to the deployment of the Terminal High Altitude Area Defense (THAAD) system in South Korea exemplifies that Chinese strategic thinkers consider U.S. BMD assets a threat to China's security.⁴⁷ Alarmed by improving U.S. BMD capabilities as well as the U.S. conventional prompt global strike (CPGS) program, China must invest in a more robust nuclear deterrent.⁴⁸ In addition to increasing the number of the PLA Rocket Force's land-based ICBMs and the assignment of a nuclear mission to the PLA Air Force, the PLAN too has become an integral part of China's nuclear deterrent.⁴⁹ The SCS is critical in this endeavor: since China's other littoral seas, namely the Yellow and East China Seas, are shallow with water depths of no more than 200 m, the SCS is, with an average depth of 1,210 m and an abyssal plain of 4,300 m depth, the only space where PLAN SSBNs can access deeper waters without having to pass the first island chain and risk detection by U.S. or allied sensors.⁵⁰

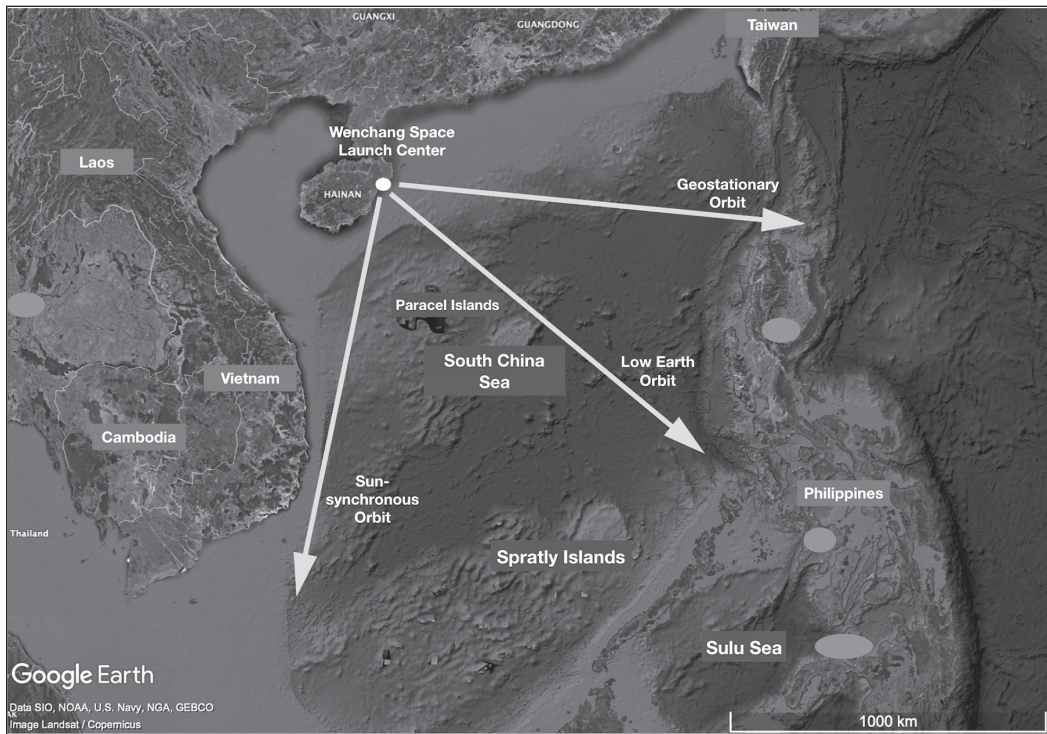
Numerous analyses and specialist publications concur that China is pursuing a so-called "nuclear bastion" in the SCS.⁵¹ The adoption of a nuclear bastion, a strategic concept originally used by the Soviet Union in the Okhotsk and Barents Seas,⁵² solves two related issues. First, global patrols of nuclear-armed SSBNs as practiced by the United States, the United Kingdom, and France, are highly complex, and the PLAN may plausibly lack the operational skills to conduct them.⁵³ Second, a nuclear bastion in the SCS partly solves the littoral dilemma, i.e., above mentioned problem of PLAN SSBNs' potential detection when attempting to slip through the first island chain, past U.S. allies, and into the Pacific proper; this would then simply not be necessary.⁵⁴ The development of long-range submarine-launched ballistic missiles (SLBMs) that can be mounted on China's Jin-class SSBNs,⁵⁵ such as the CSS-N-14 (JL-2) and more recently the JL-3,⁵⁶ supports the assertion that China pursues a nuclear bastion, enabling China to hold at risk U.S. and allied military and civilian targets across the Indo-Pacific and the continental United States.⁵⁷

Given the nuclear bastion's strategic importance, China needs to be able to protect its nuclear-armed SSBNs in the SCS. The establishment of China's "Underwater Great Wall" will do just that.⁵⁸ The militarization of the SCS, notably the creation of artificial islands and the construction of military infrastructure on them, enables the deployment of anti-submarine warfare (ASW) systems to deter or destroy enemy attack submarines that could harm PLAN's SSBNs in the SCS.⁵⁹ Such infrastructure includes helipads and air-strips for ASW-capable helicopters and patrol planes, which both have been identified on China's artificial islands.⁶⁰ On Woody Island, part of the Paracels, China has furthermore constructed facilities to collect and synthesize oceanographic data from satellites and sonar buoys, which would provide PLAN units operating in the SCS with situational awareness of activities above, on, and below the SCS surface.⁶¹

4.3 China's Space Program and the Wenchang Space Launch Center on Hainan

Space as a military domain implicates all other domains, namely land, air, sea, and cyber. In its defense white papers, China emphasizes its ambitions of force modernization and informationization.⁶² To conduct net-centric warfare, the PLA requires independent systems in earth's orbit. Furthermore, if China wants to become a regional hegemon in the Asia-Pacific, as it is prescribed in the *Chinese Dream*, the PLA must first become a technological peer-competitor to U.S. forces, which it has not yet achieved.⁶³ This requires autarky in global positioning and communications infrastructure. Specialist publications discuss the necessity of space-based systems to develop the kind of A2/AD and power projection capability that China's defense white papers devise,⁶⁴ but China's space program has been largely absent in debates about Chinese activity in the SCS.

An exception is the work by Kirchberger and O'Keeffe, who point to the construction and protection of the Wenchang Space Launch Center (WSLC) on Hainan as an important variable that informs China's policy toward the SCS.⁶⁵ WSLC's geographic location on the southern Chinese island Hainan makes it China's quintessential location to launch satellites into various orbits that enable different communications- and earth-surface observation missions. Those are geostationary (GEO), low-earth (LEO), and sun-synchronous



Map 4: Approximate Flight Corridors of WSLC-Launched Rockets Source: By author, created with Google Earth, based on Sarah Kirchberger and Patrick O'Keeffe, "Chinas Schleichende Annexion Im Südchinesischen Meer-Die Strategischen Hintergründe [China's Creeping Annexation in the South China Sea]," *SIRIUS—Zeitschrift Für Strategische Analysen [Journal of Strategic Analysis]* 3(1) (2019), pp. 3–20.

(SSO) orbits (See Map 4).⁶⁶ Thanks to Hainan's proximity to the equator, WSLC raises the Chinese space program's maximum payload by 15% compared to spaceports in Xichang, Taiyuan, and Jiuquan.⁶⁷ The increased payload enables China to launch heavy military and dual-use systems, such as China's orbital space station *Tiangong-2*.⁶⁸ WSLC can launch the Long March-5, China's most powerful rocket.⁶⁹ It furthermore has the advantage of allowing rockets and equipment to be delivered by ship, significantly increasing the capacity over other spaceports that are supplied by railroad.⁷⁰ WSLC has been under construction since 2009 and was completed in 2014.⁷¹ In June 2016, the first successful launch was conducted.⁷²

Space vessels ascending out of WSLC would take one of three potential corridors—depending on the orbit—all of which lead over the SCS. In the early stages of ascent, rockets are vulnerable to directed energy, kinetic, as well as electronic warfare attacks such as spoofing and jamming.⁷³ Since space-based systems are of utmost importance for the PLA to operate modernized, informationized forces and to compete with the United States, it is not surprising that China is building a secure, A2/AD-based defense perimeter across the SCS.⁷⁴ It should also be noted that Chinese artificial island building in the SCS accelerated one year ahead of WSLC's construction.⁷⁵

V. Corroborating the Alternative Explanation: China's Conditional Offers of Cooperation with Littoral States

Until the 1990s, China pursued a comparatively aggressive policy and occupied numerous territorial features of the SCS by force, particularly in the Paracels and Spratlys, leading to a number of violent exchanges between the PLA and the militaries of Vietnam and the Philippines.⁷⁶ But China's unlawful occupation of SCS territorial features, e.g., of Mischief Reef in 1994, also led to considerable diplomatic backlash, incentivizing the Chinese leadership to explore other options to safeguard its strategic interests in the SCS. By the mid-1990s China adapted its SCS policy in two significant ways.

First, China harmonized territorial claims in the SCS with the evolving international regime on maritime law. Importantly, China ratified UNCLOS in 1996.⁷⁷ In addition, China codified its territorial claims through the passage of domestic legislation. In the late 1990s, China's National People's Congress passed numerous laws that define China's territorial rights to its adjacent waters.⁷⁸ However, Fravel points out that China left its territorial claims in the SCS purposely ambiguous, and numerous claims promulgated through these various legal sources are contradictory. For instance, China's EEZ claims, the invocation of historical rights, and UNCLOS are incompatible with each other.⁷⁹

Second, China deployed a "delaying strategy" throughout the late 1990s and 2000s, using lengthy legislative processes to defend its territorial gains of the early 1990s.⁸⁰ Beijing also engaged with regional states through bilateral and multilateral agreements, such as the 1995 Code of Conduct (CoC) with the Philippines⁸¹ or the 2002 Declaration of Conduct (DoC) with ASEAN, signed at the 8th ASEAN summit in November 2002 in Phnom Penh.⁸² The 2002 DoC marks the first time that China signed a multilateral agreement relating

to the governance of the SCS. Previously, Beijing had sought to solve SCS disputes and disagreements on territorial questions through bilateral negotiations. China also offered regional states to cooperate in multilateral projects to explore the SCS seabed and locate fossil fuels. A prominent example is the 2005 Joint Marine Seismic Undertaking (JMSU) with the Philippines and Vietnam.

The remainder of this section concentrates on the second dimension of China's efforts to engage SCS littoral states in cooperation projects that would, if successful, result in cooperation on SCS ocean governance, shared control over shipping lanes, and joint development of SCS resources (hydrocarbons, fish). The analysis focuses on Chinese bilateral engagement with the Philippines as a representative case and multilateral engagement through ASEAN.

5.1 Chinese Offers of Cooperation in the South China Sea: The Example of the Philippines and ASEAN

Coinciding with improving China-Philippine diplomatic relations in the first decade of the 21st century, Beijing found ways to cooperate with Manila in the SCS. At a high-level dialogue in Beijing in September 2004, Chinese Premier Wen Jiabao offered Philippine President Gloria Macapagal Arroyo to join efforts in promoting SCS ocean governance and maritime security, including sea rescue, disaster mitigation, and joint exercises.⁸³ They also agreed to find a solution, in line with UNCLOS, to their contradicting territorial claims in the SCS and to jointly develop natural resources.⁸⁴ China and the Philippines agreed on the JMSU with the objective of jointly gathering and analyzing data on the SCS seabed in preparation for ensuing joint development of hydrocarbons.⁸⁵ Through the JMSU, China hoped to solve the SCS disputes first bilaterally and, when Hanoi joined in March 2005, trilaterally.⁸⁶

During Chinese President Hu Jintao's visit to Manila in April 2005, on the 30th anniversary of Sino-Philippine diplomatic relations, Manila and Beijing agreed to cooperate on numerous issues relating to trade, investment, infrastructure development, and agriculture. The two parties also signed an MOU on Defense Cooperation and initiated a consultation mechanism on defense and security between the Philippine and Chinese defense departments.⁸⁷ They further expressed their mutual will to maintain peace and stability in the SCS, to cooperate with other ASEAN members to implement the 2002 DoC, and to work with Vietnam within the framework of the JMSU.⁸⁸

However, over the following years, China's relations with the Philippines and other ASEAN states deteriorated. This deterioration was in no small part due to SCS littoral states' opposition to Chinese illegal territorial claims in the SCS. Not surprisingly, this adversely affected China's efforts to solve SCS disputes with littoral states through bi- and multilateral agreements in a fashion that would still guarantee China's physical control over the SCS. In the case of the Philippines, controversies over Chinese Official Development Assistance (ODA) led to a graft investigation by the Philippine Senate. As a result, numerous Chinese-financed infrastructure and agriculture development projects were canceled in 2007.⁸⁹ Philippine public attention also turned to the JMSU, which was suspected to undermine Philippine territorial rights in the SCS by giving Chinese and Vietnamese energy corporations access to Philippine maritime territory.⁹⁰ The JMSU was then

continued by the three parties and finalized in 2009, but it was kept under the radar and the results were not publicized by any of the three governments.⁹¹

In the subsequent years, the dispute between China and the Philippines over territorial rights in the SCS escalated. This dispute notably began in the late years of Arroyo's second presidential term (June 2004–June 2010) and was carried into the Aquino administration (June 2010–June 2016). Initially, President Aquino sought to improve relations with China, especially in economic terms.⁹² To do so, Aquino spent considerable political capital and joined a 19-state coalition supporting China's boycott of the Nobel Peace Prize award to Chinese dissident Liu Xiaobo in December 2010. Manila also extradited 14 Taiwanese nationals to China in February 2011.⁹³ With regards to the SCS, however, Aquino insisted on Philippine territorial rights.⁹⁴ The Aquino administration launched a *Long Term Capability Development Plan* to enhance Philippine defense capabilities, especially of the Navy and Air Force, and improved security cooperation with the United States in 2011, which went hand-in-glove with the Obama administration's *Pivot to Asia*, further exacerbating discord between Manila and Beijing.⁹⁵ The Sino-Philippine dispute, which started with the Scarborough Shoal incident in April 2012 and led to the arbitration case brought by the Philippines against China in January 2013, has been discussed in detail by previous publications.⁹⁶ For this article's purpose, it should be noted that throughout the Aquino administration and until Rodrigo Duterte's inauguration as President of the Philippines in July 2016, Beijing extended no meaningful offers to cooperate with Manila on SCS ocean governance and resource exploration, neither bilaterally nor through ASEAN (cf. Figure 1).

Already during his presidential campaign, Duterte announced that he would repair the Sino-Philippine relationship and reverse his predecessor's confrontational stance on China and the SCS.⁹⁷ He also signaled early in his Presidency that he would engage in bilateral talks with China,⁹⁸ and that joint maritime patrols with the United States would not continue.⁹⁹ Duterte also declared that he would not give much importance to the PCA ruling and would rather seek a bilateral solution with China on the SCS issue. A bilateral solution, of course, would notably come with the exclusion of extra-regional players, i.e., the United States, and ignore international courts' rulings, precisely reflecting China's interest. China-ASEAN level efforts to advance and implement the 2002 DoC as well as the 2014 *Code for Unplanned Encounters at Sea* (CUES) also made progress in the following months, notably at the 19th China-ASEAN summit in September 2016 in Vientiane.¹⁰⁰ Throughout the prior four years, the Sino-Philippine territorial dispute had been an obstacle to improving SCS maritime security and resolving territorial issues, on bilateral as well as on the multilateral ASEAN-China level.¹⁰¹

President Duterte visited Beijing on October 20–22, 2016, where he and Xi announced to resume talks on the SCS territorial dispute.¹⁰² On October 29, just one week later, Beijing granted Philippine fishers access to the Scarborough Shoal (within the Philippine EEZ), which is under effective Chinese control since April 2012.¹⁰³ In December 2016, Beijing and Manila even considered the formation of a joint coast guard,¹⁰⁴ which, however, did not materialize in the end. Over the following two years, Manila and Beijing also discussed cooperation on issues such as marine environmental protection, fisheries, marine scientific research, hydrocarbon development, and implementation of the CoC and DoC.¹⁰⁵ For instance, in July 2017, Beijing expressed support for a Sino-Philippine joint hydrocarbon development project.¹⁰⁶ During Duterte's presidency, PLAN ships even made port calls in

the Philippines, all the while China’s illegal militarization of the SCS, notably in the Spratlys and Paracels, continued.¹⁰⁷

Table 1: Chinese Offers to Cooperate and Share SCS Resources with the Philippines and ASEAN

August 1995	China—Philippines; Signing of SCS CoC.
November 2002	China—ASEAN; Signing of DoC in the SCS.
November 2004	China—Philippines; Beijing offers to cooperate on SCS security (sea rescue, disaster mitigation, joint exercises), agree to find solution based on UNCLOS, JMSU.
March 2005	China—Philippines—Vietnam; Hanoi joins JMSU.
April 2005	China—Philippines; MOU on defense cooperation, agree to implement 2002 DoC, work with Vietnam on JMSU.
July–August 2016	China—ASEAN; Agree to advance and implement the DoC and CUES.
October 2016	China—Philippines; Beijing “grants” Philippine fishers access to Scarborough Shoal.
May 2017	China—Philippines; PLAN port call to Davao, Mindanao on Manila’s invitation.
July 2017	China—Philippines; Beijing proposes joint Sino-Philippine hydrocarbon development project.

VI. Synthesis: Cooperation as Means to the End of Controlling the South China Sea

The above analysis demonstrates through the example of the Philippines that China has, on numerous occasions, sought to invite SCS littoral states to cooperate in bilateral and multilateral frameworks to enhance maritime security, jointly police shipping routes, contribute to ocean governance, and to share resources (hydrocarbon, fish). The common explanation relating to economic, or nontraditional, security can hence be refuted. To the contrary, China has tried to involve individual states like the Philippines as well as ASEAN in efforts to jointly govern the SCS and share its resources. What needs to present, from Beijing’s perspective, is that the littoral state effectively gives up its EEZ and accepts that China, in principle, possesses territorial rights over the entire SCS, per its 9-Dash Line. Notably, such acceptance of China’s demands was absent during the Aquino presidency. During Arroyo’s (2001–2010) and later Duterte’s (2016–2022) presidencies, on the other hand, Philippine insistence on territorial rights was less pronounced, enabling China to use cooperation projects to consolidate its illegal territorial claims.

The above analysis demonstrates that if a littoral state accepts China’s illegal claims, Beijing will cooperatively grant access to SCS resources. To clarify: the littoral state will be granted access to maritime territory that is, under UNCLOS, already within its EEZ. For instance, in the early to mid-2000s, Beijing invited Manila, and later Hanoi, to jointly explore the SCS seabed at a time when relations were stable, and the Arroyo administration prioritized commercial exchanges with China over territorial rights. This changed in the final years of Arroyo’s and throughout Aquino’s presidency. Similarly, once Duterte, by ignoring the PCA ruling, effectively accepted China’s territorial claims in 2016, Beijing swiftly permitted Philippine fishers to again access the Scarborough Shoal, which is within

the Philippine EEZ but under Chinese control since 2012. In other words, once Duterte gave in to China's Realpolitik and ignored his country's legally assured territorial rights under UNCLOS, Philippine marine industry workers were able to return to Chinese-controlled territory within the Philippine EEZ.

Indeed, Chinese scholars concur that the Chinese government is willing to share resources with littoral states, as long as China's territorial claims are accepted. Xu and Cao, for instance, assert that China's approach to maritime disputes in the SCS, and engagement with littoral states, is guided by four principles:

1. The prerequisite is that the SCS is China's sovereign maritime territory.
2. Disputes over sovereignty should be shelved until conditions improve and the eventual settlement is possible, but the claim of sovereignty cannot be given up.
3. China may conduct joint resource development with regional states in disputed maritime territory.
4. The purpose of joint development with regional states is to create conditions for the eventual consensual settlement of disputes through cooperation and promotion of mutual understanding.¹⁰⁸

Especially principles (3) and (4) are instructive to understand the role that SCS resources have in Chinese strategy, and how China utilizes joint development for its strategic interests. China seeks to bind regional states into mutually lucrative cooperation projects, thus incentivizing regional states to eventually accept China's territorial claims to secure continued access to SCS resources. This is supported by the previous section's analysis. China's leveraging of economic interdependence in this context is reminiscent of its economic statecraft in other contingencies like the South Korean THAAD case or more recently Chinese import restrictions of a wide range of Australian goods.¹⁰⁹ Cha and Lim refer to this practice as China's "Predatory Liberalism" whereby China "engages in the global trading order up until the point when it chooses not to [...]. Instead, China leverages the vulnerability that interdependence creates in a predatory fashion."¹¹⁰

It can be concluded that the driver behind China's SCS policy—which is sometimes aggressive/coercive and sometimes cooperative—cannot be the securing of control over commercial SLOCs and maritime resources. Rather, China employs offers of cooperation in ocean governance and in developing SCS resources to garner regional states' acquiescence on the question of territoriality, and eventual acceptance of effective Chinese control. The example of China's engagement toward the Philippines and ASEAN demonstrates this. China demands undisputed sovereignty over the SCS, not merely exclusive access to resources. The objective of undisputed control over the SCS is to realize China's military-strategic objectives, namely the development of A2/AD, establishing the SCS as a nuclear bastion, and securing the airspace above the SCS for rocket launches from WSLC on Hainan. These military-strategic objectives require undisputed access to the entire SCS and all its territorial features on which military installations such as radars, missiles, runways, harbors, etc., can be deployed. In Beijing's calculation, the best way to achieve this is to leverage joint cooperative relationships with regional states. If this is not reciprocated, as was the case with the Philippines between 2012 and 2016, China will instead use military and economic coercive power to assume control of SCS territory, even within the EEZ of other littoral states.

The above analysis hence supports the alternative explanation of China's military-strategic interests to be the driver of Chinese actions. This explanation already exists in specialist publications but has been ignored by many academic and most journalistic accounts. By demonstrating that China—absent littoral states' strong opposition—in fact readily offers cooperation on ocean governance and joint resource exploration as means to eventually gain undisputed control over the SCS, the common explanation relating to economic security can be refuted. The alternative explanation relating to China's military-strategic interests, however, holds up against the above analysis. The explanation of nationalism can neither be refuted nor corroborated. It can hence be accepted as another contributing variable until it is either verified or falsified by future empirical analyses.

VII. Conclusion

Disputes in the SCS are well researched subject matter within the discipline of international security- and strategic studies. China's role in these disputes is preeminent due to its relative economic size and military power on the one hand, and its aggressive courses of action, illegal island building, and disregard for international law on the other. Beijing's aggressive approach and illegal island building are commonly explained as a function of economic security considerations, namely the control of SLOCs and access to fish and hydrocarbon resources. The alternative explanation posits that China's military-strategic interests are the driver behind its actions in the SCS. As this article demonstrates, the alternative explanation is reconcilable with the fact that China also offers cooperation in ocean governance and joint resource exploration to littoral states. The military-strategic explanation is hence corroborated, whereas the common explanation relating to control over SLOCs and resources can be refuted.

