

South China Sea and India's Geopolitical Interests

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Abstract

The South China Sea dispute involves is land and maritime claims among China and several nations within the region. China claims to have historically exercised exclusive control over the waters, a claim rejected by the Permanent Court of Arbitration in The Hague. As a high proportion of the world's trade passes through the South China Sea, there are many non-claimant nations including India that want the South China Sea to remain as international waters, with many nations including the United States of America conducting 'freedom of navigation' operations. The region holds importance for India as Indian trade and economic linkages are growing with East Asian nations and with the Pacific region. India also believes that the disputes between SE Asian littoral states are a litmus test for international maritime law and that freedom of navigation and commercial access as enshrined in the UNCLOS must be ensured in the region.

Keywords: South China Sea, China, India, littoral states, freedom of navigation

The South China Sea dispute involves a number of Nations including Brunei, China, the Republic of China (Taiwan), Malaysia, Philippines, and Vietnam.

The dispute centres on the immense oil and gas potential that the region has, 7.5 billion barrels of proven oil reserves and 145.5 trillion cubic feet of gas. Tensions first brew up in the region in 1947, when China issued a map claiming ownership of the entire sea, citing 2,000 years of history. This was contested by Vietnam, Philippines, Malaysia, Brunei, Indonesia and Taiwan. Then the presence of rival navies added to the tension. The United States is already engaged in the region following its old treaty obligations with Taiwan and Philippines. Moreover, the South China Sea is a critical transit route for the US Navy and oil flow. Its oil giants have also concluded exploration agreements with littoral governments.

The disputes involve the islands, reefs and banks of the South China Sea, including the Spratly and Parsleys islands and the various boundaries, like those in the Gulf of Tonkin. The interests of the nations revolve around retaining or acquiring the rights to fishing areas, the

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exploration of crude oil and natural gas under the waters of various parts of the South China Sea, and the strategic control of important shipping lanes.

The South China Sea is dubbed by China as the 'second Persian Sea' for its oil reserves. It has 1,367,000 barrels oil production a day. The Chinese have calculated that the South China Sea will ultimately yield 130 billion barrels of oil. If these calculations are correct then it contains more oil than any area of the globe except Saudi Arabia. China is desperate for finding new energy resources as Chinese oil reserves account for only 1.1 percent of the world total, while it consumes over 10 percent of world oil production and over 20 percent of all the energy consumed on the planet. Chinese National Offshore Oil Corporation has invested \$20 billion in the region with the belief that there are vast reserves of oil in the area, which it can exploit.

The location and energy reserves give the South China Sea a critical geostrategic importance. China wants to control it as it imports most of its oil through this trade route. Doing so would enable China to establish hegemony in East and Southeast Asia that no other country involved in the dispute is capable of. It has resulted in territorial disputes surrounding these more than two hundred small islands, but only about thirty five of them are permanently above water.

The abundant fishing opportunities within the region are another reason for the conflicting claims. The South China Sea is believed to have accounted for a large portion of world fishing catches. There have been many clashes in the Philippines with foreign fishing vessels in disputed areas. China believes that the value in fishing and oil from the sea has risen to a trillion dollars.

The area is also one of the busiest shipping routes in the world. More than half of world's annual merchant fleet use the route and a third of all maritime traffic worldwide passes through these waters. More than half the tonnage of oil transported by sea crosses it too. This traffic is three times greater than that passing through the Suez Canal and fifteen times more than the Panama Canal. Around two thirds of S. Korea's energy supplies, 60 percent of Japan's and Taiwan's energy supplies, and 80 percent of China's crude oil imports come through the South China Sea.

Bases of the Chinese Claim

China has laid claim to what it calls its 'historic line' or the 'nine dash line', that is, the heart of the entire South China Sea in a grand loop. The 'cow's tongue' as the loop is called-surrounds these islands from China

to Singapore and Malaysia. As a result, all of these littoral states are in dispute with China's claims, and dependent upon the United States for diplomatic and military backing.

Over the years, Vietnam, the Philippines, Brunei, Malaysia and other countries have asserted claims within the Chinese nine-dotted line. The United Nations Convention on the Law of the Sea, which came into effect on 16 November 1994, resulted in more intense territorial disputes between the parties. As of 2012, all of Parsley Islands and eight of the Spratly Islands are under Chinese control. Vietnamese troops control the greatest number of Spratly islands, 29, eight islands are controlled by the Philippines, five by Malaysia, two by Brunei and one by Taiwan.

On 20 July 2011, China, Brunei, Malaysia, the Philippines and Vietnam agreed to preliminary guidelines which would help resolve the dispute. The agreement was described by China's assistant foreign minister, Liu Zhenmin, as 'an important milestone document for cooperation among China and ASEAN countries.' It acknowledged aspects such as 'marine environmental protection, scientific research, safety of navigation and communication, search and rescue and combating transnational crime.'¹ However, the issue of oil and natural gas drilling remains unresolved.

The conflicting claims between Nations over South China Sea are likely to become more intense as energy consumption in developing Asian countries is expected to double by 2030, with China accounting for half of that growth. "Paradoxically, if the postmodern age is dominated by globalization," writes the British naval expert Geoffrey Till, then "everything that supports' globalization, such as trade routes and energy deposits, becomes fraught with competition."²

Another problem that the South China Sea faces is of militarization. It has become an armed camp with China confiscating twelve geographical features, Taiwan one, the Vietnamese twenty one, the Malaysians five, and the Philippines nine. The nations are trying to alter the lines and create their own dominance without any monitoring mechanism.

In the Spratlys, which are claimed in full by China, Taiwan, and Vietnam, and in part by Malaysia, the Philippines, and Brunei, China has built concrete helipads and military structures on seven reefs and shoals. On Mischief Reef, which China has occupied despite Philippines' objections, it has constructed a three-story building and five octagonal concrete structures, for military use. On Johnson Reef, China has built a structure armed with high-powered machine guns. Taiwan occupies Itu Aba Island, on which it has constructed a number of

buildings for military use, protected by its troops. Vietnam, Malaysia and Philippines have military presence in the region too.

In July 2016, an arbitral tribunal constituted under Annex VII of the United Nations Convention on the Law of the Sea (UNCLOS), ruled against China's maritime claims in Philippines versus China, although it is not enforceable.³ China does not acknowledge the tribunal nor abide by its ruling, insisting that any resolution should be through bilateral negotiations with other claimants.

Indian interests in South China Sea

India has a huge stake in SCS in terms of geopolitics, geo-strategy and geo economics. Though India is not in the South China Sea region geographically, it is involved with SCS littoral states through naval exercises and visits, strategic partnerships, oil exploration and through diplomatic discussions at multilateral forums. India has extended its diplomatic outreach to the SCS by what it calls 'extended neighbourhood.' India used the concept of 'extended neighbourhood' in 2000 to reach out to areas outside South Asia, which are vital for furthering its diplomatic goals.

The SCS has now been firmly included in this realm of India's interests, which is evident from its engagement as strategic partner of ASEAN. With an objective to secure a substantial position in East Asia, India has moved to Act East Policy (AEP), which is a leap forward from its Look East Policy (LEP). Under the AEP, India aims to gain a degree of pre-eminence in the Indian Ocean, and with this, it also wants to contain China's growing hegemony in the South China Sea. A complete control over South China Sea by Chinese maritime forces would bring these forces to the Strait of Malacca choke point, which looks out onto the Indian Ocean. This is a strategic point of entry into India's backyard, and New Delhi would never like China to reach to that point of controlling the waters.