It is demonstrated that China's SCS policy, specifically its offers of cooperation with littoral states, can be explained as means to consolidate China's physical control over the SCS, further underwriting its military-strategic objectives. Chinese scholars concur that joint exploration of SCS resources serves as a coercive tool to incentivize littoral states to cooperate and to effectively accept China's illegal claims. Once cooperation yields lucrative results, the littoral state's costs of disputing Chinese illegal territorial claims, and thus losing out on the exploration business, would be significantly higher. Of course, economic factors will also inform Chinese foreign policy, but China's willingness to share resources demonstrates that this cannot explain its aggressive behavior toward littoral states. While the Philippines and ASEAN are useful case studies, SCS disputes are multi-faceted, and this article's analysis is only partly representative of China's engagement with other SCS littoral states. Future research may explore Beijing's assertive as well as cooperative coercive policies toward further regional states to improve our understanding of China's strategic ambitions toward the SCS.

Last but not least, the findings of this article have policy implications for SCS littoral states, ASEAN, and states from the wider Asia-Pacific region, including the United States. It has been known that China disregards UNCLOS since it denied the PCA jurisdiction over SCS disputes and announced that it will not accept the ruling. So far, territorial disputes between SCS littoral states and China were understood to be driven by considerations

relating to resources and shipping lanes. If that were the case, bilateral and multilateral cooperation projects such as the JSMU or the CoC and DoC would seem like a solution. However, it appears that China merely uses offers of cooperation as a means, a policy tool so to say, to control littoral states with economic inducements. The end of China's actions in the SCS, however, is to secure military-strategic objectives and to establish A2/AD, operate a nuclear bastion, and protect rockets launched from its spaceport on Hainan. Understanding China's true objectives in the SCS as well as the limited impact that UNCLOS and international law more generally have on China's foreign policy will be crucial in finding a more robust solution to the ongoing territorial disputes.

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Towards a Holistic Cross-Border Environmental Governance in the European Arctic

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Structured Abstract

Article type: Research paper / Commentary

Purpose—It is the purpose of this paper to show that holistic, interdisciplinary research has a key role to play in the study of cross-border environmental governance. This will be shown by using the example of the northernmost regions of continental Europe, in particular the border regions between Norway and Finland and between Sweden and Finland, respectively. This text is meant to inspire a debate on the modalities of future research related to Arctic governance and to suggest that Arctic governance research requires a broader research philosophy that transcends the dominant views from the perspectives of law and political sciences. This paper argues that effective governance research needs to be inclusive, emphasize the needs of local communities, and be interdisciplinary by including not only political and legal sciences but also know-how in fields such as such as anthropology, geography, history, administrative science, regional studies, etc., in order to provide benefits for local communities. Hence, academic literature from different areas of social sciences will be utilized.

Design, Methodology, Approach—The authors introduce the reader to existing research on different aspects of cross-border environmental governance in the European High North and show the feasibility and potential impact of interdisciplinary research on cross-border schemes for environmental governance and biodiversity protection.

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Findings—This paper is not so much meant as a recapitulation or summary of research but rather contains a call for action by establishing the outlines for a new approach in international and interdisciplinary research into cross-border environmental governance, with a particular view to the protection of biodiversity in the Arctic. It is shown that such an approach can be developed based on already existing research.

Practical implications—Across the circumpolar Arctic, residents are highly dependent on a healthy natural environment. This protection is at the heart of international cooperative efforts to govern the region. Using the example of cross-border environmental governance in the European High North (EHN), it will be shown that it is essential to consider the needs and interests of local communities beyond political constraints, such as national borders. Such interdisciplinary research has the potential to contribute to strengthening the position of local stakeholders in the area in question. This includes rural, indigenous, and underrepresented communities. In addition, such interdisciplinary research can strengthen the capacities of relatively small cross-border institutions, such as border river commissions, by generating and sharing scientific knowledge; the generation of which would have been beyond the economic, technical, or other means of such institutions often providing public services that are disproportionately important in relation to their size or funding.

Originality, value—The paper builds on existing research through the combination of different disciplines, such as international law, political sciences, anthropology, regional studies, urban studies, marine environmental governance, and social sciences. Further, the paper outlines a vision for an additional layer of research that can be built on top of the existing scientific basis. What is more, it will provide a holistic view of multidimensional governance structures in border areas.

Keywords: anthropology, Arctic, environment, governance, indigenous rights, law, place-based regional development, research philosophy

I. Introduction

The Arctic is home to millions of people. Among the common characteristics shared by different communities across the circumpolar north is a significant dependency on an intact natural environment. Therefore, the governance of environmental spaces plays a crucial role in the governance of the Arctic. In the European High North (EHN)—defined here as the northernmost regions of continental Norway, Sweden, and Finland—environmental governance is characterized, compared to other parts of the world, by a high degree of cross-border cooperation. Since the late 1980s, the environmental cooperative spirit seen in the EHN has significantly inspired the development of international governance and legal developments in the entire circumpolar region, in particular in the context of the Arctic Environmental Protection Strategy (AEPS) and the Arctic Council (AC).

In this text, which is meant to inspire future research rather than to merely reflect its current state, it will be argued that the spirit of cooperation in the EHN can also inspire a research philosophy regarding Arctic governance. Additionally, it is argued that, in order to actually serve the people living in the region, there is a need for a specific research philosophy that is truly holistic to improve the understanding of different management schemes

for the protection of the natural environment in the Arctic. As an example, we will look at the western and northern peripheries of Finnish Lapland. The border areas of Finland, Sweden, and Norway, respectively, are uniquely suited for the design and future research on the co-management of environmental spaces that will facilitate the active involvement of local stakeholders based on existing notions of Free, Prior and Informed Consent (FPIC) and Social License to Operate (SLO). The authors in this paper seek to address the above issues using two objectives:

- a. To examine the importance of using holistic and interdisciplinary research in studying cross-border environmental governance using the example of the European Arctic.
- b. To inspire debates on future research approaches on Arctic governance, with emphasis on the necessity of a broader research philosophy that incorporates multidisciplinary to understanding cross-border environmental governance.

Lapland (Finnish: Lappi) is Finland's northernmost region. It overlaps with a wider region known as Sápmi, the homeland of the indigenous Sámi people, and part of the Barents region. Its western part is included in the Meänmaa, a region that, like Sápmi, is not defined by national boundaries but by the language spoken by the local community in the area. Meänmaa includes regions that are currently governed by Sweden and Finland and also overlaps with Sápmi, the homeland of the indigenous Sámi people, which spans Norway, Sweden, Finland, and Russia. The land borders of the Finnish province of Lappi, partially overlapping with Sápmi, can be described as a wide arc running from the northern end of the Bay of Bothnia via the coastal two-state city of Tornio/Haparanda in Finland and Sweden, and along the Tornio and Muonio river valleys. It includes the mountainous region where the borders of Norway, Sweden, and Finland meet. From there, it follows the border between Norway and Finland eastwards to the tri-border area between Russia, Norway, and Finland, only a few kilometers from the Arctic Ocean. The Eastern border of Lapland is identical to the international boundary between Finland and Russia (while Sápmi also includes parts of Russia).

The Tornio, Muonio and Teno rivers are separating the different countries and acting as natural boundaries, providing an important connection for people and wildlife. In Europe, they are among the richest rivers in salmon and other fish, but inherent tensions around nature and subsistence also exist, particularly with the forestry and extractive industries. Among the specific features of the region is the openness of borders, which play less of a role in the everyday life of local residents than for administrative purposes. What is more, this region includes multiple examples of cross-border cooperation, such as the Marine Protected Areas (MPAs) in the Bothnia Bay, the Lemmenjoki and Ovre Anárjoka National Park, as well as the Ovre Pasvik National Park. Efforts as such also reflect the Nordic countries' pioneer status in cross-border environmental governance, established through developments like the Aarhus Convention¹ and the Espoo Convention.²

Future governance research in this region will have to be based on a research philosophy that centers on the needs and rights of the people living in the region, which requires a solid understanding of the relationships between the people and their natural environment. As the Arctic is highly dependent on nature and the state of the natural environment, their status has very direct implications for the well-being and safety of local residents.

Interdisciplinary governance research has an important role to play in supporting local and national stakeholders and decision makers. In the Arctic, traditional and local

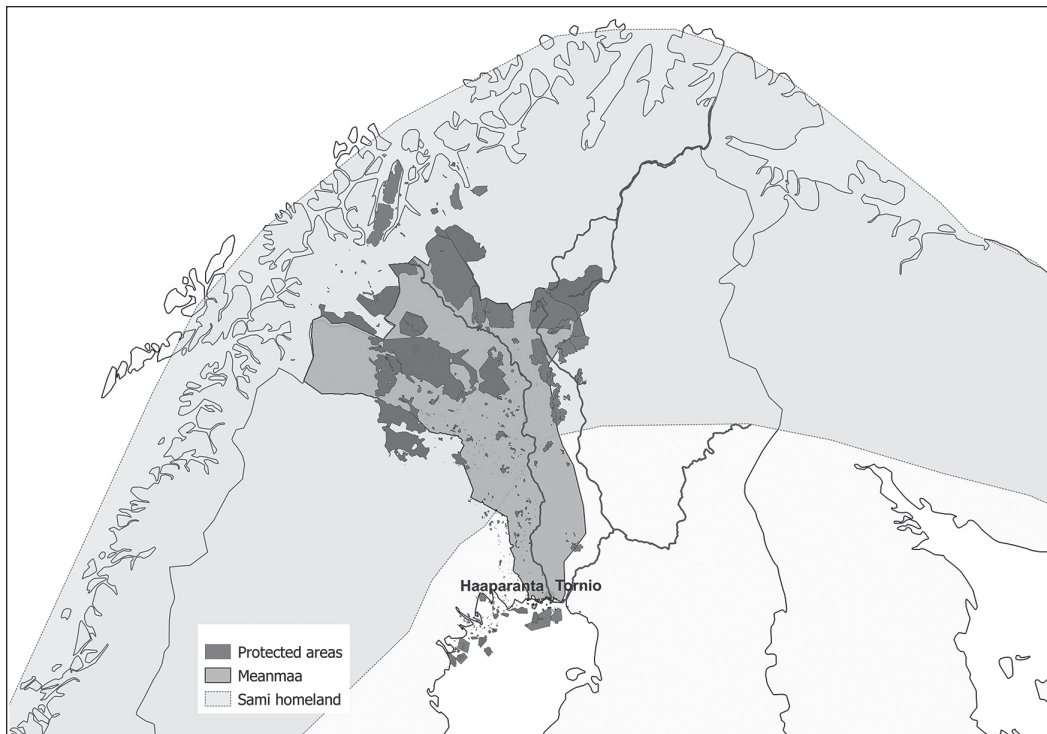


Figure 1: Map of the Research Area. Vitikka A. (2022) Arctic Centre, University of Lapland.

knowledge play an important role in supporting regional governance. The Arctic Council and its Working Groups are examples through their production and use of science to execute the Council's programs and projects.³ Local and indigenous peoples of the Arctic are closely linked with the environment, often through subsistence activities, transport and movement. Thus, interdisciplinary approaches to governance research should be undertaken in support of the co-creation of scientific knowledge⁴ and emphasize the sharing of knowledge⁵ to benefit inhabitants of the region.⁶ Arctic residents are no longer perceived as informants but are partners in research, a view which helps science to serve society. On this basis, it will be argued that such an inclusive approach to governance research in the Arctic can be a practical form of this research philosophy.⁷ Research focusing on identifying the dramatic changes that the region undergoes should be based on previous studies, including those at the level of international environmental law. Its starting point will be agreements and courses of action pertaining to the rights (and management approaches) over the use of natural resources in both terrestrial and marine environments of the Arctic, and developments surrounding regional legal basis for Arctic governance and cross-border cooperation.

II. Existing Research and Open Questions

As environmental challenges are not limited to the state borders, their governance is essential to examine also in cross-border manner. Border regions are diverse with different

national, societal, and geographical circumstances facing variety of environmental challenges, which is also visible in the fields of research. The research topics have covered, among others, climate change,^{8,9} natural resources¹⁰ and conservation of species,¹¹ as well as how the governance has been designed in these organizations. The organizations within the area of water management, such as river commissions, have also been examined and scholars have found that international river basin organizations have a role in diplomacy,¹² security,¹³ resistance and reform,¹⁴ adaptation¹⁵ and so on.

While there has been substantial research on the region's natural environment and governance, conducted in particular by researchers from institutions in the region, there is need for more research on cross-border environmental governance in the region. This requires exploring the potential for using collaborative management (co-management) as a tool addressing existing gaps in the governance of protected areas in the European Arctic. Further, the question of how cross-border environmental governance is being realized in different settings across the terrain, including northern areas of Finland, Norway, and Sweden that constitute areas governed for the protection of biodiversity both in marine and terrestrial environments.

Such a contribution to advancing research will have to look at a number of different cross-border environmental and biodiversity protection efforts. For the border areas mentioned earlier, this includes marine protected areas in the Bay of Bothnia, the work of the Finnish-Swedish Transboundary River Commission and Finnish-Norwegian Transboundary Water Commission, and regional protection efforts in National Parks. The role of the indigenous Sámi people, particularly in the management of their ancestral homelands in Finland and Norway, has been the object of legal disputes and unilateral action. In Norway, a special legal regime exists for Finnmark. Similarly, in the context of indigenous fisheries rights in the Teno River, legislation culminated in a landmark decision on the part of indigenous people by the Supreme Court of Finland on 13 April 2022.¹⁶

An existing system for cross-border cooperation can well inform future research on cross-border environmental governance, particularly with respect to protected areas in the European Arctic. Doing so should include a four-fold understanding of key actors and their roles in the region: (a) In the area of cross-border cooperation on environmental issues, Arctic States do participate in as well as exchange knowledge, and share responsibility through the Nordic Council of Ministers, the Arctic Council, and the Barents Euro-Arctic Council. (b) On matters of protecting biodiversity on indigenous land, the Sámi Parliaments of Finland, Sweden, and Norway and the Indigenous People's Secretariat have an important role of assessing developments that likely affect indigenous land. (c) Other actors shaping environmental governance at the national and municipal level include the Swedish Environmental Protection Agency, Metsähallitus of the Finnish Ministry of Environment, the Norwegian Forest Owners Association, and the Finnmark County Municipality. The entities have the capacity for assuming new responsibilities in the areas of social impact assessment and biodiversity governance in protected areas subject to a multitude of uses.

In addition, (d) a fourth area of interest concerns the role of non-state actors in cross-border environmental governance. Special attention should be given to revisiting international proceedings relevant to protecting both marine and terrestrial biodiversity in the European Arctic. The EU Commission, for example, has played an important role in the mitigation of climate change and the protection of biodiversity in the European Arctic

through the adoption of various international agreements that establish legal frameworks and regional policies.¹⁷ The 2016 UN Convention on the Law of the Sea (UNCLOS),¹⁸ the UN Convention on Biodiversity (CBD)¹⁹ and its Akwé: Kon guidelines, the Paris Agreement, and the EU Biodiversity Strategy are just a handful of examples that we can learn from if mapped for proper use in governance. Particular emphasis should be placed on multi-actor/multi-stakeholder engagement, co-creating Arctic knowledge between local, indigenous, national, and international actors in the management of biodiversity. This approach will enable future researchers to map existing regulatory frameworks, identify local knowledge needs for stakeholders and decision makers, and create practical benefits for communities that rely on biodiversity for a livelihood.

Several scholars in the field of regional development have highlighted the importance of place-sensitive and place-based approach in regional development (^{20, 21, 22, 23, 24}), where the focus lies on taking local aspects into account within regional development. The European Union has also emphasized the importance of joint effort in dealing with environmental challenges. The tools for that have been, for example, cohesion policy based cross-border cooperation programs, such as previous Interreg Nord²⁵ and ongoing Interreg Aurora (2021–2027).²⁶ Cohesion policy has a multi-level governance structure, which aims at taking the local perspective into account.²⁷

III. Co-Creating and Disseminating Arctic Knowledge

Knowledge about environmental changes in the Arctic region and the need for a combined and multi-stakeholder effort towards capacity-building is not new.²⁸ Over the past half-century, global warming has been amplified in the Arctic, with indicators of the cryosphere associated with loss of snow and sea ice becoming more frequent as well as an increase in atmospheric moisture and temperatures, with an increase in warming of the Arctic projected even under moderate mitigation scenarios.²⁹ On 20 May 2021 at the Arctic Council Ministerial in Reykjavik, Iceland, a report titled “Arctic Climate Change Update 2021: Key Trends and Impacts. Summary for Policy-Makers,” prepared by the Arctic Monitoring and Assessment Programme (AMAP), showed the Arctic annual mean surface temperature (land and ocean) between 1971 and 2019 was three times higher (a 3.1°C rise) when compared to the increase in the global average within the same period.³⁰ Further, the report indicated that the intensity of rapid sea ice loss events, melt events on the Greenland ice sheet, heavy precipitation, inland flooding, coastal erosion, and wildfires are increasing in the Arctic, in addition to a rise in extremely elevated temperatures and a fall in extremely cold temperatures.³¹ It is anticipated that these changes in climate will increase industrial access to resources like oil, gas, and minerals in the region, with the current situation already of concern.³² It is also posing negative effects on the local communities (including indigenous people) in terms of food security, health and wellbeing, livelihoods, transportation, and the availability of safe drinking water.³³

A further look into earlier research on issues linked to governance, use, and management of the Arctic environment shows several exemplary cases. For instance, calls for a more integrated, clarified, and inclusive view for better cooperation with regards to

international environmental law and securitization in the Arctic,³⁴ and the importance of the law and constitution on indigenous rights in the Arctic and how environmental changes, in turn, shape the rights of people living in the Arctic.³⁵ Previous studies also highlight China's ambition in the Arctic, which poses concerns over securitization,³⁶ as well as the ongoing changes in human population in the Arctic,³⁷ which come about with new opportunities for well-being and placemaking among residents.³⁸ Recent studies suggest a greater look into flows of knowledge,³⁹ good practices of traditional knowledge,⁴⁰ and an understanding of adaptational practices amid the changing environment in the Arctic⁴¹ as a way forward. A recently accepted paper compares co-management practices in several regions of the world suggesting that achieving effective co-management without jeopardizing the traditional norms and values of local/indigenous people requires locally based measures that engage communities at the heart of sustainable forest management.⁴²

The previous studies show that biodiversity in the Arctic region requires multi-disciplinary and multi-method approaches. Especially, when taking into consideration changes in the Arctic's human population, the growing interest of non-Arctic States in decision-making, and the contested space of cross-border cooperation in managing the Arctic's natural resources. This also means an understanding of the role of international environmental law in the Arctic and not only of regional laws. Better cooperation among stakeholders in Arctic governance also seems to be a common suggestion among the authors cited above. The aim for holistic research will further the existing literature by establishing a co-management perspective to disaster risk reduction (among other related factors) around protected areas in the Arctic with attention to policy-based alternatives and inputs of local knowledge. It does so from the stance of cross-border cooperation over the use, management, and preservation of national parks and their surroundings in the Arctic. By definition, co-management (collaborative management) can mean systems of joint authority, participation, and decision-making between local communities, state agencies, and private sector stakeholders in negotiating the governance of natural resources.⁴³ Such a system might take different forms such as community-based and participatory models of conservation and development.⁴⁴

IV. Research for Local Communities in the European High North

Such research would not happen in a vacuum as the co-creation of new knowledge can be based on existing research by local and international experts in the region. Indeed, co-creation of new knowledge might be most successful when based on research by local and international experts in the region, especially in the fields of Arctic Governance and SLO.⁴⁵ Research that results in practical benefits for local communities in the Arctic could approach SLO from two angles: as a cross-border governance tool and as an extension of the concept of FPIC.⁴⁶ While SLO is an industry tool to achieve and maintain support from local communities,⁴⁷ it is also a way to expand local community participation. True and meaningful involvement of local stakeholders must include an evolved form of what is known in the context of indigenous rights as FPIC, requiring that local stakeholders are given a chance to be informed and heard.⁴⁸ Although FPIC is generally

understood as a concept applied to indigenous peoples, in some countries the right applies to non-indigenous people as well.⁴⁹ Contemporary environmental law provides opportunities for local residents to be heard and have a voice in administrative processes, for example with regard to mining, an issue that has already been the subject of research in the region.⁵⁰ Another example for the increasing recognition of indigenous rights and local interests is sacred sites,⁵¹ such as Ukko Island in Lake Inari. Such developments, while still a work in progress, can be aided by research on the co-creation of knowledge which in turn can lead to the identification of best practices⁵² and to the increased protection of the rights of local residents. The need for such research can also be seen in the context of human-animal⁵³ and human-nature relationships, particularly in the context of research on land use, protected areas,⁵⁴ environmental governance,⁵⁵ and community participation in co-management.⁵⁶ Finally, it would also be relevant in the context of regional development in the northern border regions.⁵⁷

Beyond law and governance, there is already a considerable body of research on the region that has been created over the last decades.⁵⁸ The region is noteworthy in that there is local research in different fields of science, in particular in the social sciences, with a particular emphasis on the interests of local communities.⁵⁹ It is this concern for the rights and interests of local communities in the Arctic in regard to the natural environment,⁶⁰ in particular the concern that the voices of the local people are heard when decisions are made with regard to the region,⁶¹ that have long been an inspiration for research in the social sciences in the Arctic. This is especially the case in the new, but already established, field of International Arctic Law.

This concern and research interest leads to a growing relevance of the concept of scientific responsibility. Researchers too have a responsibility for the impact of their research. Scientific research is not always morally neutral. While it is true that in democratic societies, policy decisions are not made by scientists but, ideally, by democratically empowered representatives of the people based on the work of scientists, the democratic legitimation of the final decision-takers does not disconnect researchers from the people who are affected by their research. Research ethics deals with the question of how research is conducted. The approach proposed here goes one step further and asks that the entire impact of scientific research on local communities in the Arctic (and elsewhere) be taken into account.