A further geopolitical interest for India in the South China Sea is its geographical location. The SCS lies at the intervening stretch of waters between the Indian Ocean and the Western Pacific. As Indian maritime cooperation grows with America and Australia, these waters have come to be referred to as "Indo-Pacific". Indian Navy now operates in the Western Pacific in cooperation with the United States and Japanese navies; therefore, it becomes all the more significant that India gets a secure access through the intervening waters of the South China Sea. To be able to navigate from the Indian Ocean to Western Pacific, easy and

unhindered access through South China Sea has gained preeminence in India's calculus in the region.

There is also a solid strategic reason behind India's efforts towards strengthening its involvement with littoral States in the South China Sea. China has been operating in the Indian Ocean without any hindrance for many years now and India has not been able to do anything about it. China is not a power in the Indian Ocean, yet it is investing diplomatically and militarily in the region to become an influential actor in the region. So for India, gaining access to the South China Sea is a way to balance China's naval activities in Indian Ocean. The South China Sea and the Indian Ocean are interrelated, and India and China both do not want the other to increase its supremacy over any of the two international bodies. The power struggle continues between the two Asian giants in these waters, with the scales titling a little more towards China as of now. Interestingly, China has been contending that, despite the name, the Indian Ocean does not belong to India alone. India and other countries can equally argue that the South China Sea does not belong to China alone.

The Indian leaders have emphasized time and again that India's Look East Policy marks a shift from economic issues to efforts towards protecting the sea lanes. India has high stakes in the uninterrupted flow of commercial shipping in the South China Sea, and also in maintaining the movement of its Navy in these waters. For India, the South China Sea region holds importance in terms of its trade with the Asia-Pacific region. Over 55 percent of India's trade passes through the South China Sea; therefore, peace and stability in the region is of great significance to it. India undertakes various activities, including cooperation in oil and gas sector, with littoral states of the South China Sea too.³

India's position on the South China Sea was indicated in the joint ASEAN-India Vision Statement in December 2012. It stressed, "India's role in ensuring regional peace and stability," and for that "we agree to promote maritime cooperation to address common challenges on maritime issues," and that "we are committed to strengthening cooperation to ensure maritime security and freedom of navigation, and safety of sea lanes of communication for unfettered movement of trade in accordance with international law, including UNCLOS."⁴

India's official stand regarding the South China Sea was stated by General V.K. Singh, the External Affairs Minister of State, in the Upper House of Parliament on 4th August 2016. He stated in the House that India "supports freedom of navigation and over flight, and unimpeded commerce, based on the principles of international law, as reflected

notably in the UNCLOS. India believes that States should resolve disputes through peaceful means without threat or use of force and exercise self-restraint in the conduct of activities that could complicate or escalate disputes affecting peace and stability. As a State Party to the UNCLOS, India urges all parties to show utmost respect for the UNCLOS, which establishes the international legal order of the seas and oceans.”⁵

Indian Naval Presence in South China Sea

India has been deploying its Navy in the South China Sea for more than one and half decades now, which is a sign of the region falling under its strategic purview. These deployments include movement of the Indian Navy, bilateral exercises, port calls to friendly countries and transit through these waters. The Indian Navy is a familiar sight in the South China Sea since its first deployment in 2000, which was described by Indian commentators as “for the first time, in a quiet show of strategic reach, India is going out of her own sphere, experimenting with something new.”

On May 18 2016, four ships of the Indian Navy’s Eastern Fleet were sent on a two and half month long operational deployment to the South China Sea and North Western Pacific.⁶“In a demonstration of its operational reach and commitment to India’s ‘Act East’ Policy,” the Indian Navy’s Eastern Fleet was sent to the seas, according to a press release of the Ministry of Defence.

The naval force consisted of the 6,200-ton Shivalik-class guided-missile stealth frigates Satpura and Sahyadr armed with supersonic anti-ship and land-attack cruise missiles; the 27,550-ton Deepak-class fleet tanker Shakti, one of the largest surface warships in the Indian Navy; and the 1,350-ton Kora-class guided missile corvette Kirch, armed with sub- and super-sonic anti-air and anti-ship missiles.