V. Inclusive Research as Practiced Research Philosophy

Research is not an end in itself but it is meant to serve society, a notion that is inherent in the idea of researchers' responsibility and in the idea of co-creation of knowledge with local stakeholders. The participation of local stakeholders in decision-making in the Arctic, seen through the legal/regulatory lenses of rights and sovereignty, is one of the key future questions for Arctic governance.⁶² At the crossroads of rights and sovereignty is the rights of all peoples, including the indigenous peoples of the Arctic, to self-determination—a well-established concept of contemporary public international law.⁶³ A lot of the effects of climate change and environmental degradation that are felt in the Arctic that directly impact the people who live in the Arctic are the consequences

of decisions that have been made outside the Arctic. In recent years, the evolution of a set of international legal norms in the Arctic has contributed to the development of better protections for the natural environment. These benefits of international regulatory efforts are not limited to the Arctic. It is not a coincidence that the Arctic region is open to cross-border cooperation based on legal norms. The Arctic is often seen as exceptional⁶⁴—and in many ways, that is correct. The cooperation across borders, even between States whose governments pursue very different political courses, is a hallmark of international Arctic governance. The Nordic countries especially have a long history of cooperation and the aforementioned borders of Lapland have long lost the harshness of the past. Today, connections prevail over artificial separations between the people who live in the European High North. The borders that separate the Finnish, Swedish and Norwegian parts of Sápmi and Meänmaa re-entered public consciousness during the early stages of the ongoing COVID-19 pandemic, but their role in the everyday lives of local people is limited. Cooperation across borders is the norm between the Nordic countries and this cooperation has led to the development of international environmental law standards that inspire developments far outside the region. The Arctic, in particular the European Arctic, could well serve as a source of regulatory inspiration beyond the region in the future—although some steps will be necessary to achieve this.⁶⁵

Such governance processes can be facilitated through inclusive research practices in the social sciences. By inclusion, it will require listening to local voices and co-creating knowledge together with the people who live in the Arctic region. The inclusive research philosophy suggested here also inspired in part by Nils-Aslak Valkeapää's notion that is expressed in his book *Beaivi, áhčážan*, published in English under the title *The Sun, My Father*,⁶⁶ of the Arctic as a connection based on conversations⁶⁷ and mutual learning.⁶⁸ This process of mutual learning, which can be facilitated by the inclusion of anthropological expertise and local knowledge, is essential for the delivery of research that actually benefits the people of the Arctic. Worth taking note, in this move towards inclusive research, are the future avenues Mark Goodale suggests in his chapter on “Rights and Social Inclusion” in *The Oxford Handbook of Law and Anthropology*, published in 2022 with Oxford University Press. It contends for a better analysis of rights (human, gender, indigenous, and non-liberal), their framing and transformation in global normative landscapes, and how they shape politics, social resistance, and moral discourse in broader systems. Also, paying attention to human and collective rights that serve to ameliorate circumstances of social exclusion through jurisdictions. Rights as normative tools do carry in them nuances influenced by the political context, ideological history, and social meaning and might not be condensed into general universal principles in all cases. Incorporating the above views toward inclusive research among various stakeholders, the local and indigenous communities that all play a part in protecting the natural environment will be a constructive addition to enhancing cross-border environmental governance in the European Arctic.

VI. Conclusions and Outlook

Effective Arctic governance research that aims to provide benefits for local communities will therefore have to be inclusive and interdisciplinary in nature, including not only

political and legal sciences but also know-how in fields such as anthropology, geography, history, etc.

The Arctic is often seen in black or white terms—between protecting a unique natural environment and seeing the region as a source for the extraction of natural resources.⁶⁹ As so often, the reality on the ground is not easily described in such simplified terms.⁷⁰ A nuanced view requires understanding that is gained from sharing the life of the people who might benefit from our research: in other words, from localizing interdisciplinary research on Arctic governance.

Looking at this particular case of cross-border cooperation between Norway and Finland can be instructive for the better understanding for cooperative options elsewhere. In particular, the international treaties that have been ratified by both countries, albeit not all other Arctic countries, such as the UN Convention on Biodiversity, the International Covenant on Civil and Political Rights,⁷¹ the International Covenant on Economic, Social and Cultural Rights,⁷² the European Convention on Human Rights,⁷³ and the United Nations Framework Convention on Climate Change⁷⁴ are all crucial for the sustainability of biodiversity in the Arctic. Both countries are also members of the Arctic Council, which until its pause in meetings since early March 2022 was the Arctic's top-level medium for regional and cross-border cooperation among its eight member States. At the national level, the State-owned enterprise Metsähallitus manages most of the protected areas and forestry in Finland, although the Finnish Forest Act⁷⁵ and the Akwé: Kon guidelines⁷⁶ that are referred to in the UN Convention on Biodiversity have been vital to managing biodiversity and the inclusion of indigenous communities in this process. In Norway, the State-owned enterprise Statskog is responsible for managing state forests, but several national laws, for example on allodial rights, provide an important framework for the jurisdiction to exercise certain rights and for specifying what sort of activities are allowed in state-owned forests.

The example of Finnish Lapland presents an important case study with a substantial amount of the forest protected in national parks⁷⁷ that are essential for conserving biodiversity while ensuring appropriate ways for the use of nature. However, the region is also partly sophisticated by numerous forms of land use, such as mining, tourism, practices of hunting, fishing, and herding among local Finns and the indigenous Sámi,⁷⁸ as well as timber exploitation and transport, which have various impacts on the natural environment. These activities, coupled with sudden climatic changes in the Arctic that bring about floods and forest fires⁷⁹ all require suitable options for reducing the risk of disasters around protected areas.

In Northern Norway, the Counties of Troms (host to national parks Ånderdalen and Øvre Dividal) and Finnmark (host to national parks as Øvre Anárjohka, Øvre Pasvik, Rohkunborri, Reisa, Seiland, Stabbursdalen, and Varangerhalvøya) do share a border with Finland. An earlier report showed that, even with the introduction of decentralized decision-making, Norway had not fulfilled its international commitments to concepts of public involvement leading to its existing participatory and conflict resolution frameworks, undermining public involvement in nature conservation.⁸⁰ It has also been argued that in Norway, both the Planning and Building Act and the Nature Diversity Act—crucial for planning the use and protection of biodiversity—are still, to a degree, being performed under the umbrella of hierarchy bringing about conflicts of interest among land users.⁸¹ A collaborative basis for co-producing knowledge gives us a potential for revealing

alternatives to engaging various sectors, policymakers, scientists, and the local community (in the Northern areas of Finland and Norway). Such research can in turn be utilized toward building capacity for society and science in addressing disaster risk reduction in and around national parks in the Arctic.

Social sciences research on environmental governance in the Arctic has the potential to generate positive impacts for local communities in the region. Being an environmentally sensitive region, the Arctic is equally vulnerable to environmental disasters which pose concerns over the sustainability of biodiversity. According to the International Federation of Red Cross and Red Crescent Societies (IFRC), disasters are sudden, tragic happenings that interrupt a society or community from functioning, giving way to material, human, environmental, and economic losses that exceed a community's coping ability using its own resources.⁸² This can be the outcome of both natural and human factors, along with hazards, vulnerabilities, and an incapability to reduce the potentially damaging repercussions of risk. Disaster risk reduction is a component of cultural adaptation, established in anthropology research in the context of the knowledge people with long experience in land development through technologies, organizations, various forms of work. These experiences give local communities the ability to make use of the land for sustainability and social production based on many strategies—identifying unsafe locations, use of early warning systems, proper housing designs, and crop diversification.⁸³

Although Arctic research is often perceived as research in the natural sciences, social sciences research in the Arctic has gained greater importance in recent decades. This is particularly the case for fields such as anthropology,⁸⁴ political sciences, or law. At the intersection of environmental, local, and governance studies, there are research needs and large research potential in the European Continental (Sub-Arctic). Filling these research needs and realizing this potential will require long-term efforts across multiple disciplines and the active involvement of local stakeholders, including indigenous communities. The existing discourses on SLO and FPIC could be merged to develop SLO into a kind of “FPIC for everyone.”

Notes

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Nuccio Mazzullo is senior researcher for the Anthropology Research Team at the Arctic Centre, University of Lapland, Finland. He received his PhD in social anthropology at the University of Manchester in 2005. Since 1990 he has conducted extensive fieldwork for different research projects focusing on indigeneity, perception of space and territoriality, and oral history and narratives in Finnish Lapland, working mainly with Sámi people. Among his topical interests are human-environment relationships, reindeer herding,

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Ayonghe Akonwi Nebasifu holds a Doctor of Social Science at the University of Lapland. He is a researcher in the Anthropology Research Team at the Arctic Centre, University of Lapland, where he shares topical interest on qualitative methods, people-nature relations, policy research, ecosystem governance, and agency/resilience theory. His recent publication highlights 6 years of anthropological research at Mount Cameroon National Park in sub-Saharan West Africa, where he studied knowledge integration in co-management systems. His book illustrates the agency of indigenous residents and their persistence of knowing the land in a national park. He currently coordinates the MaxiPAC.EU Project at the Arctic Centre, focusing on migration in the Arctic.

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Paula Tulppo is a researcher and project manager at the University of Lapland, working with career aspects in doctoral education and life-long learning. She holds a M.Sc. (Admin) in regional studies from University of Tampere, and she is a PhD candidate in the field of administrative science at the University of Lapland. In her dissertation research she scrutinizes the EU's cross-border cooperation as a tool for regional development in the northern areas of Finland, Sweden, and Norway. She is a member of the Arctic Governance Research Group at the Arctic Centre, and the Professions in Arctic Societies (Pro-Soc) research team at the Faculty of Social Sciences, University of Lapland.

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Geostrategic Significance of the Bay of Bengal in India's Maritime Security Discourse

Alik Naha

Structured Abstract

Article Type: Research Paper

Purpose—In the Indian Ocean Region, the Bay of Bengal is re-emerging economically and strategically. The region has become a theater of strategic power play due to its strategic relevance, the presence of critical SLOCs, and the strong economic prospects of several adjoining states. India is the region's largest naval power, and it strives to maintain a rule-based maritime order. In this regard, this research aims to investigate possible strategies for India for becoming a regional net security provider.

Design, Methodology, Approach—The content analysis approach has been used to prepare the paper.

Findings—As key forces in the region fight for strategic and economic initiatives, the Bay of Bengal's strategic importance will only increase. As a result of these advantages, rival states' naval capabilities and presence in the Indo-Pacific will be enhanced. Along with a pervasive sense of competitiveness in the region, there are more opportunities for friendly nations to collaborate. India must be willing to try new things and let go of old inhibitions when it is needed. It must pursue principles like burden-sharing and fully utilize the friendly navies eager to assist India's position in the area. India would have to manage its relations with China as it continues to construct a bay community. The Sino-Indian dynamic will have a profound impact on the region's growing security architecture in the maritime sphere. India must work on building trust, strengthening, and diversifying its engagement with partner countries, and continue its HADR role to further calibrate its position in the region. By strengthening its engagements, India would be able to shift from a reactive to a proactive policy.

Practical Implications—This paper argues that India may consolidate its influence

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and position in the Bay of Bengal area through concentrated efforts to cooperate with like-minded partners, further enhancing its maritime diplomacy through the use of soft and hard power, and effective coordination with BIMSTEC.

Keywords: Andaman & Nicobar Islands, Bay of Bengal, BIMSTEC, India, Japan

I. Introduction

The Bay of Bengal, as the world's largest bay, is very important to the countries that surround it. More broadly, the region's demographic, economic, and security trends have significant ramifications for Asia and the global order.¹ While definitions differ, the Bay is characterized as a "triangular basin" spanning west to east between Sri Lanka, Bangladesh, and Malaysia. The Bay is rich in natural resources, such as natural gas reserves and other seabed minerals, as well as nutrient input from the Ganges and Brahmaputra rivers, ensuring that the Bay's waters have large fishing stocks. As a maritime link between the Indian and Pacific Oceans, the Bay plays an important role in global economic flow. As a vital passageway to the Malacca Straits, the region has grown in strategic importance. One reason for this is the relatively good economic prospects of India, Sri Lanka, Bangladesh, and Myanmar, which are boosting their economic significance in Asia and beyond. Given these countries' ability to significantly grow into low-cost, high-quality manufacturing, the Bay is widely recognized as not only the key physical connection between the Pacific and Indian Ocean regions, but also as a vital economic traverse.

For ages, the Bay has been a vital thoroughfare for India in Asia's maritime domain. It was known as the "Chola Lake" during the era of Chola king Rajendra I.² Trade in the region reached new heights under the Cholas, with Indian traders leaving their imprints as far as Java, Indonesia. Explorers like Ibn Battuta, Niccolo De Conti, and Admiral Zheng He of imperial China traversed the Bay of Bengal in the 14th and 15th centuries.³ The Portuguese empire, the Second Burmese Empire, and the Kingdom of Mrauk U were the primary powers in the Bay of Bengal during the 16th century. Because of the region's popularity, nautical charts for the Bay were originally made by the Portuguese in the 16th century and then revised by the English and Dutch in the 17th century with the help of theoretical mathematicians and practical knowledge from mariners. By the 18th century, several European trading corporations had established themselves across the region, culminating in Crown supremacy in the subcontinent and the collapse of the region's traditional maritime networks in the 19th century. What evolved was a British goal of securing trade routes to China and the Pacific while demonstrating military, economic, demographic, and political supremacy over the Bay of Bengal.⁴

In the period from 1600 to the 1800s, the Bay witnessed an intensification of trade primarily by the Portuguese and the Dutch. By the 1820s, it was the British Empire that had a substantial grasp over the region and reduced the Bay to a strategic backwater in the early 19th century.⁵ The Imperial German Navy's SMS Emden raids and following naval battles during World War I highlighted the Bay's geostrategic significance. During World War II, the Bay was once again a raging sea. This highlights both the region's allure and its vulnerability to outside influences. The most significant single element affecting the strategic

dynamics of the region was India's independence in 1947. Also, the decolonization of this region, as well as India's shift away from Western nations, separated the region into two parts: South Asia (pro-communism) and Southeast Asia (anti-communism).

The Asian monsoon, which animates the Bay by bringing fresh water to lessen salinity and allow greater biodiversity to thrive, has governed every aspect of human society, culture, and sustenance of life in the Bay since time immemorial. While the ensuing aquatic life provides a vital source of energy for the populace living along the beaches, the monsoon provides the necessary water resource for the hinterland's everyday subsistence and agriculture. However, due to prolonged neglect and global warming, the Bay's coastal regions have become the world's most vulnerable to climate change, especially since more than half a billion people live immediately on the coastal rim that surrounds them. Natural resource exploitation puts the ecosystem at risk since dependency comes with vulnerability.

Furthermore, because it connects the Indian and Pacific Oceans via the Malacca Strait, which roughly one-third of global trade passes through, the Bay's geographical location offers it a unique strategic position. As a result, the Bay's shipping channels are used by many of the world's most powerful economies for commerce with the energy-rich Persian Gulf and resource-rich Africa. It is no surprise that India and China, the world's two fastest-growing economies, are battling for supremacy in the Bay.

The Bay was once at the center of global history, linked by kinship, commerce, and cultural exchange; however, the Bay was forgotten in the second half of the 20th century, and was divided for control over trade and migration due to a lack of a political structure to knit the region together.⁶ Nations in the region have signed a slew of sub-regional agreements throughout the years in an attempt to re-connect the region and assure their growth and development. These efforts have largely been limited to countries within the South Asian and Southeast Asian frameworks over the years. It is only now, through the BIMSTEC program, that any effort to link countries across these structures is taking shape.

II. Review of Literature

In recent years, research on several themes such as migration, logistical development, blue economy, HADR, and Indo-Pacific strategic constructions has gained traction in the Bay. C. Raja Mohan's work *Samudra Manthan: Sino-Indian Rivalry in the Indo-Pacific*⁷ digs into the tense atmosphere that pervades the maritime region from the Bay of Bengal to the Indian Ocean and beyond. Tensions and a state of potential warfare persist, with both India and China suspicious of each other's motivations and advances, thereby investing heavily in upgrading their respective naval capabilities. Pradeep Kaushiva and Abhijit Singh edited *Indian Ocean Challenges: A Quest for Cooperative Solutions*,⁸ which examines a variety of issues concerning the Indian Ocean Region (IOR), including the need for security architecture, maritime threats in the region, the impact of climate change, humanitarian assistance, and disaster relief, etc. Robert Kaplan in his book *Monsoon: The Indian Ocean and the Future of American Power*,⁹ explores the strategic convergences and divergences in and around the Bay. According to Kaplan, the Indian Ocean is poised to take center stage in global politics, signaling a substantial change away from

the Atlantic Ocean's traditional geopolitical focus in the preceding century. Amid these geopolitical changes, the author notes that India is poised to take the lead in the Indian Ocean maritime area, with the U.S. serving as a counterbalance. He notes, "It is here that the fight for democracy, energy independence, and religious freedom will be lost or won."¹⁰ Anasua Basu Ray Chaudhury, Pratinashree Basu, and Sohini Bose, in their article "Exploring India's Maritime Connectivity in the Extended Bay of Bengal,"¹¹ provide an account of the geostrategic and geo-economic forces shaping the connections between India's east coast and the Southeast Asian countries of Thailand, Malaysia, Singapore, and Indonesia. It discusses a variety of opportunities and risks that arise in India's maritime interactions with its major partners. Furthermore, by incorporating disaster management and cooperation over help, the paper aims to provide a new perspective to the connection discussion.

III. Background

India, as a strong proponent of anti-imperialism and anti-colonialism in the early years after independence, showed little desire to follow in the footsteps of its colonial master in the broader Bay of Bengal strategic framework. The Bay was thought to be little more than backwaters. New Delhi's involvement was restricted to Sri Lanka and Bangladesh, which were its immediate neighbors. Following the Nehruvian era (1947–65), however, India has consistently wished to be recognized as the dominant force in the Bay of Bengal, and any competing large power in the Bay was viewed as a security threat and illegitimate encroachment—regarded as India's "Monroe Doctrine" by some strategic experts.¹² This shift in Indian policy was evident in the final days of the Bangladesh Liberation War when India fiercely criticized the USS *Enterprise's* maneuver in the eastern Bay of Bengal. In today's geopolitical landscape, when India and China are considered close adversaries, the latter's economic and political presence along the Bay's littorals has become a source of anxiety for New Delhi.

The expansion of maritime cooperation in the IOR has been a crucial component of India's Act East Policy (AEP). This renewed focus on maritime security and regional stability has been articulated by the former Indian Foreign Minister (Late) Sushma Swaraj as, "Our vision for the region is one of cooperation and collective action.... We cannot tap the bounty of the Indian Ocean without ensuring maritime peace and stability. Economic prosperity and maritime security go hand-in-hand."¹³ On the other hand, Prime Minister Modi emphasized the SAGAR doctrine as the foundation of India's Indian Ocean strategy and outlined a set of goals under this doctrine that include, "...a climate of trust and transparency; respect for international maritime rules and norms by all countries; sensitivity to each other's interests; peaceful resolution of maritime security issues; and increase in maritime cooperation."¹⁴

While India's presence in the Bay has long been more "rhetorical or aspirational than real,"¹⁵ the country's rise as a significant regional force is allowing it to progressively transcend the limitations of South Asia and stretch its strategic influence further throughout the Bay of Bengal. Several strategic thinkers believe that this represents a partial restoration of British India's foreign policy.¹⁶ Others, on the other hand, believe that increasing

strategic space is important to New Delhi's long-term economic objectives. India's diverse interests in the Bay are influenced by several factors.

First, the Bay is a critical area of defense against security threats emanating from or channeled through the Southeast Asian region. Controlling the sea lines of communication that span across the Bay of Bengal and travel through the Strait of Malacca would provide India with significant geopolitical advantages.

Second, India has by far the most powerful military in the Bay of Bengal region, and it is now bolstering its military resources committed to the region. Previously, India's Western Fleet, based in Mumbai, was the country's largest naval fleet, but resources are now being "rebalanced" to the country's Eastern Fleet in the Bay of Bengal.¹⁷ In the Bay, India's Andaman and Nicobar Islands (ANI) are a valuable strategic asset. Since the 1980s, there have been voices demanding the development of ANI as a strategic military hub. This was realized in 2001 when New Delhi converted the ANI into a tri-services military theater command. In the Andaman and Nicobar Command's (ANC) influence zone, India is developing several strategic ports, including the Port of Chittagong in Bangladesh, which has rail connectivity to Tripura, the Port of Mongla in Bangladesh, the Sittwe Port in Myanmar, which is part of the Kaladan Multi-Modal Transit Transport Project¹⁸ and the Sabang deep-sea port, which is part of the India-Indonesia strategic military and economic partnership.¹⁹ The upgrade of the Andaman and Nicobar Islands into a military hub also allows India the opportunity to cooperate with friendly powers like Japan, France, Australia, and the U.S. in the development of maritime and strategic capabilities to combat Chinese assertive presence. In 2016, for example, New Delhi and Tokyo explored a collaborative initiative to modernize ANI infrastructure, which included a plan to build a sound surveillance sensor (SOSUS) network to boost India's underwater domain awareness. The goal was to connect India's undersea sensor network to the existing U.S.-Japan Fish Hook SOSUS network, which was designed to track PLAN submarine activity in the South China Sea and the Indian Ocean Rim.²⁰ The Japan International Collaboration Agency (JICA) signed a grant agreement with India to contribute roughly US\$133 million for a power supply project in India's ANI to further boost cooperation in the IOR. The investment is critical for India's intentions to transform the islands into a well-equipped zone where military assets may be stationed efficiently.

Third, at a time when China has made its military and economic presence significantly felt all along with the IOR, India is making considerable attempts to strengthen defense ties in the Bay. New Delhi has established close maritime ties with Sri Lanka and Bangladesh, as well as assisting smaller littorals such as the Maldives in ensuring maritime security. Since 1991, the Indian and Maldivian coast guards have held combined naval drills known as DOSTI. Since 2012, the Sri Lankan Coast Guard has also taken part in the joint exercise, turning it into a trilateral maritime exercise and a key step in "cementing friendship, interoperability, trust, and collaboration."²¹ India regularly conducts bilateral joint naval exercises with Sri Lanka (Exercise SLINEX) and Bangladesh (Exercise BONGOS-AGAR). In addition, India and Singapore have developed significant defense ties. SIMBEX has been an annual naval exercise between India and Singapore since 1994. In 2018, the two countries signed a Bilateral Agreement for Naval Cooperation, giving India access to Singapore's Changi Naval Base, which lies near the disputed South China Sea.²² At the 5th Defense Ministers' Dialogue in 2021, India and Singapore also inked the Agreement on

Submarine Rescue Support and Cooperation' Since 2019, India, Singapore, and Thailand have been participating in the SITMEX trilateral naval exercise. India and Indonesia maintain a Comprehensive Strategic Partnership following the signing of a Defense Cooperation Agreement in 2018. They hold Coordinated Naval Patrols along the International Maritime Boundary Line (IMBL). India has also participated in the inaugural edition of the Multilateral Naval Exercise "Komodo" (2014) in Indonesia. There is also ongoing negotiation between India and Indonesia over the export of Made-in-India BrahMos cruise missiles to Indonesia.²³ India and Indonesia, along with Australia, conduct trilateral naval drills in the Indian Ocean. Badan Keamanan Laut and the Indian Coast Guard signed a Memorandum of Understanding on Maritime Security Cooperation, which institutionalized training cooperation, capacity building, joint exercises, and coordinated patrols.²⁴

Fourth, another significant projection of India's interest in the Bay region is projected by the hosting of a biennial multilateral naval exercise, MILAN, hosted by the ANC since 1995. The navies of Indonesia, Singapore, Sri Lanka, and Thailand attended the inaugural edition. The MILAN exercise is conducted off the coast of the Andaman and Nicobar Islands with participation from several countries of South Asia, Southeast Asia, Australia, the USA, etc. MILAN 2022 is projected to be the largest edition of the event, with countries including the United Kingdom, Israel, Iran, France, Japan, South Korea, Brunei, Egypt, Iran, Iraq, Kenya, Kuwait, Maldives, Mauritius, Oman, Philippines, Qatar, Russia, Saudi Arabia, Tanzania, and others having been invited to attend. India has invited its QUAD partners, the United States, and Japan, to participate in the exercise (Australia has been participating since 2003). This will be the first time that Japan and the United States will participate in Ex. MILAN. This would also be a powerful demonstration of India's expanding "soft military power."²⁵ With an initial focus on the Bay of Bengal, India aims to pursue a coordinated strategy for defense and commercial cooperation throughout the Indian Ocean.²⁶

Finally, apart from various defense collaborations, India is also attempting to play a big role in the Bay region's economic development. Strategic experts like C. Raja Mohan view India's anxiousness to develop a strong economic and connectivity partnership with the littorals of the Bay indicates New Delhi's nervousness about losing the region to China. To him, India must understand that the Bay of Bengal "is no longer a backwater but a strategic hub connecting the Indian and Pacific Oceans as well as China."²⁷ The Trilateral Highway Project (India-Myanmar-Thailand Trilateral Highway), which would connect Moreh, India, with Mae Sot, Thailand, via Myanmar, is one of the most important projects being advocated by New Delhi. In the ASEAN-India Free Trade Area, the route is projected to enhance trade and business. India has also suggested that the route be extended to Cambodia, Laos, and Vietnam.²⁸ This roadway will also connect to the river ports being built along the Chindwin River at Kalay and Monywa. Bangladesh has expressed interest in participating in the project. India tested the feasibility of building a rail link parallel to the trilateral highway in 2018. Japan has shown interest in cooperating with India on the proposed train link and funding it.²⁹ One of the most significant achievements of India's Look East Policy (now Act East Policy) has been the construction of this trilateral highway. The initiative, once operationalized, will change the development trajectory of India's landlocked northeastern states. For many, this project is seen as a counter to China's north-south linkages between Yunnan province and the Bay of Bengal. Furthermore, India is attempting to

revive colonial maritime connections that connected India to the Bay's littorals via rivers such as the Ganges, Kaladan, Brahmaputra, and others. Trade would be more cost-effective if these old maritime routes were resurrected. The Indian state-owned shipping company began direct connections between Chennai, Colombo, and Yangon (Rangoon) in October 2014.³⁰ India has also completed the construction of a new port and accompanying road links in Myanmar's Sittwe, which will allow items to be transshipped up the Kaladan River to India's Mizoram state. PM Modi and PM Sheik Hasina launched the "Maitri Setu" in 2021, which would provide India's Northeast access to the Chittagong port. This port has the potential to become a crucial component in India's Southeast Asian outreach.³¹ In March 2021, the Sri Lankan Government has allowed India and Japan to develop and operate the crucial West Container Terminal at Colombo Port. The Adani Group of India signed a deal in September 2021 to construct and operate the important Colombo Port's Western Container Terminal. Adani Group will own a 51 percent stake in the port's Western Container Terminal, making it the first Indian port operator in Sri Lanka.³²

IV. India's Humanitarian Role in the Bay

In terms of size and maritime capacity, India is the strongest power in the Bay of Bengal region. As a result, neighboring Bay littorals frequently seek its assistance in the event of a crisis. Before the devastating Indian Ocean tsunami of 2004, which killed thousands of people, India's disaster response was mostly *reactive and ad hoc*.³³ As a result, the Indian Parliament passed the Disaster Management Act in December 2005, establishing the National Disaster Management Authority (NDMA) as the primary coordinating authority for both civilian and military disaster response. The Indian military has a long history of disaster relief, both at home and abroad, where they have served as the backbone of recovery efforts. Because of its subcontinental size, geographic location, and vulnerability to natural disasters, India has kept its forces ready to respond promptly.

The root of India's HADR assistance stems from its cultural and spiritual ideals, which have been passed down through the years and are also reflected in Nehru's exposition of the principle of non-alignment. In the words of Meier and Murthy,

The Indian government uses the terms "humanitarian assistance" or "disaster relief" for activities that assuage human suffering caused by natural disasters like cyclones, droughts, earthquakes, or floods. This definition is narrower than the Western donors' conception of humanitarian assistance, which also includes helping civilian populations affected by armed conflicts.³⁴

Even though India does not have a formal HADR policy, it has supplied humanitarian aid and participated in relief efforts both within and outside of its borders. Humanitarian aid has also been used by India as a political tool to strengthen bilateral ties and reinforce its claim to regional and global leadership. A fundamental difference in India's approach, according to some commentators, has been its emphasis on respecting the sovereignty of the impacted state. Indian officials also want to emphasize that it helps its neighbors based on "their priorities" rather than "requests made to the Indian government."³⁵ The argument for providing HADR aid is based on the idea of building and sustaining amicable ties, and it views support as "reaching sympathy" to those impacted by the tragedy or as a "goodwill

gesture.”³⁶ It also demonstrates India’s capacity to employ soft power to gain recognition as a responsible nation.

India’s expanding presence in the field of humanitarian aid corresponds to the country’s emergence as an economic power in recent decades, as well as its desire to assume regional and global leadership.³⁷ Following the 2004 Indian Ocean Tsunami, the Indian Navy launched a massive HADR effort to assist not only its states of Tamil Nadu, Andhra Pradesh, and Andaman and Nicobar (Operation Madad and Sea Waves), but also Sri Lanka (Operation Rainbow), the Maldives (Operation Castor), and Indonesia (Operation Gambhir).³⁸ Over 20,000 military soldiers were deployed in relief operations around the world, including 40 ships, 42 helicopters, and 35 aircraft. Three survey ships were modified into hospital ships with a capacity of 46 beds and transported to the devastated areas. Aside from providing immediate relief, the harbor survey, evacuation, debris removal, road repairs, water supply, power, and communications were all critical responsibilities completed. In addition, the Indian government had pledged US\$500,000 in relief help to Thailand in the aftermath of the 2004 tsunami. After Cyclone Sidr hit Bangladesh, wreaking havoc on lives and livelihoods, India launched Operation Sahayata, which delivered medicine, ready-to-eat food, tents, and blankets. Forty thousand metric tons of rice, 10,000 metric tons of wheat, 1,000 metric tons of powdered milk, and US\$22 million in cash aid were also provided as additional relief.³⁹ Cyclone Nargis wreaked havoc on Myanmar in 2008, becoming the country’s worst natural disaster ever. Over 140,000 people were killed, according to estimates. The Indian Navy dispatched the INS Rana and INS Kirpan to Myanmar for the HADR operation. In addition, during the floods caused by Cyclone Komen in 2015, India was prompt in aiding Myanmar.⁴⁰ In 2013, Typhoon Haiyan devastated the Philippines. As part of the HADR mission, India launched a naval ship from Vishakhapatnam with relief supplies. When the Indonesian government requested aid following the Palu tsunami in 2018, India was one of the first to contribute. Operation Samudra Maitri was initiated by the Indian Navy in response. INS Tir, INS Sujatha, and INS Shardul were deployed to Indonesia with relief supplies. Two IAF planes—the C-130J, and the C-17 were also dispatched, bringing medical personnel and relief supplies.⁴¹ India has continued to provide humanitarian aid to Sri Lanka. India recently provided a US\$100 million credit line for capital goods, consumer durables, consulting services, and food. Following severe landslides in Sri Lanka in 2014, India supplied relief goods worth US\$40 million.

India, for its part, frequently refuses to receive disaster aid from foreign countries. The Tsunami of 2004, the Uttarakhand floods of 2013, and the Kerala floods of 2018 were all examples of this. India’s reluctance to accept foreign help has been attributed to a “policy precedent” set in 2004 by then-PM Manmohan Singh. He commented, “We feel that we can cope with the situation on our own and we will take their help if needed.”⁴² The draft National Disaster Management Plan (2018) also articulates, “As a matter of policy the Government of India does not issue any appeal for foreign assistance in the wake of a disaster.”⁴³ According to India’s National Disaster Management Plan, it would supply HADR whenever necessary and is eager to play a big role in disaster resilience building in the Asia-Pacific region through long-term regional cooperation. The fact is that India’s projection as a regional “net security provider” hinges on its ability to “self-sufficiency” and its role as the “first responder” during a humanitarian crisis. Furthermore, regional stability will be established spontaneously if neighbors are pleased and peacefully coexist. India is a

rising global force with aspirations to become a superpower. To be acknowledged as a globally responsible authority, regional acceptance is primarily required. As Lincoln observed, “To soothe another’s grief is to forget one’s own.”⁴⁴ A nation-state is no different. The values of humanitarianism, respect for sovereignty, and political neutrality are at the heart of India’s HADR role.

The Indian government’s response to the COVID outbreak illustrates the country’s growing commitment to humanitarian assistance. It has emerged as a doyen in the global fight against the pandemic because of humanitarian aid and diplomatic initiatives like the Vande Bharat Mission, Mission Sagar, and Vaccine Maitri. India offered food and medical aid to countries such as Nepal, Bhutan, and the Maldives, as well as Latin America, Caribbean Island states, Africa, and countries in the IOR, in the early stages of the pandemic. India, which is also known as the *World Pharmacy*, supplied hydroxychloroquine pills (HQC) and paracetamol tablets to countries all over the world. The Maldives, Seychelles, Bangladesh, Mauritius, and other Indian Ocean littorals were among the first to get vaccine dosage as humanitarian aid from India under its Vaccine Maitri Initiative. The World Health Organization and leaders of numerous nations and multinational corporations have praised India for delivering vaccines to countries that previously feared “vaccine nationalism.” Among the littorals of the Bay region (as of December 31, 2021), Bangladesh received a total of 22.59 million supplies of vaccine, Myanmar received 18.6 million supplies of vaccine, Bhutan received 0.55 million supplies of vaccine, the Maldives received 0.312 million supplies of vaccine, Mauritius received 0.4 million supplies of vaccine, Sri Lanka received 1.264 million supplies of vaccine, Seychelles received 0.05 million supplies of vaccine, Indonesia received 9.008 million supplies of vaccine, etc.⁴⁵ At the World Trade Organization (WTO), the Africa, Caribbean, and Pacific (ACP) group and CARICOM have heaped accolades on India’s generous role during the pandemic. On a geopolitical level, many perceive India’s vaccine diplomacy as an effort to raise the country’s global profile in the face of an aggressive China. As Professor Chaulia pointed out,

It’s about image and soft power. India wants to be recognized as a global leader. India would like to make a point that in this area, unlike in some others where China usually overshadows India in terms of military and economic might, in this field, in pharmaceuticals, in affordable health care, India has a comparative edge and advantage over China.⁴⁶

V. Strategic Importance of Andaman and Nicobar Islands

India has shown a significant interest in developing the ANI under PM Modi’s leadership. Amid China’s growing assertiveness, the current government’s enhanced focus on the ANI aims to help India maximize its economic benefits while also offering a crucial platform for strengthening India’s force projection capacity in the IOR. The ANI, which is 22 nautical miles from Myanmar and 90 nautical miles from Indonesia at its southernmost point, is frequently regarded as one of the world’s most “strategically positioned island chains.” It accounts for 30% of India’s Exclusive Economic Zone (EEZ). The archipelago gives India a great strategic upper hand over Duncan’s Passage, Preparis Channel, Six Degree Channel, and Ten Degree Channel in the region. The Six Degree and Ten Degree

channels in the Andaman Sea that traverse into the Strait of Malacca are crucial trade routes connecting Asia, Africa, and the Pacific region. It is a geostrategic bridge between the Indian and the Pacific Ocean region. After years of “benign neglect”⁴⁷ post-independence and an increasing economic and strategic interest to partner with the Southeast Asian nations, the ANI is finally getting the desired government attention that would promote the economic development of the archipelago, persevere its rich flora and fauna, and realize its geostrategic potential.

As the Andaman Sea, like the ANI, is vital to global commerce, protecting freedom of navigation in these seas is essential. The sea, which is located at the convergence of the Bay and the Malacca Strait, serves as a “geostrategic gateway” for India to expand its reach into the eastern Indo-Pacific. Other powers, on the other hand, may utilize it as a launching pad for simultaneous ventures into India’s territorial waters. This creates a unique strategic situation in which India’s efforts to establish prominence in the Indo-Pacific through collaborative growth must be balanced against efforts to preserve regional stability.⁴⁸

The importance of connecting links has been emphasized to make the ANI more relevant to India’s development aspirations. For example, the government announced intentions to build a transshipment port on Great Nicobar Island in August 2020.⁴⁹ The port will be strategically placed between the Malacca Strait and the East-West trade route that connects Europe and Africa to East Asia. The administration is also exploring global collaborations to improve the island chain’s connection and prominence. Under the banner of the “Shared Vision of India-Indonesia Maritime Cooperation in the Indo-Pacific,” India and Indonesia established a special task group in 2018 to improve connectivity between the ANI and the port of Sabang in Aceh to encourage trade, tourism, and people-to-people contacts.⁵⁰ PM Modi inaugurated the first-ever undersea optical fiber cable project for the ANI, bringing high-speed connectivity to the archipelago online with mainland services.⁵¹

Aside from the economic realm, India is trying to strengthen the ANI’s defense capabilities in the face of China’s growing strategic footprint in the IOR. As China’s economic and strategic interests in the Indian Ocean have increased, so has the need to protect these interests. The fact is that China’s presence in the Indian Ocean is relatively new, and as a result, it is viewed as potentially disruptive. This has increased concerns regarding the freedom of navigation in these areas. Over the last decade, China has steadily increased its maritime presence in the Indian Ocean littoral by “deployment of its naval forces, arms sales, creating bases and access facilities, ramping up military diplomacy, cultivating special political relations with littorals, and lavishly disbursing developmental finance for strategic ends.”⁵² Beijing’s “Malacca Dilemma,” the development of Sino-Myanmar pipelines, bilateral and multilateral naval operations in the Andaman Sea and Malacca Straits, and allegations of Chinese submarines discovered near the ANI have all raised new security concerns for India.

India has sought to leverage the islands’ potential to secure its interests and polish its image as the region’s “net security provider”⁵³ to maintain a check on Chinese maneuvering and recurrent hovering in its maritime backyard. As a result, India has pledged to enhance the ANC, which is in charge of monitoring vessels traveling through the Ten Degree and Six Degree Channels and ensuring free navigation via the Malacca, Sunda, and Lombok straits.⁵⁴ To improve combat efficiency, the Indian Air Force (IAF) announced in 2018 that combat aircraft and other equipment would be permanently stationed at the ANC. The

ANC opted to station fighter jets and combat platforms at the Command in the same year. IAF fighter bases have also been identified in Car Nicobar and Campbell Bay.⁵⁵

India has pushed to carry forward with plans to deploy extra soldiers, cruisers, planes, and missile systems in the ANI following the May 2020 confrontation with China in Ladakh. The navy airstrips at INS Kohassa and INS Baaz have been completely turned into fighter bases.⁵⁶ The ANI has a naval base in Campbell Bay and an airbase at INS Kohassa.⁵⁷ The airstrip in Agatti, Lakshadweep, would also be rebuilt for military operations to protect the Arabian Sea, as this will complete an arch of maritime dominance from the west coast to the east coast. In the words of a Tri-Service commander, “The two Island territories will be like the new aircraft carriers for India, extending the navy’s reach in the region far from the mainland. Both the Islands sit on the busiest sea lanes of the world with more than half the world trade going through this route.”⁵⁸ This urgency in rebuilding the ANI’s infrastructure stems from China’s efforts, much of it behind the scenes, to persuade Thailand to begin construction on the Thai Canal, also known as the Kra Canal. It would let ships avoid the congested Malacca Strait, which connects the Indian Ocean and the Pacific Ocean. As a result, this infrastructure development of the ANI would serve two purposes: it would allow India to maximize economic gains while also increasing its military presence in the IOR.

The ANC also conducts combined maritime exercises with Myanmar, Thailand, and Indonesia to promote strategic cooperation. These include the Singapore India Maritime Bilateral Exercise and Coordinated Patrols; the Japan-India Maritime Exercise (JIMEX), or the Malabar Exercises, between India, the U.S., and Japan; CORPAT Exercises with Myanmar, Thailand, and Indonesia; and other bilateral and multilateral exercises with Vietnam, Philippines, and Malaysia. Exercise MILAN, a biennial multilateral naval exercise, is also held to foster friendship across the seas. There have been some suggestions for using the ANI and Australia’s Keeling (Cocos) Islands to coordinate surveillance of the Malacca, Sunda, Lombok, and Ombai Wetar Straits. Similarly, several recommendations have been made about joint anti-submarine warfare (ASW) activities in the Indian Ocean, in which the ANI might play a key role.

India is a member of the BIMSTEC, the Mekong Ganga Economic Corridor, the Indian Ocean Rim Association (IORA), the IONS, the East Asia Summit, the ASEAN Defence Ministers Meeting Plus, the ASEAN Regional Forum, and the Forum for India-Pacific Islands Cooperation on an institutional level. Additionally, in recent years, India has negotiated logistics-sharing agreements with the U.S. and Australia, as well as France, Singapore, and South Korea. A similar logistics-sharing deal is also being negotiated with Japan. Progress on these essential cooperative agreements, particularly with countries that are members of the Quadrilateral Security Dialogue (QUAD) or QUAD Plus, such as South Korea, will assist to solidify India’s strategic node in the Indo-Pacific. There are also suggestions for significant strategic ASW collaborations involving India, Japan, Australia, and the United States in the Bay region and the wider IOR.

VI. Strategic Collaboration with Japan

The strategic dimension of India and Japan’s relationship has evolved with increased convergence of vision to the next step of congruence in their strategic response to regional

and global security challenges from shaky beginnings after the Cold War. Uncertainty about China's ascent to hegemony and the Indo-Pacific power shift has fueled this strategic convergence.⁵⁹ Japan is a major factor in both economic and strategic competition in the Bay. Japan's role in the development of the Bay is akin to China's Maritime Silk Road initiative. In India, Japan's position in the Bay is mainly seen as helping the region's growth and acting as a good counterbalance to Chinese influence. In the words of PM Modi,

Japan is India's valued partner. We have a Special Strategic and Global Partnership. Our ties with Japan, both economic and strategic, stand completely transformed in recent years. It is today a partnership of great substance and purpose. It rests on the strong pillars of India's Act East Policy, and our shared vision and commitment to a free, open, and inclusive Indo-Pacific.⁶⁰

India and Japan have similar strategic objectives when it comes to ensuring maritime security and navigational safety in the Bay. Maritime security is a crucial topic of discussion in the security dialogue between Tokyo and New Delhi, given that both countries' economies are heavily reliant on sea-based shipping and the supply of oil from the Persian Gulf. As a result, securing energy supply channels in the Bay of Bengal is a top priority for both countries.

Two factors contribute to Tokyo's growing synergy with India in the area of maritime cooperation—these include India's locational significance in IOR and, India's proximity to the two important “choke points” for global oil supplies—the Strait of Malacca and the Strait of Hormuz. Moreover, India has established itself as a leading force in anti-piracy operations in the region, thereby, making itself a trusted power in a rapidly deteriorating regional security framework. India's close relationship with Japan, on the other hand, arises from the country's desire for foreign direct investment to upgrade its maritime infrastructure and its search for sophisticated technologies to strengthen its HADR capabilities. In addition, given the developing power imbalance in the Indo-Pacific, India sees Japan as a like-minded partner that does not want the IOR to be dominated by a single state.

As India and Japan strengthen their maritime security cooperation in the IOR, they are wary about Beijing's rising strategic naval presence near key choke points. In terms of maritime security and regional stability, China poses a threat to both India and Japan in the Indian Ocean, particularly in the Bay of Bengal subregion. Both India and Japan are concerned about China's revival of the Maritime Silk Road, believing it serves two purposes: commercial ports created by China along the Bay's littorals might be utilized as military bases to offset the region's geographical limitations and to increase China's naval footprint. Following China's creation of a naval base in Djibouti and the docking of submarines in Pakistani and Sri Lankan ports, this fear has further escalated. China's strategic aspirations to become the region's unchallenged hegemon are revealed in the MSR endeavor, posing a danger to India and Japan's strategic goal of regional stability and power balance.

Japan has increased its footprint in the region since the turn of the century. Regular joint maneuvers between the Japanese Sahyog-Kaijin and the Indian Coast Guard are held to strengthen cooperation. Japan and India conduct annual naval exercises in the Bay since 2013, known as JIMEX. Along with India and the United States, Japan has become a permanent participant (2015) in the Malabar exercise. Apart from joint exercises, bilateral mechanisms such as the Japan-India Strategic Dialogue (Track II); the Annual Defense

Ministerial Dialogue; the India-Japan Act East Forum; the India-Japan 2+2 Dialogue; and the new Acquisition and Cross-Servicing Agreement (ACSA), will increase the strategic depth of bilateral security and defense cooperation in the region. India and Japan are also cooperating in regional multilateral forums like the BIMSTEC, the IORA, ReCAAP, etc., to combat the issues of piracy, sea terrorism, blue economy, HADR, etc.

India and Japan's proactive approach to improving connectivity in the Bay of Bengal region will improve regional security. The littoral states that occupy strategic locations in the Bay have been the focus of the two countries' efforts to improve capacity and infrastructure. Japan, for example, has invested in the development of Sri Lanka's Trincomalee port, Yangon's new container port, and Dawei's (Myanmar) proposed new port and special economic zone. In Matarbari, Bangladesh, Japan has invested \$3.7 billion in a port and power facility.⁶¹ In the ANI, Japan is investing in infrastructural upgrade and modernization of the ANC. According to reports, Japan, India, and the United States are proposing to deploy a submarine detection sensor system along the Bay's coastline.⁶² Japan is installing optical fiber cables and developing essential communication infrastructure in ANI. This will help India build up naval and air assets in the islands, as well as an undersea monitoring system to track submarines.