The purpose of the deployment was strengthening military-diplomatic ties and enhancing inter-operability with other navies. The Indian warships made port calls at Cam Rahn Bay in Vietnam, Subic Bay in the Philippines, Sasebo in Japan, Busan in South Korea, Vladivostok in Russia, and Port Klang in Malaysia. The visits to each port lasted four days and were aimed at strengthening bilateral ties and enhancing cooperation between the navies. During the stay in harbour, various activities such as official calls and professional interaction between naval personnel of both the nations took place.

The fleet also conducted passing exercises (PASSEX) with other navies to practise cooperation and “showing the flag” in a region “of vital

strategic importance to India,” according to the defence ministry. The fleet’s operational deployment culminated in its participation in the Malabar Exercise, a naval exercise held with the U.S. Navy and Japan Maritime Self-Defence Force (JMSDF), which took place off Okinawa in Japan in the second half of June. Japan was involved in the naval exercise in 2007, 2009, and 2014, but in 2016, it joined not as a foreign invitee but as a permanent member of the annual naval exercise.

India’s naval deployments are varied in nature; some are part of bilateral exercises such as with the Singapore navy and some are friendly port calls to littoral countries, such as Brunei, Indonesia, Malaysia, the Philippines, and Vietnam. All these activities bring the Indian Navy into the much contested water of the South China Sea. India’s strategic compulsion behind these naval exercises is quite clear, an increased Chinese naval presence and activities in the Indian Ocean have been countered by bilateral Indian naval exercises with Singapore and Vietnam in the South China Sea.

Indian Navy has also been deployed further eastward into the Western Pacific in 2007, 2009, 2011, and 2012 for joint exercises with the United States and Japanese navies, crossing the South China Sea. India’s defence links with the littoral states of the South China Sea have been strengthened in recent years, particularly in the naval setting. New Delhi has fortified its links with these states through the MILAN exercises held since 1995 at Andaman and Nicobar Islands. A number of South China Sea littoral states such as Thailand, Malaysia, Singapore, Indonesia, Brunei, Vietnam, and the Philippines have participated. These countries are working with India in the Bay of Bengal and through a number of defense security agreements and naval links, India is cooperating with them in the South China Sea.

In 2014, India, Australia, Bangladesh, Cambodia, Indonesia, Kenya, Malaysia, Maldives, Mauritius, Myanmar, New Zealand, the Philippines, Seychelles, Singapore, Sri Lanka, Tanzania and Thailand participated in the six-day MILAN exercise.⁷

India’s establishment in July 2012 of deep water maritime facilities in Campbell Bay (INS Baaz), the southernmost point of the Andaman Islands, enables India to conduct surveillance operations over the South China Sea. The Southeast Asian nations view the Indian Campbell Bay initiative with hope that it will somewhat contain the aggressive posturing by China in the region. Some members of the Association of Southeast Asian Nations, particularly Vietnam and the Philippines have faced difficulties due to belligerent Chinese attitude and they are willing to cooperate with India to balance Chinese might in the waters.

The same logic lies behind India's security links with Singapore, which were established back in the 1990s with naval exercises held on a regular basis since 1994. Singapore's location as the exit point for the Strait of Malacca into the South China Sea is of immense geopolitical significance for India. Singapore has provided a supportive location for Indian forces passing through from the Indian Ocean into the South China Sea, while India has given extensive air force and army training facilities to Singapore. The two countries have formalized their cooperation through the Defence Cooperation Agreement of 2003 and the Joint Military Exercises Agreement of 2007. India's SIMBEX naval exercises with Singapore have also been conducted in the South China Sea.