VII. Using BIMSTEC for Regional Integration

BIMSTEC has emerged as a leading proponent of regional cooperation around the Bay, aiming to bridge the gap between South and Southeast Asia. The organization's main goal is to encourage development and connectivity to promote integration and mutual reliance. As the region becomes a geopolitical hotspot, the BIMSTEC countries, led by India, resolve to work together and stress that "geographical contiguity, abundant natural and human resources, rich historical linkages and shared cultural heritage provide BIMSTEC the ideal platform to promote peace, stability, and prosperity in our region."⁶³ Today, India too recognizes the relevance of BIMSTEC in consolidating its regional power. This was reflected in PM Modi's remarks in 2017,

BIMSTEC not only connects South and South-East Asia, but also the ecologies of the Great Himalayas and the Bay of Bengal. With shared values, histories, ways of life, and destinies that are interlinked, BIMSTEC represents a common space for peace and development. For India, it is a natural platform to fulfill our key foreign policy priorities of "Neighborhood First" and "Act East."⁶⁴

Growth and development for both India's eastern coastline states and the N-E region in particular, as well as the Indian economy in general, are regarded to be dependent on the degree of connectivity with Southeast Asian markets. The Indian government hopes that by promoting regional connections, notably with Bangladesh, Myanmar, and Thailand, the country's exports would rise, more investments will flow in, and regional integration will serve as a positive springboard for further global economic interdependence. As a result, in collaboration with the Asian Development Bank, a BIMSTEC Transport Connectivity Master Plan was developed, which identified 167 projects to improve regional connectivity. This included: SAARC Corridor 4 and 8; the Asian Highway 2; to create a North-South corridor for Bhutan, Meghalaya, and Assam; the Kaladan multi-modal transit transport

project, etc. The Kaladan project also includes several associated projects such as the Bairabi-Sairang-Hmawngbuchhuah railway, Sittwe Special Economic Zone, Sittwe-Gaya gas pipeline, Tha Htay Chaung Hydropower project, India-Myanmar-Thailand highway, Agartala-Feni-Chittagong highway, Zokhawthar-Rihkwadar-Kalemmyo highway (between India & Myanmar), Paletwa-Chika-India highway project, and the lane expansion of Aizawl-Tuipang national highway.⁶⁵

India, Bangladesh, Myanmar, and Thailand are four key littorals in the Bay with a total coastline of 12,000 km. The southern tip of Thailand reaches the Malacca Strait, a vital gateway that connects the Pacific Ocean. Therefore, by engaging with several global powers like the U.S., Japan, France, etc., India and other BIMSTEC nations can secure their strategic and economic interests in the Indo-Pacific region.

In a fast-changing geostrategic landscape, India must also see the Bay of Bengal as a critical theater for restricting a more capable and assertive China. BIMSTEC has become a focal point for displaying India's intentions and capabilities in the Bay of Bengal area as a result. The organization enables India to pursue three core policies: *Neighborhood First*, which prioritizes India's immediate neighbors; *AEP*, which aims to connect India with Southeast Asia; and an economic development policy for India's N-E states, a gateway to Southeast Asia. The geographical proximity and economic complementarities of the member states are the most prominent advantages of this organization. In this sense, India's unwavering commitment to regional integration with its neighbors, as evidenced by intensified efforts and support for BIMSTEC, must be considered.

VIII. Conclusion

As the Indo-Pacific gained traction in the second decade of the 21st century, its geographical reach grew to include the entire stretch of the ocean from Africa's east coast to the Western Pacific. The Bay has the potential to become a new battleground for global powers. India, which had hitherto disregarded the littoral, has now prioritized it. To promote regional connectivity, prosperity, stability, and security, New Delhi is showing a greater willingness to engage with other powers such as the United States, Japan, France, and Australia.⁶⁶

Various regional and subregional initiatives have been undertaken in the region over the last few decades to establish synergies between the countries of South Asia and Southeast Asia. The key concern is how existing and emerging gaps will be addressed to meet the region's changing challenges and opportunities, particularly given the region's huge size and diversity of economic demands, as well as the diverse interests of its constituent nations. The task now is to make any viable solution as complementary, feasible, and intersecting as possible to meet the aspirations of all of the region's states.

Increasing maritime connectivity among the Bay's littorals is another area where trade and confidence could be improved. In this context and in keeping with SAGAR's ethos, India can play a critical role by supporting and investing in the littoral countries' infrastructure development initiatives. As a result, India may be able to provide financial assistance to Indonesia's "sea-toll highway," which aims to modernize some of the country's older and more vital ports on the islands of Sumatra and Java. This will improve

connectivity with the Aceh region's ports (which are near India's ANI), Kuala Tanjung (on the Malacca Strait's border), and Tanjung Priok (at the Sunda Strait's border).

BIMSTEC can play an important role by supporting regional connectivity; non-economic activities such as easy movement of vehicles across the border with easier rules of Motor Vehicle Act and Customs, easier access of ports through the Coastal Shipping Agreement, e-commerce, digital connectivity; cooperation to check security threats such as smuggling, human trafficking, fake currency, drugs and piracy, etc.; which eventually would create an environment of mutual trust thereby ensuring economic growth for all. Furthermore, given that the littoral countries of the Southeast Asian region are realizing the importance and relevance of the Bay as an important trading route, efforts should be made to include countries like Indonesia and Singapore within the gambit of BIMSTEC.

As the Bay's strategic importance as a pivot in the Indo-Pacific region continues to increase in the global maritime landscape, India, and Japan's proactive approach to enhancing the safety and security of the Bay, through existing bilateral, trilateral, and multilateral frameworks of cooperation, is likely to have a decisive impact in shaping the emerging security architecture of the Indo-Pacific. The regional stability of the Bay has important ramifications for India and Japan; therefore, they will strengthen and broaden their strategic partnership to secure energy security and regional stability. Given the deterioration of the region's maritime security situation, India and Japan are anticipated to step up their existing maritime security cooperation to keep the IOR's power balance intact.

As a result, one must accept that strategic competition among big countries is unavoidable, as is evidenced in the Bay of Bengal between India and China. As the Sino-Indian dynamics in this region are likely to reshape the Bay of Bengal community, India must assess the parameters of participation and pursue collaboration where possible while competing where necessary. It is thought that such an effort is necessary to strengthen the region.

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South China Sea: ASEAN Mechanism on Maritime Disputes and the Rise of Indo Pacific Region

Saidatul Nadia Abd Aziz and Salawati Mat Basir

Structured Abstract

Article Type: Research Paper

Purpose—The intensification in the South China Sea (SCS) evolved through time concentrating on assertions of sovereignty by the multiplicity of claimants, increasing of competition over maritime resources and worsening geopolitical rivalries among great powers. The Asia-Pacific and Indian Ocean regions are amongst the most dynamic in the world as well as centers of economic growth for decades. Southeast Asia lies in the center of these dynamic regions and is a very important conduit and portal to the same. The Association of Southeast Asian Nations (ASEAN) has placed the promotion of regional peace and security at the forefront of its endeavors and had taken a proactive approach in evolving a comprehensive regional security architecture by building ASEAN-centric regional security frameworks, namely ASEAN Outlook on the Indo-Pacific, which undertake cooperation in a broad range of areas, including maritime cooperation as well as the ASEAN Regional Forum and the Code of Conduct (COC). The existing and arising geopolitical challenges facing countries in the region revolve around maritime issues.

Methodology, Approach—This research employs a doctrinal approach and draws data from primary and secondary sources, including desktop research, with a particular emphasis on recent journals, documents, and official reports.

Findings—Despite the efforts made by ASEAN to balance the influence of great powers, its individual member states craft their own diplomatic relations according to their economic needs and development. Analysis is on the ASEAN intergovernmental policies and mechanisms, as well as the complexity of geopolitical interest in the South China Sea Dispute. As ASEAN Framework has very weak foundations, it is crucial for ASEAN to focus on the implementation of COC and multilateralism to strengthen its ability to shape regional

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security dynamic. ASEAN already possesses the mechanisms; all that remains is to endow it with significant implementation powers.

Practical Implications—Useful for under- and post-graduate students in writing a literature review. This paper analyses the scholarly and theoretical impact in international law and international relations.

Originality, Value—This article analyses the ASEAN mechanism in addressing the maritime dispute in the SCS arising from the shift of geopolitics in the Indo-Pacific region and is relevant to the contribution of dispute resolution to the current South China Sea conflict.

Keywords: ASEAN, dispute, geopolitics, maritime security, region, South China Sea

I. Introduction

The South China Sea conflict is a persistent or “serious issue” that has accumulated over decades, posing a security concern to the region and with no prospect of a peaceful resolution. The problem originally began when countries started claiming islands and other zones in the South China Sea as early as the 1970s, including the Spratly Islands, which are rich in natural resources and fishing grounds; no one anticipated the path it would take. Currently, the reality that pressures occasionally reach a level that could result in military tension and fatal conflict demonstrates the issue’s intricacy and the intensity of nations’ determination to protecting their national interests.¹ The disputes are a result of a series of disagreements between two, and occasionally more, states over control of islands and ocean areas.² At least six parties are directly involved: China, which claims the vast majority of territory via its infamous nine-dash line, Taiwan, and the Southeast Asian states of Brunei, the Philippines, Malaysia, and Vietnam,³ which are all also member states of Association of Southeast Asia Nations (ASEAN).⁴

ASEAN is often regarded as one of the most effective regional security organizations (RSIs). However, experts have long contested the value of ASEAN in relation to traditional security concerns. This issue has become increasingly relevant considering the regional power shift brought about primarily by China’s ascent, as well as current discussions over China’s growing aggressiveness in the East and South China Seas. ASEAN-led institutions were nothing more than “talk shops,” and thus ineffective at resolving interstate problems.⁵ Apart from the diversity of claimants, the South China Sea dispute is exacerbated by the fact that it involves China, the region’s dominant power, placing significant stakes in the conflict for the United States.⁶

The ASEAN leaders approved the ASEAN Outlook on the Indo-Pacific (AOIP) in June 2019 to provide a collective voice on the rising Indo-Pacific debate, which has been aggressively supported by the U.S., India, Japan, and Australia—the Quadrilateral Security Dialogue’s four members (Quad). The Outlook articulates ASEAN’s inclusive and cooperative “vista” on the Indo-Pacific with the hope of providing “a forum for the conflicting visions of regional order advanced by big and regional states” and preserving ASEAN’s relevance and strategic autonomy in this discourse.⁷ Since then, the Indo-Pacific maritime domain

has become increasingly contested and crowded, increasing the potential for violence over flashpoints including the South China Sea (SCS). Geopolitical tensions, as well as commercial and territory issues, have risen rapidly between China and the Quad countries, worsened by the COVID-19 pandemic attack. In the last two years, the Quad countries have advanced their Indo-Pacific plans and strengthened the Quad institutionally and operationally in response to their rising strategic worries about a robust and assertive China.⁸

This article discusses the South China Sea conflict's history and how ASEAN member states claim the disputed island. It then analyses the ASEAN legal framework and strategy, as well as regional cooperation difficulties such as dealing with the South China Sea dispute and focusing on the ASEAN legal mechanism. The analysis's findings will immensely benefit future ASEAN policy, particularly the role and the possibility of a joint ASEAN policy response in resolving the South China Sea Dispute.

1.1 ASEAN and the South China Sea

Three core competencies inspire the South China Sea dispute, including political, economic, and strategic. These are the key reasons for the Claimant States to fight for their rights in accordance with international law. The subject of contention between the parties in the South China Sea was concentrated on two large island groups (archipelagos), namely the Paracel and Spratly islands (and some other marine features). Brunei, China, Malaysia, the Philippines, Taiwan, and Vietnam are the states that claim the Spratly Islands. Taiwan and Vietnam also claim sovereignty over the Paracel Islands, which China has controlled since 1974.⁹

For numerous decades, the South China Sea has been a source of contention amongst its claimants. China's competing claims with Brunei Darussalam, Malaysia, the Philippines, and Vietnam, combined with China's strong position on sovereignty over 80%–90% of the South China Sea (maritime space and resources), have increased tensions in Southeast Asia. Due to the large number of claimants and the intricacy of the dispute, the South China Sea has been dubbed “the mother of all territorial disputes” and has the potential to devolve into major international conflicts.¹⁰

After more than 50 years, ASEAN continues to operate and expand its influence in the area and within the worldwide political system. It has contributed significantly to the reduction of interstate violence and has even managed to peacefully involve the major powers in its own regional concerns. The argument that ASEAN is only significant to its member countries when it is convenient for them derives from ASEAN's perceived failure to act decisively. Due to ASEAN's own values of neutrality and non-intervention, member countries have frequently been able to take out repressive measures against their people, contrary to what ASEAN promotes. Issues such as the Myanmar government's persistent mistreatment of minorities in Rakhine have split ASEAN members regarding their expected response.¹¹ The contemporary ASEAN system cannot be articulated in Eurocentric terms of multipolarity; rather, it must be defined in terms of multiplexity. A multiplex universe considers the influence of various players. It is not confined just by strong powers or sovereign states. Having a multiplex system acknowledges the order-making function of international institutions, non-governmental groups, multinational enterprises, and traditional networks. It no longer confirms a single hegemon's authority to dominate

the entire international political sphere. At the global and regional levels, a multiplex world fosters shared leadership and diverse goals.¹² ASEAN's current activities corroborate Acharya's thesis of a multiplex order. ASEAN has constantly incorporated other big powers into its foreign security strategy, including the United States of America, China, Japan, South Korea, India, Australia, Russia, and the European Union. Despite ASEAN's efforts to balance the influence of large powers, its individual members build their own diplomatic connections based on economic and developmental concerns. Individual states exhibit randomness in their interactions with big powers.¹³

While ASEAN Members States share some interests, protecting claimant states' sovereignty claims is not one of them: only four ASEAN members are claimants, and their claims contested with one another. To cite a few examples, Malaysia erected an oil rig in March 2020 in an area of the extended continental shelf claimed by both Malaysia and Vietnam.¹⁴ Vietnam protested in August 2020 that the Philippines had assigned official titles to several land features in the Spratlys.¹⁵ Malaysia and the Philippines clashed over their conflicting sovereignty claims over the Borneo state of Sabah from July to August 2020.¹⁶

ASEAN lacks consistency when managing SCS disputes.¹⁷ ASEAN is incapable of creating a coherent response to China's assertive actions in the SCS because China has successfully exploited ASEAN members' divergent threat-benefit calculations through a divide and rule strategy.¹⁸ It is necessary to emphasize that the South China Sea dispute is not an intra-ASEAN conflict.¹⁹ It is a conflict that involves several ASEAN maritime member states, including Malaysia, Vietnam, Brunei, and the Philippines, however the principal claimant, China, is not an ASEAN member state. It is critical to note that ASEAN member states fall into two main categories: maritime ASEAN countries, which are primarily claimants in the dispute, and land-based ASEAN members, which are not directly involved in the issue.²⁰ Notably, these ASEAN member states with land-based economies, such as Laos and Cambodia, have frequently relied heavily on China. China is the primary supplier of development assistance and foreign direct investment in both Laos and Cambodia.²¹ For example, China invested \$860 million in Cambodia in the first 11 months of 2020, a huge increase over the previous year. With such a strong reliance on China, these member nations will not allow ASEAN to jeopardize its relations with China for an issue in which they are not even involved.²² ASEAN is responsible for protecting member states' shared interests, but not their distinctive national interests. As these shared interests are the basis of ASEAN's common policy on SCS disputes, it is important to distinguish shared interests from the national interests of individual member states.²³

While there have been several criticisms and comments on ASEAN's divergence on the SCS dispute, certain circumstances indicate ASEAN's cohesion on this particular subject. Firstly, it is important to note on the Arbitral Tribunal Award 2016. The release of the Arbitral Tribunal's award on 12 July 2016 ended the arbitration case on the SCS which the Philippines had unilaterally brought against China in 2013.²⁴ The Arbitral Tribunal in the South China Sea (SCS) dispute between the Philippines and China issued a highly comprehensive judgement that, while binding only on China and the Philippines in its particular, has broader ramifications for the regional and global rules-based maritime order. This is because the award is predicated on and aggressively emphasizes the supremacy of the United Nations Convention on the Law of the Sea (UNCLOS) as the overarching legal framework controlling maritime jurisdictional claims.²⁵ The Award has had a considerable

impact for ASEAN's stance on the South China Sea issues, given the regional grouping's goal of Indo-Pacific centrality. Notably, the Chairman's Statements of the 36th and 37th ASEAN Summits, both of which took place in 2020 during Vietnam's chairmanship, reiterated the critical nature of maintaining international law, particularly UNCLOS. UNCLOS was used as the "base for evaluating maritime entitlements, sovereign rights, jurisdiction, and legitimate interests over marine zones" in the declarations. Additionally, the remarks noted that UNCLOS "establishes the legal framework within which all actions involving the oceans and seas must take place."²⁶ Additionally, on 12 December 2019, Malaysia's accession to the Commission on the Limits of the Continental Shelf (CLCS)²⁷ elicited a note verbale from the parties to the South China Sea Dispute. Almost all of the disputing parties sent their note verbale emphasizing their respective state positions on the submission.²⁸ While China maintains its claim on historical grounds,²⁹ all other ASEAN claimants' states note verbale appears to agree that UNCLOS should be the sole legal basis for any disputes, individual ASEAN member states have more courage to invoke the ruling in defense of their maritime rights and interests, and the sanctity of international law has a better chance of standing up to the exigencies of ASEAN-China power asymmetry.³⁰

The tribunal's decision will theoretically be binding solely on the tribunal's parties, which are the Philippines and China, despite the fact that China did not participate in the trial.³¹ Other claimant states will not be bound by the tribunal's decision in the disputes. All of this, however, suggests that the 2016 Tribunal Award supported the building of an ASEAN-wide consensus over how to resolve South China Sea concerns. This proves that ASEAN is a strong advocate of international law as a framework for resolving disputes.

1.2 Maritime Security Challenges in the Indo-Pacific Region-SCS

The Indo-Pacific region has a number of maritime security challenges.³² It has over 40 sea-related disputes with regional countries, involving either sovereignty over sea-based territory or sovereign rights over marine areas. Several of these conflicts, such as those in the South China Sea or over the Senkaku/Diaoyu Islands, are viewed as potential catalysts for a Sino-US conflict or perhaps a third world war.³³ Several maritime areas in the Indo-Pacific have been particularly contentious, including the East China Sea, the South China Sea, and the Indian Ocean. The South China Sea issue is inextricably linked to China's aim to extend its borders unilaterally. It is inextricably linked to economic, strategic, and political objectives. Achieving a suitable solution for maritime boundary delimitation demands consideration of political, strategic, and historical aspects.³⁴ The considerations outlined above are obstacles that contending countries must overcome in order to protect their rights in the South China Sea region.³⁵ Economically, states seek territorial sea expansion. Coastal states perceive a need to expand their territorial seas in order to regulate and reserve marine resources for the benefit of their own people.³⁶

Consequently, issues concerning the safe navigation of ships passing through the SCS Sea Lines of Communication (SLOC) are impacted, resulting in the involvement of a broader range of stakeholders.³⁷ The growing seaborne activity in the region has also created new maritime security problems.³⁸ Although there has never been actual armed conflict in such places, they are contributing to the region's growing security challenges. These territories are contested mostly due to the regional governments' divergent security requirements.

Additionally, those areas have substantial geostrategic significance, making the disputes a difficult issue for Indo-Pacific maritime security.³⁹

II. Chinese Expansion of Power and the Impact on SCS Disputes

China's approach on the South China Sea dispute is viewed as deliberately ambiguous by some.⁴⁰ Perhaps the best way to summarize China's foreign policy toward the disagreement is as follows: China's ascent is peaceful, but China will not hesitate to take whatever means required to defend itself.⁴¹ The peaceful aspect was highlighted in a speech delivered by Chinese President Xi Jinping in May 2014 to commemorate the 60th anniversary of the Chinese People's Association for Friendship with Foreign Countries, in which he declared that "China values peace and will not pursue hegemony.... China will insist on a peaceful path of development [and] there is no gene for invasion in the blood of the Chinese people." These words demonstrate that China lacks the capability to employ force against any area over which it has no claim, but it will defend itself and has no intention of negotiating with other South China Sea disputants.⁴²

Three schools of thinking exist regarding the causes of the South China Sea's tensions.⁴³ To begin, it is asserted that Beijing's return to a more assertive stance led to the tensions that have existed since 2007–8.⁴⁴ Second, China has primarily reacted to the acts of other claimants, which are deemed to be detrimental to China's own interests.⁴⁵ Thirdly, the relationship that demonstrated Southeast Asian collusion with the U.S. against China—which contributed to the underlying cause of the South China Sea's escalating tensions.⁴⁶ According to Chinese analysts, the primary cause for escalating tensions is America's "return to Asia," where the Chinese believe the Americans' principal intention is to follow a policy of "soft containment," in which they engage China diplomatically while also limiting China's expanding power.⁴⁷

The most visible manifestation of the U.S.–China relationship's downhill spiral has been the expansion of military exercises and deployments in the South China Sea. China launched a salvo of medium-range missiles across "vast distances in the South China Sea." According to Senior Col. Wu Qian, a spokesperson for the Chinese Ministry of National Defense, the area covered by these long-planned drills ranged from Qingdao in North-eastern China to the Spratly Islands, affecting the stretch between Hainan Island and the Paracel Islands. This exercise was a demonstration of Chinese capacity and a response to the U.S. Navy's supercarriers conducting maneuvers in the vicinity of China's nuclear submarine base in the Hainan Islands in the South China Sea. In a statement released following the exercises, the Pentagon accused China of "violating China's past agreements—long since abandoned—not to militarize the South China Sea." Additionally, there has been a continual influx of Chinese fishing boats and maritime militia accompanied by Chinese Coast Guard vessels in the waters next to Indonesia's Natuna islands, as well as the deployment of survey vessels in Malaysia, Brunei, Vietnam, and the Philippines' Exclusive Economic Zones (EEZs). Additionally, two new administrative districts covering the Paracel and Spratly Islands have been established. These Chinese initiatives have hampered efforts to de-escalate tensions and maintain regional stability.⁴⁸

The foundation of the ASEAN and the subsequent formation of additional regional communities has been viewed positively in terms of resolving conflicts and controlling tensions associated with the territorial issue. Regional violence can be effectively prevented through regional forums, informal dialogues, and multilateral negotiations.⁴⁹ ASEAN and China even issued a joint Declaration on the Conduct of Parties in the South China Sea in 2002. All parties to this document reaffirm their commitment to the Charter of the United Nations, the 1982 United Nations Convention on the Law of the Sea, the Treaty of Amity and Cooperation in Southeast Asia, the Five Principles of Peaceful Coexistence, and other universally recognized principles of international law that shall serve as the fundamental norms governing state-to-state relations. They also committed to fostering trust and confidence among themselves by displaying prudence in the conduct of dispute-related activities. Despite the existence of such global papers and agreements, China has constantly demonstrated an unwillingness to adhere to them. It has continued to expand its territory and strengthen its military presence in the contested zones. China has traditionally been seen as the most powerful claimant in terms of military might. Chinese soldiers have been occupying many islands in the South China Sea for decades in order to upgrade the region for military objectives.⁵⁰

The South China Sea issues focus around four critical centers of power and authority.⁵¹ On one level, the South China Sea is symbolic of Asia's shifting power balance, generating fears about the region's peace and stability. Command of the seas has historically been critical for power projection, commerce, and the development or preservation of great-power status. Analysts raise concern over China's expanding maritime strength and area denial capabilities inside the first island chain, and whether this could erode the U.S.'s strategic influence in Asia and jeopardize its Taiwan interests.⁵² According to some, the South China Sea could serve as a "flashpoint" or "crucible" for kinetic great power confrontation, owing to concerns that China's assertions will push the U.S. to defend its own maritime interests and/or the maritime rights of allies and partners.⁵³ Nonetheless, the U.S. is not a party to the South China Sea disputes. As a result, it is debatable whether it has important maritime interests and if it will risk confrontation with China to safeguard them or those of its regional allies and partners.⁵⁴ Chinese opinions generally consider the United States' Freedom of Navigation Operations (FONOPs) in the South China Sea to be illegal, and that China will take appropriate measures to protect its sovereignty and reject American "maritime hegemony."⁵⁵ The U.S.'s role in the South China Sea is predicated on freedom of navigation. Challenges to navigation freedom are considered as critical to American strategic and economic interests. The U.S. considers China's position in the South China Sea as a challenge to international law's navigational rights, notably those relating to innocent passage across coastal nations' territorial seas and foreign militaries' permitted activity in their EEZs.⁵⁶

For many years, China's leaders have viewed the U.S. as the power that poses the greatest threat to their interests and regional ambitions, resulting in uncertainty regarding America's China policy objectives and the trajectory of Sino-US relations.⁵⁷ Beijing demonstrates Washington's engagement in the South China Sea Disputes, for example, through joint military exercises with coastal governments and FONOPs, which serve as a cause of regional tensions and militarization of the area.⁵⁸

2.1 Rise of the Indo Pacific Region over the South China Sea

Simultaneously, non-regional actors—Australia and the U.S.—who would be least affected by the closing of sea lanes⁵⁹ came to place an exaggerated premium on the Indo-Pacific's freedom of navigation. Australia and Japan have similar views on military freedom of passage to the United States. Australian declaratory policy asserts that it is critical to Australian interests that the freedom of navigation protections included in the 1982 United Nations Convention on the Law of the Sea (LOSC) are protected, upheld, and respected by all States. Australia's concern for freedom of navigation is particularly acute at its northern chokepoints and archipelagic sea ways. It is in Australia's interest to support the existing international legal regime, which has been shown to be extremely effective in maintaining free and flowing international sea lanes.⁶⁰ However, Australia's position on military freedom of navigation underscores its reliance on the U.S. alliance and the deterrent capabilities it supplies in the region as an offshore balancer.⁶¹

According to Indian authorities, the South China Sea is a component of the global commons. As a result, India has a vested interest in the region's peace and stability. India is a staunch supporter of freedom of navigation and overflight, as well as unhindered lawful commerce in international waters, in conformity with applicable international law, most notably UNCLOS. India also believes that disagreements should be settled peacefully, in accordance with legal and diplomatic channels, and without the threat or use of force.⁶² India's 2015 maritime security strategy paper emphasizes the importance of naval might in controlling the Indian Ocean's SLOCs and chokepoints.⁶³ India desires cooperation with the United States, Japan, Australia, and Indonesia, all of which are considered maritime powers, in order to protect the SLOCs. India also intends to improve its naval facilities in the Andaman and Nicobar Islands, which would eventually serve as India's naval outpost for access to Southeast Asia and the Pacific. Karwar Port—India's largest naval facility—is located in the western Indian Ocean and acts as a command center for countering and denying any threats from the Arabian Sea, particularly from Pakistan.⁶⁴ As a result, India is able to defend its territory from the west while simultaneously expanding its reach to the east. India's biggest concern, on the other hand, is China's maritime development in the Indian Ocean.⁶⁵

III. Methodology

This study employs a doctrinal analysis methodology. It is primarily bibliographical and internet-based and is performed using a qualitative doctrinal legal analysis process.⁶⁶ This method is suggested to be the most appropriate since it is a problem framework that includes various stages such as contextual reading, finding primary documents, recognizing current legal problems, collecting relevant information, scrutinizing the void in the law, and reviewing all subject matter within the context. The primary goal is to acquire new information and analyze ideas in order to propose improvement or change.⁶⁷ This method was chosen for this article because it entails identifying relevant gaps within the implementation of ASEAN intergovernmental framework as well as an examination of the issue of South China Sea Dispute and how it relates to the shifting geopolitics in Indo-Pacific.

IV. ASEAN Mechanism in South China Sea Conflict

4.1 ASEAN Outlook on the Indo-Pacific (AOIP), ASEAN Regional Forum (ARF), ASEAN Political Security Community (APSC) and UNCLOS

The Indo-Pacific region stretches from the east part of Indian Ocean to the west Pacific Ocean and is connected by the Strait of Malacca. The Indo-Pacific has become the central area for maritime geopolitics, security, trade, and environment activities.⁶⁸ Due to growing geopolitical worries about a strong and assertive China, the Quad countries (the United States, India, Japan, and Australia) have advanced their Indo-Pacific plans and strengthened the Quad institutionally and operationally over the last two years. Notably, despite recent leadership changes in the United States and Japan, both the Biden and Suga administrations have made it very apparent that the Indo-Pacific is here to stay through policy statements and actions. The ASEAN Outlook on the Indo Pacific (AOIP) was supposed to provide a uniform script for AMS towards external pressure and to adopt a position on the intensified Indo-Pacific. In actuality, AMS have not yet internalized the Indo-Pacific to the same extent, and the majority continue to harbor reservations about the concept.⁶⁹

The ASEAN's embrace of the AOIP as a perspective, rather than a strategy, indicates its cautious, if not weak, response to regional security developments, and, more importantly, its member states' diverse views on the Indo-Pacific concept. Indeed, the amorphous nature of this concept obscures the exact rationale for its formation—the geopolitical struggle between the United States and China.⁷⁰ The AOIP does not address the core issues. Rather than confronting the strategic struggle (the U.S. vs. China), it wishes it away.⁷¹ Additionally, the AMS have already developed their own national policies for resolving this great power competition. Regrettably, the AOIP does not address or manage their various national perspectives and tactics.⁷²

The AOIP is not a magic wand that will instantaneously convince AMS to embrace the name “Indo-Pacific.” All AMS, with the exception of Vietnam, continued to refer to the broader region as “Asia-Pacific” in their national submissions to the ASEAN Regional Forum (ARF) Security Outlook 2020. Meanwhile, Vietnam utilized neither word—an omission that was presumably deliberate considering that “Asia-Pacific” was still included in its ASEAN Regional Forum (ARF) Security Outlook 2019 submission.⁷³

The ASEAN Regional Forum (ARF) was founded in 1994 as a forum for discussion and consultation on current regional security challenges, as well as the development of cooperative measures to promote peace and security in the Asia-Pacific area. The ARF is not a collective defense organization or a regional security management organization, but rather an entity dedicated to fostering long-term peace via mutual trust.⁷⁴ It was originally intended to domesticate China's foreign policy behavior and to persuade China to accept ASEAN's norms.⁷⁵ By increasing defense transparency and supporting peaceful and cooperative resolutions to conflicts, the policy is supposed to put an end to China's confrontational behavior against other South China Sea claimant states. Other regional countries, especially the United States and Japan, are also invited to join in order to contain and balance China's dominance.⁷⁶ China, on the other hand, joins the ARF in order to prevent exclusion from the regional organization. It also saw the ARF as a way to demonstrate its commitment

to Southeast Asia and allay concerns about Chinese regional threats.⁷⁷ Thus, the ARF is viewed as a beneficial tool for dealing with China's rise. The regional grouping seeks to "socialize" China to the point where it acts as a "responsible regional power" through a cooperative security approach.⁷⁸

Though ASEAN regional security issues are constantly contested, ASEAN has been able to establish ASEAN-led security institutions based on the concept of "cooperative security"—an inclusive institutional arrangement aimed at facilitating security dialogues, confidence building, and norm creation among members with the objective of politically taming regional great powers and shaping their behavior.⁷⁹ Nonetheless, the primary markers of a security community's success are multilateralism, the expansion of security cooperation, and the establishment of limits and membership.⁸⁰

The ASEAN Political-Security Community (APSC) is a body tasked with ensuring that the region's countries coexist peacefully with the rest of the world in a just, democratic, and harmonious environment. Additionally, this body is charged with promoting the establishment of standards that strengthen ASEAN defense and security cooperation. ASEAN is committed to establishing a politically cohesive, economically integrated, socially responsible, people-oriented, and people-centered Community that will enhance economic, social, and political cooperation among ASEAN member states and expand ASEAN's role and importance in regional and international political and defense affairs. Additionally, ASEAN is a regional organization dedicated to promoting "international peace, security, and stability." ASEAN contributed to the progressive development of regionally recognized international norms, including the prohibition of the use or threat of force, the peaceful resolution of conflicts, the priority of international law, consensus, and non-interference. ASEAN's objectives dictate that it will be expected to play a prominent role in resolving the South China Sea conflicts, which have exacerbated tensions and fostered an atmosphere of distrust in the region.⁸¹

The foundation of the ASEAN Political-Security Community, on the other hand, is widely recognized as a key achievement in fostering and keeping peace in the Southeast Asian area. However, it has been criticized for its inability to resolve the community's lengthy history of territorial issues. Critics questioned ASEAN's ability to materialize the APSC as a community based on comprehensive security. Numerous analysts argue that ASEAN has failed to achieve its vision of a "complete" security community due to the region's seemingly "never-ending" traditional and non-traditional security challenges.⁸²

Due to the fact that all ASEAN member nations are signatories to UNCLOS (note: Cambodia has not yet ratified).⁸³ ASEAN is also expected to continue to favor UNCLOS as the legal framework for resolving maritime claims or disputes. Meanwhile, despite the fact that the United States is not a party to UNCLOS, it favors the provisions of the 1982 Convention to resolve maritime claims and conflicts in the South China Sea.⁸⁴ External parties with an interest in the region, such as Japan, South Korea, and Australia, also endorse UNCLOS as the legal framework for resolving marine claims or entitlements. The Philippines demonstrated its preference for the UNCLOS legal framework by submitting a formal claim to the Permanent Court of Arbitration for maritime jurisdiction over what it refers to as the West Philippines Sea.⁸⁵

However, claimants pursuing a legal resolution face various challenge. One is that the dispute resolution procedure is lengthy, which may favor those governments seeking

to alter the situation on the ground, whether through physical ownership or reclamation works such as China's "Great Sand Wall." Another is that China is adamantly opposed to the Permanent Court of Arbitration (PCA) as a legal forum and may disregard any judgments that do not favor it as witnessed in the July 2016 announcement by the PCA. Another issue is that all disputants are economically dependent on China, ASEAN's largest trade partner and investment.⁸⁶ Most are also cognizant of the potential repercussions of pursuing legal action against China on their bilateral diplomatic relations. Thus, with ASEAN's member nations having such disparate concerns, it is improbable that ASEAN could produce consensus to pursue a legal claim against China.⁸⁷

4.2 Code of Conduct and ASEAN Solidarity in SCS Dispute

The ASEAN and Chinese foreign ministers agreed the framework for the South China Sea Code of Conduct (COC) in 2017. While the framework represents a step forward in the South China Sea conflict management process, it is deficient in details and repeats many of the principles and provisions of the 2002 ASEAN-China Declaration on the Conduct of Parties in the South China Sea (DOC), which has yet to be implemented in its entirety.⁸⁸ The text contains a new reference to incident prevention and management, as well as an apparent increased commitment to maritime security and freedom of navigation. However, the phrase "legally binding" is omitted, as are the agreement's geographical scope, enforcement, and arbitration methods. The framework will serve as the foundation for future COC negotiations. These discussions are likely to be protracted and frustrating for ASEAN members hoping for a legally enforceable, comprehensive, and effective COC. Negotiating a COC has been a lengthy and demanding procedure. The 2002 ASEAN-China's Declaration on the Conduct of Parties in the South China Sea (DOC) urged the parties to form a COC. The distinction between the DOC and the proposed COC was never made clear, despite the fact that some ASEAN members, particularly Southeast Asian claimants, envisioned a legally binding agreement that would be more comprehensive and effective than the DOC, which was a non-binding political statement.⁸⁹

ASEAN initiated discussion of a code of conduct and actively engaged China in COC talks in 2011. The Chairman's remarks at the 19th ASEAN Summit "reaffirmed the DOC's relevance" and emphasized the need to "intensify efforts" to reach an agreement on a regional code of conduct.⁹⁰ After lengthy discussions on the code, ASEAN and China finally agreed on the COC's framework in August 2017 and subsequently began negotiations on the COC.⁹¹ ASEAN Leaders welcomed this development as a pivotal point, while ASEAN Foreign Ministers expressed optimism at the adoption of a framework that would assist the work necessary to conclude an effective COC on a mutually agreeable timeline.⁹² The COC negotiations are critical, and their success is contingent on ASEAN cohesion and the pressure it can place on China to resolve the issue.⁹³

ASEAN adopting no formal position on the SCS issue shows a lack of cohesion.⁹⁴ When ASEAN Foreign Ministers' Meeting gathered virtually in late June 2020, the Philippines' president was the first to "warn" of the SCS's growing danger but failed to make assertive comments in July 2016, as for that matter, about other claimant members and ASEAN's deafening silence. However, nothing has occurred to demonstrate ASEAN solidarity.⁹⁵

The overwhelming majority of respondents in a recent study by ISEAS advocate for

a rules-based approach to a future COC: 80.8 percent agree that the COC must be consistent with international law, particularly the United Nations Convention on the Law of the Sea (UNCLOS); 53.5 percent do not anticipate the COC resolving territorial conflicts, but do anticipate it assisting in preventing and managing events in the SCS; 22.9 percent of respondents are more pessimistic, believing that “the COC will make no difference because China would never relinquish its territorial and jurisdictional claims based on the Nine-Dash Line.”⁹⁶

V. Analysis

Having recognized that ASEAN cannot resolve the SCS conflict unanimously due to specific limits and the character of claimants and non-claimants, the COC should be implemented in a manner that is unique to the way ASEAN and China are progressing. A definitive policy would be irrelevant given the rapid change in geopolitics in the SCS. Military confrontations are best avoided because the majority of the parties involved are economic partners. ASEAN gained legitimacy by multilaterally establishing regional standards and enticing large nations to participate in ASEAN-led multilateral political games. Given that contemporary world society views multilateralism as a viable form of establishing international standards, ASEAN, which consists of ten sovereign states, has established itself as a regional source of legitimacy and standards in East Asia. It would be strategically advantageous for regional great powers to influence or control ASEAN’s choices from the outside in order to legitimately balance other regional powers and ASEAN-led institutions.

ASEAN has numerous regional security mechanisms, including the ARF and the AOIP, as described above. However, the mechanism’s implementation and practical impact appear to be limited. Through multilateralism, ASEAN has developed strong ties with regional great powers; emphasizing the role of preventative diplomacy and peace will help to a successful policy. Elite contacts have enhanced the regional capacity to prevent conflicts from developing and escalating and have so served as a critical tool for peacebuilding. ASEAN have played a critical role in fostering regional trust and confidence, as well as the formation of a regional identity through East Asian community building. ASEAN lacks both the funds and organizations necessary to resolve these disagreements. ASEAN’s primary mission is hence to safeguard the peace and to foster trust. However, ASEAN might consider non-traditional security as it may provide different opportunities for ocean governance, in addition to information sharing and capacity building as well as defense diplomacy, when establishing cooperation. This may result in more calm conversations and meetings between competing parties, as there is a need to investigate less politicized venues for the purpose of establishing confidence. Other than that, it provides a chance for ASEAN to establish economic diplomacy between conflicting governments in order to halt military de-escalation in the SCS. As most of the conflicting parties are in economic ties with China, it is about time to use economic diplomacy to tone down the tense in SCS. Economic diplomacy with China can begin with all ASEAN member states (claimant or non-claimant) cooperating on or contributing to a common agreed economic cooperative project. This may involve ministerial meetings, collaborative training sessions, agreed commercial trade and activity, as well as bilateral and multilateral agreements.

COC discussions are never-ending but optimistic. Indeed, the term “code” suggests a more favorable legal option for resolving the SCS disagreement. Though it is unclear how the code will ultimately be accepted and finalized by all disputing parties, the critical issue now is to finalize and implement it as quickly as feasible. Without a doubt, there will be disagreement and subsequent amendments among conflicting parties, however it should be incorporated and adopted within the process of constructing the foundation.

The Indo-Pacific Region has grown in importance in terms of geo-economics and geo-strategic importance. China’s economic and military rise is frequently highlighted as the primary cause for the world’s increasing focus on this critical maritime zone. In this context, mostly all Indo-Pacific strategy and policy in Japan, U.S., Australia, and India all share a common goal: to contain China’s expansion. Economic connectivity and strategic competition, as well as conflicting rules, are expected to persist for the next few decades. Additionally, the Rebalance Policy⁹⁷ recognizes the region’s growing geo-strategic significance and has strengthened the approach to security and diplomatic relations with regional countries. The U.S. maintained engagement with Japan, the Republic of Korea, Australia, the Philippines, and India through cooperative naval operations and drills. As the Indo-Pacific area becomes a focal point for global economic activity, geo-politics, and security dynamics, it requires comprehensive maritime security cooperation.

VI. Conclusion

The South China Sea’s evolving geopolitics are never-ending. The South China Sea is of tremendous importance to large countries due to its reputation as a hotspot for economic resources. ASEAN member states are divided among claimants and non-claimants, making it impossible for ASEAN to act collectively and encourage unity as the claims and interests of claimants and non-claimants may be diametrically opposed. The Code of Conduct is viewed as a necessary measure to expedite implementation. While the dispute may not be resolved immediately, at the very least the parties’ behavior is being monitored. The fact that the Chinese are exerting pressure as a result of their economic controls complicates the situation significantly. ASEAN already possesses the mechanisms; all that remains is to endow it with significant implementation powers.

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Reasons and Reactions to the Galwan Clash: An Indian Perspective

Sriparna Pathak and Objā Borah Hazarika

Structured Abstract

Article Classification: Viewpoint

Purpose—India and China have been locked in a border standoff since May 2020. Even after 14 rounds of border talks between the two militaries, a resolution is nowhere in sight. This paper aims to outline how the events unfolded, track reactions from countries worldwide, and analyze the Chinese rationale behind the attacks.

Design, Methodology, Approach—The paper follows an inductive form of reasoning and moves from the particular to the general. Statements on the digital platform from heads of state and important people in positions of power from both sides are taken cognizance of and analyzed. Both primary and secondary literature sources are looked into to outline how the crisis unfolded.

Findings—The Galwan crisis is a watershed moment in the history of India-China relations and has implications for regional and global stability. As China, owing to its economic and political clout in the international arena, continues rising and posing challenges for the liberal, democratic Western world, countries like India have to take cognizance of the new realities around China and accordingly tweak their foreign policies in accordance. For example, for India, it becomes essential to understand how it can recalibrate its relationship with China by taking note of the countries that stood by it during such a crisis with China.

Practical implications—Useful for students of international relations and in research surrounding India-China relations. Literature on the crisis in one place, whether in the digital domain or otherwise, is complex. This paper will fill in that lacunae.

Originality, Value—This paper presents a detailed account of how the crisis unfolded, where it currently stands, how countries across the globe responded and the underlying

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reasons behind China opting for this course of action. This article will help in understanding how future international relations will unfold.

Keywords: aggression, China, conflict, India, national security, PP14

I. Introduction

India and China, which have emerged as essential players in a multilateral system, have had a bittersweet relationship before 2020. Points of cooperation include trade, climate change and cultural exchanges. At the same time, conflict looms large in a decades-long unsettled border, Chinese support for the insurgency in the northeastern part of India, the China-Pakistan bonhomie, the ever-widening trade deficit for India, among a long list of others.¹ Despite several points of conflict in the relationship, India-China relations still leaned in favor of amicability. Cordiality got wiped off in May 2020 as China unilaterally unleashed military aggression against India, necessitating India to recalibrate its relationship and rethink its diplomacy. The border clash between the two, which began at the Galwan River Valley, was one of the most serious national security crises witnessed along India's border with China in about four decades. On June 15, 2020, the clash happened in the Galwan River Valley along the western sector of the Line of Actual Control (LAC)—a region straddled by Ladakh, Aksai Chin, and Tibet. The point of conflict was near the confluence of the Shyok and Galwan Rivers.

The LAC where the clash happened is challenging for the soldiers to patrol. It takes ten days for a soldier to acclimatize to function normally, and more demanding tasks take longer! It is difficult to patrol the LAC because of the inhospitable terrain, inclement weather, and high altitude, which cause breathing issues along with poor infrastructure. Militarily these high-altitude regions are different from the mountains like the Alps and Rockies because of oxygen issues, rarified atmosphere and Himalayan weather.²

In 2020, Chinese aggression against India started in Eastern Ladakh, and multiple new friction points were created, including at Pangong Lake, Galwan Valley, Hot Springs and Gogra heights. Table 1 outlines the standoff unfolding from May 2020 to January 2022.

Table 1: Unfolding of the Galwan Valley Crisis

Month/ Year	Details
May 5, 2020	Violent confrontation between Indian and Chinese patrols near Pangong Tso.
May 9, 2020	Skirmish in Naku La area of Sikkim.
June 15, 2020	Galwan Valley Clash, in which India reported deaths of 20 soldiers, while China reported deaths of only four while TASS reported 45 Chinese deaths.
August 29-30, 2020	India takes control of multiple heights along the Kailash range. Indian Army and the PLA face off for the first time on the southern bank of Pangong Tso.
October 19, 2020	Chinese soldier identified as Corporal Wang Ya Long apprehended after he crossed into Indian territory in the Demchok sector of Eastern Ladakh.

Month/ Year	Details
October 21, 2020	Corporal Wang Ya Long released from Indian custody after completion of due protocols and formalities
January 9, 2021	A Chinese soldier captured in Ladakh by the Indian Army. He was returned to China on January 11.
January 20, 2021	Minor border clashes take place in Naku La, Sikkim.
February 11, 2021	Initial and partial disengagement of Indian and Chinese troops near Pangong Tso take place.
February 22, 2021	Indian and Chinese troops complete the pull-back of forces from Pangong Lake.
July 13, 2021	PLA troops enter the Demchok sector and protest against the Dalai Lama's birthday. A village community center was marking the occasion.
July 26, 2021	Chinese "civilians" enter Indian area at Chardin Nala in Demchok sector and set up tents and refuse to leave.
August 6, 2021	Analysts point out that PLA structures are still visible through satellite imagery at Gogra, despite so-called disengagement at the site.
January 4, 2022	China begins construction of bridge at Pangong Tso.