Chinese objection to Indian naval presence and oil exploration

On 22 July 2011, the INS Airavat, an Indian amphibious assault vessel on a friendly visit to Vietnam, was reportedly contacted 45 nautical miles from the Vietnamese coast in the disputed South China Sea by a party identifying itself as the Chinese Navy and stating that the ship was entering Chinese waters. A spokesperson for the Indian Navy explained that as no ship or aircraft was visible, the INS Airavat proceeded on its onward journey as scheduled. The Indian Navy further clarified that 'there was no confrontation involving the INS Airavat. India supports freedom of navigation in international waters, including in the South China Sea, and the right of passage in accordance with accepted principles of international law. These principles should be respected by all.'⁸

In September 2011, shortly after China and Vietnam signed an agreement seeking to contain a dispute over the South China Sea, India's state-run explorer, Oil and Natural Gas Corporation (ONGC) said that its overseas investment arm, ONGC Videsh Limited, had signed a three-year agreement with Petro Vietnam for developing long-term co-operation in the oil sector, and that it had accepted Vietnam's offer of exploration in certain specified blocks in the South China Sea. In response, Chinese Foreign Ministry spokesperson Jiang Yu, stated as follows:

"China enjoys indisputable sovereignty over the South China Sea and the island. China's stand is based on historical facts and international law. China's sovereign rights and positions are formed in the course of history and this position has been held by Chinese Government for long. Based on this, China is ready to engage in peaceful negotiations and friendly consultations to peacefully solve the disputes over territorial sovereignty and maritime rights so as to positively contribute to peace and tranquility in the South China Sea area. We hope that the relevant

countries respect China's position and refrain from taking unilateral action to complicate and expand the issue. We hope they will respect and support countries in the region to solve the bilateral disputes through bilateral channels. As for oil and gas exploration activities, our consistent position is that we are opposed to any country engaging in oil and gas exploration and development activities in waters under China's jurisdiction. We hope the foreign countries do not get involved in South China Sea dispute."⁹

An Indian foreign ministry spokesman responded, "The Chinese had concerns, but we are going by what the Vietnamese authorities have told us and have conveyed this to the Chinese." The Indo-Vietnamese deal was also denounced by the Chinese state-run newspaper *Global Times*.¹⁰ In 2012 the Indian ambassador to Vietnam, while expressing concern over rising tension in the area, said that 50 per cent of its trade passes through the area and called for peaceful resolution of the disputes in accordance with international law.

India – US – Japan - Naval Cooperation

There are several reasons that might explain the increase in India-US naval cooperation especially during the presidency of Barack Obama. The Obama administration in the US did not believe unilateral solutions were available to deal with regional security challenges. India's importance in Washington's eyes as a potential strategic partner steadily increased because of Delhi's growing economic and military capabilities as well as its strong democratic credentials. Also, both the US and India remain concerned about the rising power of China in the Asia-Pacific region and beyond .

Although the US and India want strong cooperative relations with Beijing, both are conscious of potential conflicts of interest in bilateral relations with China. This recognition has also served to bolster US-Indian ties. From the US's point of view there is an apprehension that China might intervene forcefully in the Spratly Islands in the South China Sea. Nearly 44 of the 51 small islands and reefs are claimed by China, the Philippines, Vietnam, Taiwan, Malaysia and Brunei. China's aggressive pursuit is detested by the littoral States. The US might be forced to 'intervene' and would need a partner in India, more so under the new Donald Trump regime.

Any cooperation between India and America in the South China Sea is bound to benefit larger interests of India and help it counter China's 'string of pearls' strategy in the Indian Ocean, which includes reaching out to Countries in South Asia and littoral states by providing funds and

building ports. This strategy is intent on making sure the Indian Ocean is not India's ocean.

The US's 2010 Quadrennial Defense Review (QDR) acknowledged India's rise as a military power in the Asia-Pacific and the dominant role its navy could play in future. The QDR also mentioned that the US Navy would be deployed in forward positions in the years to come.¹¹ The US is also growing its engagement with Japan in maritime patrolling in the area. China has detested any such moves and in September 2016 it warned Japan against 'playing with fire' in the contested waters of the South China Sea, after Tokyo announced it may patrol alongside the US in the region.

China also sent fighter planes for the first time over a strait near Japan as part of a group of more than 40 jets headed to train in the West Pacific. The move followed remarks by Japanese defence minister Tomomi Inada that Tokyo would increase its engagement in the South China Sea through joint training with the US Navy, exercises with regional navies and capacity-building assistance to coastal nations. The Chinese defence ministry said the aim of the announcement was 'to mess up the South China Sea situation and try to gain interests from the troubled waters.'

'If Japan wants to conduct any joint patrol or joint exercises in waters administered by China, it is just like playing with fire, and the Chinese military will not sit and watch,' ministry spokesman Yang Yujun told a regular press briefing.¹² In recent months Japanese Prime Minister Shinzo Abe has criticised China for rejecting a ruling by an international tribunal, which said Beijing's extensive claims to the waters had no legal basis.

Also, the United States and India held their first Maritime Security Dialogue on May 16, 2016 to discuss, 'Asia-Pacific maritime challenges, naval cooperation, and multilateral engagement'. US too has taken objections to what it has called China's increasing 'militarisation' in the region.¹³

Even though US wants it, India has flatly refused to conduct joint naval patrols in areas including the South China Sea where Beijing has maritime and territorial disputes with its neighbours.

The littoral countries accuse China of illegally reclaiming land in contested areas to create artificial islands with facilities that could potentially be for military use. The US wants its regional allies to adopt a more united stance against China over the South China Sea, where tension has spiked since China's construction of seven islands in the Spratly archipelago.

China and US Tussle over South China Sea

In spring 2010, Chinese officials reportedly communicated to US officials that the South China Sea is “an area of ‘core interest’ that is as non-negotiable” and on par with Taiwan and Tibet on the national agenda. In October 2011, China’s *Global Times* newspaper, published by the Communist Party, editorialised on South China Sea territorial disputes under the banner, “Don’t take peaceful approach for granted.” The article referenced recent incidents involving Philippines and South Korea detaining Chinese fishing boats in the region: “If these countries don’t want to change their ways with China, they will need to prepare for the sounds of cannons. We need to be ready for that, as it may be the only way for the disputes in the sea to be resolved.”¹⁴

Responding to questions about whether this reflected official policy, a Chinese Foreign Ministry spokeswoman stated the country’s commitment “to resolving the maritime dispute through peaceful means.”

With the beginning of Donald Trump presidency in the US, things are bound to change in the South China Sea. Rex Tillerson, former Exxon Mobil CEO and US President Donald Trump’s pick for his Secretary of State, has told the US Senate Foreign Relations Committee that China will not be allowed to build more islands in the South China Sea and at the same time, will not be allowed access to those islands it has already built. The Reuters report quoting him said that Tillerson considered China’s South China Sea activity ‘extremely worrisome’ and that it would be a threat to the ‘entire global economy’, if Beijing were able to dictate access to the waterway.¹⁵

The spokesperson of the Chinese Foreign Ministry, Lu Kong, dismissed Tillerson’s words ‘as hypothetical’ in his initial response while asserting the Chinese supremacy over the South China Sea. Lu Kong said that the situation in the South China Sea has cooled down as countries in the region have come round to the agreement. “We hope that countries outside the region will respect such an agreement that serves the common interests of the region and beyond.”¹⁶

Trump has been targeting China, especially on trade imbalances and the loss of US jobs to China. He has quoted Russia and China when he makes pitch for military and nuclear expansion of the US. He became the first US President-Elect in decades to defy the US policy of

following One China norm and called the Taiwanese President, angering Beijing. China considers Taiwan as its renegade province.

The US Navy has a sizeable presence in the South China Sea and it routinely carries out patrols in the area to deter the Chinese efforts maintaining that the South China Sea waters remain free for international navigation. China does not recognize these claims including the UNCLOS and says China exercises control over these areas since ancient times and if there is any dispute it should be resolved by the countries directly concerned.