The existence of a motorable road on the Chinese side made patrolling easy for the People's Liberation Army (PLA). In the Galwan River Valley, patrol point 14 (PP14) was the point until which the Indian and Chinese troops used to patrol on either side. In 2020, the Chinese troops crossed over to the side where Indian soldiers patrolled near the bend of the Galwan river and set up their camp.³ The Indian soldiers removed the camp upon discovery. After this, the Chinese set up at least one camp with a few soldiers inside, again on the Indian side.⁴ The camp was removed by a team of Indian troops led by Colonel Santosh Babu when scuffles broke out between the two sides, which later became a long-drawn border conflict for the two sides.

Soldiers trained in martial arts ambushed the Indian troops at PP14 during the clash. The Chinese side struck the Indian soldiers in a pre-planned attack. The PLA attacked the Indian side with baseball bats studded with barbed wires and wooden sticks with nails attached to them. This brutality of the attacks reveals how the PLA had pre-planned the entire ambush. Besides, the Indian Army and American intelligence have pointed out that the movement of the Indian Army was being tracked for at least 2.5 days before the June 15–16, 2020, clash, confirming Chinese ulterior motives to target India's national security. As stated by the U.S. intelligence assessment, General Zhao Zongqi, who has overseen previous standoffs with India, saw the standoff between the two sides as a way to "teach India a lesson."⁵ Zhao has previously stated that China must not appear weak to avoid exploitation by the United States and its allies, including New Delhi.⁶

The Indian side lost 20 lives in the attack, and the Chinese side lost 45 lives, as stated by the Russian news agency TASS.⁷ China has officially not announced the number of soldiers they lost at Galwan and has used the issue more to spur nationalism within China from time to time. State-run Global Times had stated in 2020 that China refrains from releasing the numbers to avoid further spiraling of the conflict. In February 2021, China released the names of four soldiers who had lost their lives in the Galwan Valley clash with India, eight months after it refused to disclose the casualties in the deadly brawl with India. Chinese state-run media also released videos of the conflict

at Galwan, showing hundreds of Indian and Chinese troops confronting each other. In one of the videos, soldiers can be seen crossing a river, meeting on the banks, and subsequently pushing each other.⁸ The video also shows soldiers from the two sides with flashlights, batons and shields.

In another released video, Chinese troops are seen talking and behaving aggressively with an Indian soldier, who is heard saying that hitting vehicles is unnecessary and that misunderstandings can be settled through talks.⁹ Even though released by the Chinese side, the video contradicts the official Chinese narrative that the Indian military initiated the conflict and violently assaulted and attacked the Chinese Army.

The PLA resorted to the use of rudimentary tools even though China is among the world's top military spenders, with its military budget standing at US\$252 billion in 2020.¹⁰ China chose to use medieval-type of weapons as the usage of firearms is prevented by agreements signed between India and China. The two sides had often used such barbaric weapons in the late 1980s and early 1990s, which were sought to be done away with through the various agreements signed.¹¹ In addition, the Chinese side used less sophisticated weaponry because it wanted to show an adherence to the rules of engagement, which urge nations to show minimum force and exercise restraint.¹²

The last time the PLA fought a war was in 1979 against Vietnam. Since then, the Chinese Army has only been used to quell dissent like the Tiananmen square or maintain what China calls stability in the peripheral regions of Xinjiang or Tibet. Given that the PLA has not been in external combat since 1979, the resistance put up by the Indian Army took the Chinese side by surprise.

The Indian Army has had long experiences in the Himalayas, such as the Siachen Glacier. In comparison, PLA soldiers need 10–14 days of acclimatization before being combat-ready.¹³ What was even more unexpected for the Chinese side was not just the resistance put up by the Indian Army but the capability to inflict casualties, despite China having the first-mover advantage of having unleashed aggression on the Indian side first.

In June 2020, when the skirmishes were yet to unfurl fully, an Indian Army squad of about 50 soldiers led by Colonel Santosh Babu reached a contested site near PP14. Before this, as part of a de-escalation plan discussed on June 6 by senior commanders from both sides, Chinese soldiers were to withdraw from the location. However, violating that understanding, the Chinese troops did not pull back, and their tents and an observation post were still around.¹⁴ Indian soldiers were unarmed as part of a protocol between the two sides. Forward troops patrolling the disputed border do not carry guns or, if they do carry them, have to keep them slung on their backs with pouches and magazines not clipped on. When confronted by the Indian side, the Chinese PLA started engaging in aggressive behavior. As a response, the Indian side removed the tents and the observation post on India's side of the LAC.¹⁵

The Chinese side had numerical superiority over the Indian side, as more than 250 of them were present in the area. Despite being fewer in number, the Indian side asked the PLA to withdraw to status quo, which is when the scuffles broke out, resulting in casualties. The Chinese side had not expected the Indian side to push back to its aggression despite being numerically inferior.

II. Reactions to These Attacks

2.1 Immediate Reactions of India and China

The Chinese side, as it has done in the past in all previous conflicts with India, stated that India was to be blamed as it was illegally constructing defense infrastructure in what China considers as their rightful territory.¹⁶ State-owned Global Times parroted the same narrative and blamed India for the standoff.¹⁷ The Indian side has held that construction has been undertaken strictly on its side of the LAC, and at no point was this LAC ever transgressed. Since the 1960s, China has claimed the entire Galwan River Valley as Chinese territory, but until these attacks in 2020, both India and China had respected the PP14 as the point up to which each side would patrol.¹⁸

Both sides increased troop and armament deployment along the LAC as an initial reaction.¹⁹ Multiple talks between the two parties have also been ongoing to reduce tensions. So far, there have been fourteen rounds of talks without a complete resolution of the conflict. Despite talks still being in the ongoing stage, China built a bridge in disputed territory in eastern Ladakh, which, as stated by the Indian side, has been an area “under illegal occupation” of China for around 60 years.²⁰

Talks so far have been conducted between military leaders, special representatives of the borders and external affairs ministers of both countries.²¹ Phased de-escalation from the points of incursion by the Chinese has been agreed upon, along with disengagement by both sides. The two sides concur on keeping a buffer of 1.5–2 kms on both sides of the points of the recent standoff, particularly PP14. The nature of disengagement at other points remains unclear with negotiations still on, especially given Chinese resistance to pulling back. Both sides even used drones and satellite imageries to confirm whether the other is honoring the disengagement plan and de-escalation. After the 14th round of talks reached no concrete solution, the two sides could not decide upon a date for the next round of talks.

Since the 14th round of talks between senior military commanders in October 2021, the Indian side has sent several proposals for the next round of talks. In these proposals, the Indian side maintained that all friction points between Depsang and Chumar should be collectively tackled by military commanders of the two sides, so that there can be total disengagement and de-escalation in the Ladakh sector LAC.²² However, the Chinese side does not agree with the proposals made by the Indian side and the goalposts identified by the Chinese side themselves keep changing.

In 2021, India’s ambassador to China, Vikram Misri, urged China to separate the ongoing border tensions in eastern Ladakh from the overall boundary dispute to restore peace and tranquility along the LAC. The rationale was that resolving the larger LAC would need a much longer time frame.²³ At the very least, the new conflict that emerged due to Chinese aggression at the LAC needs to be resolved.

The entire de-escalation process is intricate and requires constant verification, given the nature of the terrain, heavy deployments on either side and the Chinese tendency to go back on agreed tenets. In 2021, China built additional accommodation in the depth areas along the LAC on its side despite talks for de-escalation taking place simultaneously. The PLA made temporary and permanent accommodations in Rudok, Kangxiwar, Gyantse and Golmud areas, along with the construction of field hospitals and procurement of additional

snow mobility vehicles by the PLA.²⁴ China also intensified construction work behind the main confrontation points in Aksai Chin.²⁵

So far, partial disengagement from Galwan, Hot Springs, and Gogra occurred between June and July 2020, while complete disengagement from Pangong Lake's North and South banks occurred in February 2021. After the Gogra disengagement in August 2021, the LAC shifted westwards at P.P. 17A.²⁶ At no place in eastern Ladakh have the two sides reached the status quo as it was before May 2020. Also, as revealed by satellite imagery after the disengagement, the PLA's semi-permanent bases in Gogra remain where they were earlier; only the administrative area along the Changlung area has been cleared.²⁷

2.2 Reactions from Different Countries

As Chinese aggression against various countries keeps increasing in different forms, be it the Philippines, Vietnam, the U.S. or Taiwan, the world watches how the military conflict between two nuclear states in Asia unfolds. While several countries made diplomatic comments to ensure their ties with either India or China were not affected, countries like the U.S., France and Japan were more direct and indicated stances against unilateral aggression unleashed by China.

The U.S. reacted with a level of public criticism which was unprecedented. Senior officials in the U.S. have publicly upbraided China for its aggressiveness along the LAC.²⁸ The White House, for the first time, openly said that it would stand with India should a military conflict between India and China arise.²⁹ Ambassador Ken Juster expressing solidarity, tweeted that the U.S. Mission in India sent its heartfelt condolences to the families of the lost soldiers at Galwan. He added that their bravery and courage would not be forgotten.³⁰ In 2021, Admiral Philips Davidson, the Commander of the U.S. Indo-Pacific Command, told the Senate Armed Services Committee that the U.S. had provided information, cold-weather clothing, and other equipment to India during the border crisis with China.³¹

Japan also reacted by publicly supporting India and expressed condolences over the deaths of Indian soldiers in the Galwan River Valley; however, it said nothing about Chinese casualties.³² Japan stated that it opposed "any unilateral attempts" to change the status quo in the region.³³ Japanese Ambassador Satoshi Suzuki stated that Japan hoped for a peaceful resolution of the conflict through dialogues.³⁴ A naval exercise with Japan was conducted at the end of June 2020,³⁵ which was a routine exercise, but the timing and location in the eastern Indian Ocean bracket it in the context of the military standoff between India and China in Ladakh.

France was the first country to offer India the support of its armed forces amid growing tensions at the border with China. France also extended support to India in the Galwan clash. In a letter to India's Defense Minister Rajnath Singh, French Defense Minister Florence Parly stated that India is France's strategic partner in the region. She also conveyed condolences for the loss of lives of Indian soldiers on June 15, 2020.³⁶

Maldivian Foreign Minister Abdulla Shahid had tweeted that the Maldives extended its deepest condolences to the people of India for the lives lost in the recent clashes on the border. He added that thoughts and prayers were with the families, loved ones and communities of the soldiers.³⁷

Italian Ambassador to India, Vincenzo de Luca, told the national daily *Indian Express*

that India and China are crucial partners not just for Italy but for the E.U. as a whole.³⁸ He also expressed his sympathies to the families of the Indian soldiers who lost their lives.

In 2020, Russia stated that it welcomes de-escalation efforts between India and China. In a message, Russia's Ambassador to New Delhi, Nilolai Kudashev, said that Russia welcomes all steps aimed at de-escalation at the LAC and that Russia remains optimistic about the de-escalation efforts between the two.³⁹

The European Union spokesperson for foreign affairs, Virginine Battu-Henriksson, stated, "In light of the recent worrying developments along the LAC between India and China, we encourage both sides to show restraint and to engage in military de-escalation, as well as to continue dialogue."⁴⁰

United Nations (U.N.) Secretary-General Antonio Guterres also expressed concern over the violent face-off and urged the countries to exercise maximum restraint. U.N. Spokesperson Eri Kaneko stated that the reports of violence and death at the LAC between India and China are concerning. She added that the U.N. "takes positive note of information that the two countries have begun engagements to de-escalate the situation."⁴¹

Britain has also expressed concerns over the violent clashes and appealed to the nation to sort the issue through dialogue.⁴² The German Envoy to India tweeted, "Our heartfelt condolences to the families and loved ones of the soldiers who lost their lives in Galwan."⁴³ The Brazilian Embassy in Delhi expressed similar sentiments and stated, "Our heartfelt sympathies to the people of India and deepest condolences to the families, loved ones and colleagues of the soldiers who lost their lives in the line of duty in Galwan."⁴⁴

Australian Prime Minister Scott Morrison, while launching Australia's 2020 Defence Strategic Update, referred to the standoff between India and China and stated, "tensions over territorial claims are rising across the Indo-Pacific region as we have seen recently on the disputed border between India and China, the South China Sea and the East China Sea."⁴⁵ While hiking Australia's defense budget to US\$270 billion for ten years, he stated that it would not be just China and the U.S. that will decide the future of the region, but countries like India, Japan, South Korea, Indonesia, Malaysia, Singapore and Vietnam too have choices to make and parts to play.⁴⁶

In his speech at Delhi-based think tank Vivekananda International Foundation (VIF), Australian High Commissioner stated that both India and Australia are grappling with the implications of creeping authoritarianism and its risks to democracy, transparency, and openness. He added that Beijing's moves to alter the status quo in the South China Sea are not in line with consensus building and dialogue.⁴⁷

Growing Chinese assertiveness has also augmented rationales for strengthening regional cooperation. Australia joined the Malabar naval exercises as a permanent member.⁴⁸ Australia joining the Malabar exercise generated a formal security apparatus for the Quadrilateral Security Dialogue (Quad) grouping of the four maritime powers in the Indo-Pacific region. The Quad can restore the balance of power in favor of the Indo-Pacific, led by the Quad countries, instead of it being led by China. Beijing has viewed the coming together of these four countries—the U.S., Japan, Australia and India, with which it has less than pleasant relations as the formation of a China containment group—referring to it as "Asian NATO." An officer of the Indian Army stated on conditions of anonymity, "until the Galwan clash India was ambiguous about the Quad, but the Galwan clash makes the necessity of Quad a reality for India—a grouping which can threaten China's backyard—the

South China Sea.”⁴⁹ Another interviewed officer of the Indian Army noted that if China’s belligerence in the South China Sea continues, a war may erupt, which will impact India, mainly because India shares borders with China and because India is a Quad member.⁵⁰ If the Quad is forced to take a stance on China’s belligerence in the South China Sea, India will have to make difficult decisions since it is a Quad member. Thus, its location and its engagements with members of the Quad will lead to tough choices and challenges for India in the case of a war breaking out between China and any other nation.

2.3 Further Reactions from India

Apart from the increased troop and arms deployment along the border, responses also included economic measures and political signaling. For instance, India’s policy has seen certain distinct changes concerning Taiwan. On July 12, 2020, India posted Gourangalal Das, an officer from the 1999 batch member of the Indian Foreign Services, as India’s envoy to Taiwan. As India does not have formal relations with Taiwan due to the One China Policy, Das has been heading the India-Taiwan Association in Taipei. In addition, on May 20, 2020, two members of the BJP government virtually attended the swearing-in ceremony of the Taiwanese President Tsai Ing-wen. This was a departure from the past, as Indians had not attended such ceremonies previously. China expressed disappointment at this overture by India. As India does not have diplomatic ties with Taiwan, from that angle, India’s attention to Taiwan becomes essential as it could be perceived as tacit support to Taiwan and its government.

On the Double Ten Day or Taiwan’s National Day in October 2020 and 2021, when China warned Indian media not to refer to Taiwan as a country, posters wishing Taiwan a Happy National Day were put up outside the People’s Republic of China’s Embassy in New Delhi. Several Indian media went ahead and wished Taiwan a happy National Day!

The Indian government launched a fresh diplomatic offensive against China by breaking its silence on China’s new security law for Hong Kong. India said, “We have heard several statements expressing concern on these developments.

We hope the relevant parties will take into account these views and address them properly, seriously and objectively.”⁵¹ This was a one of a kind, as India had maintained silence on Hong Kong or Taiwan before this. India was making a statement at the third meeting of the 44th regular session Human Rights Council.⁵²

India has always advocated a free and open Indo-Pacific and a rules-based order which it considers crucial for global stability but has never hitherto directly named China for its strategic assertions in the South China Sea. India has traditionally been against singling out any particular country on the issue. Still, as seen in 2020, India has directly called out China and lent support to the South-East Asian countries with territorial claims in the South China Sea. In July 2020, India also spoke out against China’s assertions in the South China Sea (SCS) as detrimental to global stability. India reiterated its abiding interests in the SCS and raised concerns about the developments in the SCS, which is a departure from the past. The comments were made by India’s Foreign Ministry Spokesperson Anurag Mishra. He answered questions on India’s response to Mike Pompeo’s statements in which he had called Beijing’s claims in the South China Sea “unlawful.”

India’s reaction to China’s border belligerence has also included specific economic measures directed at hostile countries. In April 2020, India changed its Foreign Direct

Investment policies, and on July 23, 2020, it operationalized such guidelines. As per new rules, any country that shares a land border with India must secure a permit from the Central Government before investing in India. Even though China was not named in particular, the decision was taken to prevent opportunistic investments from bordering countries, especially China, and stop Chinese investors' hostile takeover of Indian companies. Added to its, close on the heels of the border standoff, India first banned 59 Chinese apps and another 47 such apps. This was in response to China's usage of the cyber domain for warfare. Between June 15 and 20, coinciding with the flare-up at the border, there were 40,000 cyber-attacks on the Indian cyberspace, most of which were traced to Chengdu in the PRC.⁵³

The order from India's I.T. ministry to ban the Chinese apps stated that the apps were prejudicial to the sovereignty and integrity of India, defense of India, security of state and public order.⁵⁴ The apps had been given a chance to explain their positions on issues, whether they censored content or not, worked on behalf of foreign governments or lobbied influencers.

India also invited the U.S. to be a significant investor in defense, insurance, startups, telecommunications and medicine. Significantly, these areas are dominated by Chinese investments. Secretary of State Mike Pompeo was vocal that India should come forward to replace the dependence of global supply chains on China. India has been attempting to diversify its supply chains to Southeast Asia, Latin America and Africa to replace its reliance on China.

The measures are similar to those that have long been employed regarding Pakistan. In 2020, India's Ministry of External Affairs stated the need for prior security clearance for visas for Chinese business people, academics, industry experts, and advocacy.⁵⁵ In 2021, responding to Indian Ambassador Vikram Misri's criticisms of China's travel restrictions, Chinese Foreign Ministry Spokesperson Hua Chunying ruled out the easing of curbs soon.⁵⁶ In September 2020, China also tested drones and a new rocket launcher near the disputed border with India and sold armed drones to Pakistan, triggering fears in India of a two-front war with Pakistan on one side and China on the other.

The Indian Navy also sent a warship to the South China Sea after the clash at Ladakh. The Chinese side complained to the Indian side about the Indian warship's presence during diplomatic level talks.⁵⁷ Additionally, state-owned Indian oil majors stopped hiring Chinese tankers to ship their crude and petroleum products.⁵⁸ India also scrapped a Rs. 471 crore contract given to a Chinese company for a World Bank-funded railway project.⁵⁹

Kashmir has not been on the U.N. Security Council's agenda since 1971. In August 2020, China sought a discussion on Kashmir under the "Any Other Business" category in the U.N. Security Council. Chinese Foreign spokesperson Wang Wenbin stated that Beijing pays close attention to the Kashmir issue. Any unilateral changes to the status quo in the Kashmir region are illegal and invalid. India responded by stating that the Chinese side has "no locus standi whatsoever on the matter" and advised China not to comment on other nations' internal affairs.⁶⁰

India's education ministry in 2020 also announced its decision to review Confucius Institutes at Indian universities and cooperative agreements signed between Indian and Chinese institutions. India's latest national education policy also dropped Chinese as one

of the foreign languages offered to secondary school students. Following the move from India, Beijing called upon New Delhi to “avoid politicizing normal cooperation.”⁶¹

Reactions to Chinese aggression have transcended into spheres of diplomacy, economics and culture as well among others, and as stated by India’s foreign minister Dr. S. Jaishankar India is in the process of recalibrating its relations with China, as the border standoff⁶² in eastern Ladakh has produced a “very deep public and political impact” on India-China relations.

III. Reasons for the Galwan Clash

3.1 *The Border Is Contested*

The border was kept ambiguous by the British and continues to be vague and not properly defined—leading to possibilities of multiple interpretations regarding its actual placing. There is a Chinese perception of the border, and there is an Indian perception of the border, both of which overlap.⁶³ This leads to competing contestations, which sometimes leads to flare-ups like the Galwan standoff. China claims the entire Galwan River Valley, while India maintains that it falls on its side of the LAC based on their respective perceptions of the LAC. Every summer, the fact that there is an incursion of some nature from China along the LAC underscores the complexity of differing interpretations. In 1960 Premier Zhou Enlai presented a map to India’s then Prime Minister Jawaharlal Nehru, showing the Galwan River Valley as Chinese territory. Both sides subsequently agreed to respect a point in the region called PP14. However, in the recent border flare-up, as stated previously in one of the preceding sections, the PLA violated all understandings and agreements, crossed the PP14, which was countered by Indian soldiers leading to the flare-up, which then turned into a standoff. China now suddenly claims the Galwan area, which was traditionally a part of the Kashmiri princely state and at no point in China’s history did it have control over it.⁶⁴

Another reason about the border was the infrastructure building along the border by India, which China objected to, leading to the recent clashes.⁶⁵ The point to be noted is that China has constructed roads along the border but objects to India building roads in the region. China’s objections to India’s road construction need to be further contextualized.

In 2019, India constructed the Darbuk Shyok Daulat Beg Oldie (DSDBO) road along the LAC, connecting Darbuk-Shyok to Daulat Beg Oldie. Daulat Beg Oldie is one of the world’s highest airfields and is strategic for India’s military prepositioning and logistics delivery along the LAC. In early 2020, India began constructing a tributary road connecting DSDBO to PP14—the Galwan River Valley clash point. This road, once completed, would block China’s vision preventing it from seeing the movement of India’s troops, logistics and arms along the DSDBO. Until this road, China had clear visual access to all the military movement along this road due to the topography on their side. This new road between DSDBO and PP14 would obstruct this vantage point that the Chinese military enjoyed until now. The clash at PP14—which is the point to which the road would be constructed—can thus be seen as China’s way to indicate its displeasure or an attempt to prevent its construction to retain a strategic advantage over India.

China also objected to India's infrastructure development along the border as it could have a bearing on the proposed China-Pakistan Economic Corridor (CPEC). The CPEC, as an economic corridor planned between China and Pakistan as a part of China's Belt and Road initiative (BRI), seeks to link several countries by creating connectivity infrastructure for more effortless trade flow between China and the countries linked by the BRI. India objects to the CPEC as its proposed route would pass through the disputed territory of Pakistan administered Kashmir.

Daulet Beg Oldie is situated about 8–12 kms near the CPEC, putting India in strategically advantageous proximity to the critical Karakoram Pass,⁶⁶ which is often described as the neck of the CPEC. Since the new road built from DSDBO to PP14 will disrupt the Chinese view, China would be in the dark about what India is transporting to Daulet Beg Oldie, leaving the CPEC highly exposed and vulnerable to an Indian strike in case of future flare-ups in this region.

On border infrastructure construction, a senior military official of India consulted for this article noted that India's infrastructure development is unique. For many decades post-1962 war India had a defensive mindset. So, infrastructure development was not a priority if the Chinese used it to advance further. However, modern technology and re-prioritization have become an important issue. This has happened not just during this government but since the post-Kargil war, but specifically in the last five years, there has been more vigor on such border infrastructure build-up by India.⁶⁷

Apart from the vague nature of the border and construction along the border as possible reasons for the Galwan clashes, there are other issues which have been causes for China to undertake the incursions. One of the most prominent ones is China's objection to the abrogation by India of Article 370 in the Indian Constitution. By abrogating Article 370, India created a Union Territory (U.T.) in Ladakh and included Aksai Chin.⁶⁸ It also included the Pakistan Occupied Kashmir, where China has sped its construction activities like the Daimar-Bhasha dam. China opposed this move, as it claims that Aksai Chin is China's territory. Aksai Chin is part of the Leh district of India's Ladakh UT. Aksai Chin is vital to China's control of Tibet and Xinjiang as a highway connecting these two places runs across it. With the revocation of Article 370, India issued new maps, which showed Aksai Chin as part of Indian territory. This has always been India's stand. But the recent administrative move of turning Ladakh into a U.T. (thereby bringing the region under federal control) and including Aksai Chin in it ruffled Chinese feathers, as it claimed the move, which otherwise is purely a domestic one is "illegal" and "invalid."⁶⁹

3.2 China's Increased Assertiveness Across Its Neighborhood

The incursions in Ladakh can be understood to be one in a series of such militaristic and muscular foreign policy actions, which can threaten not only regional but also global stability undertaken by China amidst a pandemic. Some of these include repeatedly violating Taiwan's airspace; aggressive posturing in the South China Sea with tactics of intimidation towards the Philippines, Malaysia, Vietnam, and even sinking a Vietnamese fishing trawler in these waters, which are contested by several littoral countries; and passing a new stringent National Security law in Hong Kong to curb civil liberties, among others. Chinese assertiveness has several underlying factors: First, President Xi Jinping, through such

muscular policies, is trying to show gain somewhere after global criticism faced by China over the origin, spread and mishandling of the pandemic.⁷⁰

The central geopolitical rivalry of today is between a revisionist China and a status-quo U.S., and the Ladakh standoff was a part of this larger rivalry that dominates contemporary world politics. The roots of China's angry posturing in Ladakh are also results of the worsening of diplomatic ties between Beijing and Washington, D.C. Its attack against India and threat to its national security was a way to persuasively register its discontentment with its perceived closeness of India with the U.S.

Secondly, these militaristic tactics towards Taiwan, Hong Kong, the South China Sea and the latest in Ladakh can be seen as China implementing the final steps in what has been called "salami slicing." Salami slicing implies gradual and insidious encroachment upon small parts of the enemy territory over a long period. Each strike is like slicing one piece of salami at a time and asserting complete control over it. China has had unsettled borders with India for a long while. Now that it has risen owing to its economic clout, it is slowly and steadily slicing into Indian territory over each episode of incursions and scuffles.

Thirdly, China is facing internal problems due to the pandemic. The Chinese economy grew by 4% in the fourth quarter of 2021, slowing from the 4.9% growth in the previous three months. Like the disastrous after-effects of the Great Leap Forward (GLF) in the 1960s, China faces acute employment, livelihood, and public health safety issues. In 1962 the Great Leap Forward, which was intended to bring industrialization and prosperity, left 45 million dead due to famine and starvation. It was then decided to create an external enemy and attack India to divert attention and regain Mao Zedong's lost credibility due to the disastrous results of the GLF. Similarly, Xi Jinping is currently facing internal problems with rising unemployment and global backlash over COVID-19, which has harmed his image.⁷¹

Growth rates have tumbled, unemployment has soared, inflation is wreaking havoc in China, and the zero-COVID policy coupled with the initial mismanagement of the pandemic in 2019 has led people to question Xi's leadership. Thus, an external enemy was needed once again to deflect this anger and regain lost legitimacy. Therefore, the attack on Ladakh under the garb of accusing India of building roads in contentious regions; while actually, the idea was to use this attack to rally the people of China around Xi Jinping when his image had been adversely affected.

Kewalramani (2021) stated that Xi Jinping's emergence as the "core" leader has not been without friction and has resulted in the Communist Party doubling down on nationalism and ideology.⁷² Weibo, a social media platform used widely in China, was abuzz with aggression from Chinese netizens against India every time China sparingly released names of their martyred soldiers.⁷³

Fourthly, aggressive Chinese posturing, including Ladakh, can directly result from Xi Jinping's ambitions outlined in the 19th party congress. He spoke of China entering a new era and taking Centre stage in the world.⁷⁴ Xi Jinping had announced a project to achieve China's national rejuvenation after a "century of humiliation." This assertion was a departure from a China which had until then followed Deng Xiaoping's dictum of biding time and hiding capabilities: keeping a low profile or the policy of taoguang yanghui (韬光养晦). Xi wanted to show that China was no longer rising but had already risen, and it was time for it to assume its rightful leadership role. Acting belligerently across its neighborhood can be

thus understood to have come from such a mandate whereby China feels it is now powerful enough to assert its control over areas it had always claimed militarily. While COVID-19 presented new challenges for India, the tension with China began in 2017 with the Doklam issue. It was further exacerbated in 2019 when India showed Aksai Chin as its territory on its maps after the dilution of Article 370.⁷⁵

Historically, China has used force to deter alliances against it. Unjhanwala (2021) stated that by attacking one opponent, China intimidates the others. Further, Chinese actions against India may be linked to its actions against Taiwan and its ultimate goal of securing the island.⁷⁶

It has been noted that the Ladakh crisis occurred because China believes that India is working closely with the U.S. to contain its rise.⁷⁷ In June 2020, China's state-owned media warned India about the U.S.⁷⁸ The U.S.'s public criticism of China in the recent attacks enhances the belief in this perception held by China. A certain degree of hubris also lies behind China's growing assertiveness. China believes that the U.S., which it considers its only rival, is in terminal decline and retreating from a global role, leaving a power vacuum that only China can fill. A section of leaders in China has urged the central leadership that China must move quickly to expand its power and assert domination of contested territories such as Ladakh before other major powers recover from the reverses of the pandemic. Such calculations have implications for both India's national security and global stability.

IV. Conclusions

The Galwan River Valley Clash was a one-of-a-kind clash between India and China as it was the first time since 1962 that a border assertion led to the loss of lives on both sides. India had earlier lost four soldiers in 1975 to China along the border.⁷⁹ This article sought to present how the clash unfolded, the global reactions, and analyze the reasons behind this crisis.

First, it was seen that the diplomatic community was quick to upbraid China on its aggression, which marks the growing consternation that the West and its supporters have on a prospect of an increasingly militaristic China. Even though several countries, in their statements, maintained a diplomatic balance between India and China, as exemplified by the Italian response, cognizance of China's aggression was taken. The loss of lives on the Indian side (which India made public in line with principles of respect for the dead) was regretted or mourned across the board (except for Pakistan). The crisis also enabled India to gauge the responses and reactions of the major powers, which have helped India calibrate its responses to subsequent crises in other parts of the world. These powers, Quad members, were quick to extend support to India in terms of increased naval exercises and information sharing after the attack. While expressing their condolences for the loss of lives, others such as Italy, Russia, Britain, and Germany were less forthright in their statements on China's attack on India than the Quad members. The U.S., Japan and Australia were more forthcoming in their support for India. At the current juncture when the world has been expecting a response from India against Russia's invasion of Ukraine, the reactions from various parts of the world when China attacked India become pertinent to understanding realpolitik and how alignments in international politics are shaped.

Secondly, Chinese aggression against India is one in a string of such aggressions being

undertaken by China across its neighborhood, both continental and maritime, which are signs of an emerging power flexing its militaristic prowess to showcase its arrival on the global scene. The incursions and the subsequent clash are also attempts by China to deflect attention from its flailing domestic conditions, rake hyper-nationalism within China, and detract from the criticism it faced due to COVID-19. Third, the U.S. question in the whole episode cannot be dismissed because it is the power that China intends to replace on the regional and global stage. Given India's perceived closeness to the U.S., the Galwan clash was a strong indication by China of its discomfort with such a development.

The clash brought out the complications of figuring out a new *modus vivendi* between India and China on the border question. The older one of the late 1980s and early 1990s does not hold water in the contemporary era. India's diplomacy will have to consider the growing expectations of Western powers to stand up to China's aggression in the maritime and continental borders, which could lead to India having to make tough choices between balancing or band-wagoning against China. For India, China remains a neighbor with which it has numerous problems, such as a trade deficit and transboundary river water issues among others. India will have to take cognizance of how China has been weaponizing trade to penalize countries such as Lithuania or how it withheld river water data from India on the Brahmaputra during the Doklam clash of 2017. Even though India had paid a hefty sum for the data, which helps it be prepared for managing floods every year in its state of Assam, where the Brahmaputra flows into from Tibet, China refused the data. The year of 2017 saw one of the worst flood-induced calamities in Assam. China's cyber warfare capabilities are also unfolding, as seen in the 45,000 attacks on Indian cyberspace during June 2020. Indian diplomacy needs to take cognizance and decide upon ways to deal with increasing Chinese aggression across several fronts.

Finally, the clash showed the adverse implications such aggressions have on India's national security. Indian diplomacy has been made aware of its insecurities and vulnerabilities concerning its continental border, which can detract from its ability to realize its maritime potential and limit its reach in exploring Indo-Pacific's economic, security, and energy possibilities. Incursions on the border further add to the complications of an already precarious border. If powers as big as India and China become overtly adversarial, they do not bode well for global security.

In conclusion, the Galwan clash was a watershed moment in the history of India-China ties which has links to a regional and global dynamic which is fast unravelling in the world. Post the clash, India has become more forthcoming in berating China for its aggressions as well as is seen to be keen to promote maritime drills with countries which are overtly anti-China, but at the same time, it is actively participating in platforms such as the BRICS forum to keep channels of communication open. It has become necessary for India to formulate foreign policies and stances to cope with the changing forms of conflict and diplomacy emanating from China.

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Navigational Rights and Freedoms in the International Law and Practice

Bugajski, Dariusz Rafal. Gdynia: Akademia Marynarki Wojennej, 2021. 353 pp. ISBN: 978-8-3961-5491-0

The book *Navigational Rights and Freedoms in the International Law and Practice* is written by Associate Professor Cpt Dariusz Rafal Bugajski. In this book, the author provides a complex legal analysis of navigational rights and freedoms under the United Nations Convention on the Law of the Sea, 1982 (UNCLOS). The book is arranged in three parts. Part 1 observes one of the main principles of UNCLOS, such as freedom of navigation, and its applicability in different maritime zones, where the enforceability measures vary. It also sets out the concepts and legal status of warships and demonstrates the package of rights, freedoms, and obligations granted under the UNCLOS. It also provides interesting insides in respect of navigational rights during the war or the armed conflict at sea, which is a topical, newsworthy, and pressing concern in the current world. Nevertheless, it indicates the practice of the Republic of Poland. Importantly, part 1 focuses on legal status and matters of immunity granted to warships and their crew; Part 2 seeks to expose the navigational rights of warships constituted and contested by international law. At the same time, the author explores the myriad of different State practices. In order to support the

author's statements, precedential case laws and "soft law" mechanisms are effectively used. The practice of NATO is also researched by the author. In this part of the book, readers may find a systematic, analytical, and complex analysis of the rights and duties of Coastal/Flag/Archipelagic States in respect of innocent passage, transit passage, and archipelagic sea lanes passage. Part 3 explores the navigation through the straights and canals used for navigation. In this part, the author provides sound research of regimes and practices of navigation in various straights, channels, and canals. Lastly, the author comes to a conclusion.

The author of the book considers navigational rights as the "blood of circulation" of the world of economy. The navigational rights mean that ships, despite the fact what kind of ship it is, enjoy rights of innocent passage, transit passage, and archipelagic sea lanes passage. The sea *per se* has strategic importance for States, therefore, the *mens rea*, the logic, or rationale of the State to save and secure access to its sea are understandable. It remains highly important to maintain relevant legal pillars—laws, policy, strategy, and legislation to govern the rights of navigation with due regard principle, without violating the framework developed, adopted, shaped, and granted by the constitution of the sea, a great package of the deal—UNCLOS. The author indicates that the modern world is occupied by its great problems, therefore, it seems that they overlook the issue of limiting navigational rights and freedoms of the high seas in practice, which will primarily affect ships with special characteristics, including warships. One of the main objectives of UNCLOS is to establish, with due regard for the sovereignty of all states, a legal order for the seas and oceans which facilitates international communication and will promote the peaceful uses of the seas and oceans, therefore, the erosion of navigational freedoms of the high sea, as a phenomenon will have a negative impact on the sea arteries and importantly, on the global trade.

The author, in part 1, examines the etymological meaning of the warships and meaning of the term, its legal status, and types in light of various international legal instruments, such as the Resolution of the Institute of International Law of 1989 and 1983, Hague Convention (VII) Relating to the Conversion of Merchant Ships into War Ships, 1907, Geneva Convention on High Sea, 1958, UNCLOS, and Polish Maritime Code, 2001. The author indicates that the great maritime powers, which have the nuclear-powered ships, are not differentiating the status of the warships according to the type. The customary international law and treaty-based law support such kind of practice. While amplifying different types of warships, the author indicates that article 29 of UNCLOS is universally applicable to all warships, and rights of freedom of navigation apply to all warships as well.

In part 1, the author also reviews that the Geneva Conventions on the Law of the Sea, 1958, UNCLOS, 1982, and the Brussels Convention 1926 concerning the immunity of the state-owned ships, as amended 1934 protocols, grant full immunity to States' warships and other state-owned ships, which are used for non-commercial purposes. However, in some cases, there is conflicting interest between the Coastal States and the immunity of the Flag States when the warships stay in the territorial waters and ports of foreign States. In order to support the statement, the author provided the relevant case law materials, such as the 1982 Supreme Court decision "*Schooner Exchange v. McFaddon*." The immunity of the warship applies to the warship itself and the crew as well. Even though warships hold an immunity, they shall bear the international responsibility for their unlawful actions or wrongdoing, as it is stated by the author. However, as the author refers to the doctrinal and case laws, there

shall be evidence of unlawfulness, relevant damage, and culpability between the case of the conduct of the warship and the damage.

The responsibility of the State for damages in course of a violation of the navigational rights and damages caused to the maritime environment by warships is embraced by UNCLOS. The author indicates that protection of the maritime environment constitutes *iuris cogentis* of international law, therefore it is a subject of the responsibility, for any type of the ship. Nevertheless, based on articles 29, 192, 235, 236, Section 10 of Part XII of UNCLOS, vessels are not excluded from the obligation to protect and preserve the maritime environment. This statement is supported by referring to the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78). With respect to the violation of navigational rights, the author relies on articles 30 and 31 of UNCLOS and indicates that there shall be a causal link between violation, and the loss or damage.

The second chapter of part 1 discusses the territorial and geographical scope of navigational rights. This part of the book provides sound systematical and legal analysis, together with supporting doctrinal positions, maps, and schemes for readers to understand rights and freedoms granted to warships in Internal Waters, Territorial Sea, Archipelagic Waters, Contiguous Zone, Exclusive Economic Zone, Continental Shelf, High Sea, Polar Waters, and Area. The author refers to different State practices and indicates that the various political and legal matters, national law requirements, conventions, treaties and agreements, and resolutions have a direct influence and effect on the employment of the navigational rights in already above-mentioned maritime zones. In this part author also provides insights into navigational rights in the time of armed conflict and war. The importance of this part of the book is that, based on UNCLOS, the Geneva Convention of the Law of the Sea, United Nations Charter, Antarctic Treaty, Hague Convention (XIII) on the Neutral Powers in Naval War, 1907, and other doctrinal works and case laws, the author directly indicates that navigational rights cannot be suspended *only* on the ground of armed conflict or war. This chapter is informative, comprehensive, explanatory, descriptive, and complex, as it is developed based on UNCLOS, other supportive and complementary “soft law” mechanisms, State practice, and experience. The legal characteristics of each maritime zones are also generally explained, all main, key elements of each zone are indicated and shown through the maps and schemes. Based on the provided information, readers will easily distinguish the maritime zones.

Part 2 of the book concentrates on specific aspects of navigational rights. The right of navigational freedoms is a general umbrella principle, which involves in itself the innocent passage (pp. 89–132), transit passage (pp. 133–164), and archipelagic Sea Lane passage (pp. 165–277). In part of the book, the above-mentioned passages are defined, their importance for all types of the vessel is underlined, at the same, the legal characteristics and requirements applied for passage is constituted, the prerequisites for the passage are indicated, and the criteria to consider the passage as a violation of international and national law requirements are also stated. In order to achieve the aim of the book, the author makes references to UNCLOS, Geneva Conventions on the Law of the Sea, Convention on the International Regulations for the Preventing Collisions at Sea, 1972, International Convention for Safety of life at Sea, concluded at London on November 1 1974, as supplemented by the Protocol of 1978 (SOLAS 74/78), MARPOL 83/78, Convention on Civil Aviation 1944, 1949 ICJ Judgment in the *Corfu Channel Case (United Kingdom v. Albania)* Judgment of April 9 1949, ICJ

Reports, *Fisheries Case (United Kingdom v. Norway)* Judgment of December 18 1951, ICJ Report and other legal scientific doctrines.

The author elaborates on the rights of entry and rights of assistance, and the rights and obligations of Coastal States in respect of innocent passage. In order to show different approaches, the author of the book provides some enlightening historical, legal, and political insight into how the innocent passage rights are understood in the Russian Federation, the United States, United Kingdom, Sweden, Latvia, Germany, Estonia, Lithuania, Finland, Denmark, and Poland. At the same time, the Black Sea area and NATO's Rules governing the innocent passage and visits of pots are covered. In respect of the transit passage, readers may find it interesting to learn more about modern rules governing the passage through straits used for international navigations. In this respect, the legal matters, definition and concepts, classification, including the closed straits, rights and obligations of states bordering straits, the territorial and subjective scope of the rights of transit passage, rules of transit passage, and supporting State practice are underlined. In the same part, the matters of the archipelagic Sea lanes passage, the rights and duties of archipelagic States, and supporting maps are provided.

In Part 3 the data about the various channels, straits, and corridors are collected in a scholarly manner, which makes the book indeed valuable and helpful as it provides sound information about the legal, technical, historical, jurisdictional, and political conditions and complications attached to such straits. Sea corridors on the Baltic Sea, Gulf of Finland, corridors in Bornholmsgat and Kattegat, Kadet Channel, Fehmarnbelt, Bay of Kiel, Amatique Bay, Korea Strait, La Perouse/Soya and Tsugaru Straits, Taiwan Strait, Gibraltar, Mozambique Channel, Dover Strait, Bonifacio and Corsica Channel, Bab el-Mandeb Strait, Strait of Hormuz, Torres Strait, Irbe Strait, Kerch Strait and the Sea of Azov, straits under long-standing conventions—such as Oresund and the belts, Strait of Aland, Dardanelles, Sea of Marmara and Bosphorus, Strait of Magellan, Torres Strait, Tierra Del Fuego Archipelago, Indonesian Archipelagic Waters, Strait Messina, Juan De Fuca Strait, Tiran Strait, Western Scheldt, Gulf of Fonseca, Curonian Lagoon, Klaipeda Strait, Chetumal Bay, Vistula Lagoon and Strait of Baltiysk, straits closed by straight baselines, Suez Canal, Panama Canal, and Kiel Canal are studied and open for readers for learn more about it. The author analyzed and collected information about almost all existing straits, having high importance for navigational rights. The author does not enter into a political discourse or evaluation of the correctness, legalities, or expediency of the approaches of States, but on the contrary, leaves these matters to readers. The author constituted the straightforward, strict facts and current situation in respect of the treatment of the straits by the State. This part comes with maps and is valuable information for readers, researchers, academic personnel, students, and persons interested in the law of the sea. Lastly, the author comes to a conclusion enumerated the main findings of the book.

Overall, the book is dynamic itself, as it provides information where navigation is completely refused, where *de facto* restrictions are applied to certain categories of ships, and where strait hold a special status.

All three parts are thematically coalescent and interconnected. Each part of the book provides and defines the complexities of legal concepts to understand the rationale of permitted and required conduct. It also examines, how international legal frameworks and normative are employed in State Practice, which gives the book a more pragmatic and

practical style. The legal and political, historical narratives and explanation of the operation of freedom of navigation make the reader see and understand the whole triangles of the law of the sea system. The book contains a great knowledge of geographical characteristics and specificities that have to be taken into account while discussing and applying the freedom of navigation, which itself does not belong to “absolute right” categories, it is subject to international and national regulations and restrictions. The sound, general analysis of conceptual frameworks, general reflections of UNCLOS or other long-standing treaties on State practices, and the logic and reasonings of different co-existing legal and political regimes from an almost dizzying array of perspectives is making the book a valuable addition to the maritime literature. Despite its immensely informative character and its complexity, it is easy for readers to follow argumentations, statements, findings, thoughts, narratives, and conclusions developed by the author. Hence, it shall be mentioned that the book and the content might be used for academic and practical purposes by all interested persons engaged in the law of the sea matters.

The book indeed successfully provided interconnection between legal theory, laws, policies, and practices. It does not eschew the conceptual exercises in linguistic analysis and at the same time embraces comparative analysis construction. The book is an empirical study of instruments with certain legal pragmatism and legal realism approaches, in other words, it is a theory-practice-centric material. It provides, in a scholarly manner, a comparative analysis of various international legal instruments to achieve the objective of the book. The subject matter of the book is studied through a maritime and airspace prism, as the status of the waters cannot be separated from the status of airspace, which shows the readers the complexity of the ocean and water itself and how it is inextricably connected in course of navigation of naval and/or warships. Overall, the book creates the great guidelines for the maritime labyrinth and shows a breadth of the navigational rights developed through customary international law and UNCLOS. It is a rich, well-edited, interesting, and timely volume.

—Mariam Mgeladze, Ankara University

Call for Papers and Style Guide

***JTMS* Winter/Spring 2023 Issue Call for Papers**

The *Journal Territorial and Maritime Studies (JTMS)* is soliciting submissions for its Winter/Spring 2023 issue. *JTMS* is a SCOPUS indexed interdisciplinary journal of research dealing with the political, security, legal, and historical dimensions of terrestrial and maritime territorial disputes. The journal is 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. 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 territorial and maritime issues, are encouraged.

For consideration in the Winter/Spring 2023 issue, Manuscripts should be submitted electronically to jtms@yonsei.ac.kr by September 1, 2022. 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



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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 along with the author's contact info, bio, and a recent photo.

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.

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 few key words of 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 with a resolution of 800 dpi or higher. Supporting materials may be submitted as hard copies for scanning or through e-mail 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 superscript 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.

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

Structured Abstract

Article Classification: JTMS categorizes articles into the following 6 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 analyses 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 time span 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.