White House press secretary, Sean Spicer sparked off the South China Sea controversy in January 2017 by saying the US would 'make sure that we protect our interests' in the resource-rich trade route, through which \$4.5 trillion worth of trade passes each year. "It's a question of if those islands are in fact in international waters and not part of China proper, then yeah, we're going to make sure that we defend international territories from being taken over by one country," Spicer said at his first press conference.

Chinese foreign ministry spokesperson, Hua Chunying, responded, saying the US should tread carefully, 'to avoid harming the peace and stability of the South China Sea.' Hua emphasized that the United States is not a party in the dispute, while suggesting that China should be left to settle the South China Sea dispute with countries involved in the region. Chinese foreign ministry said China is trying to peacefully solve relevant disputes through negotiation with countries directly concerned.

Modi Government's South China Sea Policy

In November 2015, Prime Minister Narendra Modi made a reference to the South China Sea conflict at the thirteenth ASEAN-India summit and also during a public lecture in Singapore. He suggested the need for a mechanism that could enhance cooperation in maritime security, counter-piracy and humanitarian and disaster relief. The issue also came up during the third meeting of the India-Philippines Joint Commission on Bilateral Cooperation held on 14 October 2015 in New Delhi.¹⁷ The meeting was co-chaired by Indian Foreign Minister, Sushma Swaraj and Albert F. Del Rosario, Secretary of Foreign Affairs of the Republic of the Philippines. Minister Swaraj expressed support for the peaceful resolution of the West Philippine Sea/South China Sea dispute. Both sides reiterated the importance of the settlement of all disputes by peaceful means and of refraining from the threat or use of force, in

accordance with universally recognized principles of international law, including the 1982 UNCLOS.

The two Ministers asserted the importance of safeguarding the freedom of navigation and over flight in the South China Sea. In this regard, they reiterated the importance of an expeditious conclusion on a Code of Conduct and full and effective implementation of the 2002 Declaration of the Code of Conduct of Parties in the South China Sea.

During Prime Minister Modi's visit to Vietnam in September 2016, the South China Sea issue came up for discussion between the two countries. India's ambassador to Vietnam, P. Harish, gave a statement, indirectly saying that China needs to respect the Hague tribunal's verdict on the South China Sea. "We believe that UNCLOS (United Nations Convention on the Law of the Sea) represents the foundational aspect of international law on seas and oceans, and we call on all parties to respect UNCLOS". He added, "We have constantly advocated that freedom of passage in international water(s) is important for trade".¹⁸

The tribunal ruled in July that China has no claim to economic rights across large swathes of the South China Sea.

India has a couple of oil exploration blocks given by Vietnam which fall within the 9-dash-line. China wants India to refrain from undertaking oil exploration in the Vietnamese blocks in order to ensure 'peace and stability' in the South China Sea.

India needs to rethink its strategy in terms of dealing with China's claim over large part of South China Sea. Only reminding China about respecting UNCLOS has not yielded results and nor will. In order to contribute to a fair and equitable regional maritime order, New Delhi will take a stand that restores strategic balance in maritime-Asia.

Conclusion

New Delhi has to overcome its dithering over taking a firm stand. Following its official position of neither being party to the disputes nor taking sides may not be a win-win strategy in this case. India has to devise its response in view of the magnitude of developments in the region. It needs to shun its neutrality, which some in security establishment fear might give the perception of strategic support for the United States. It is time to think of ways to adopt a collective strategy and not pursuing a neutral and unilateral stand. India would lose in the

long run with this policy of placating China by not taking sides. Only the USA seems to be the main source of resistance to Chinese man oeuvres in the South China Sea. The need of the hour is to cooperate with the USA, take all littoral states long and then formulate a strong deterrence to contain China. It might spark an intense reaction from China but so be it. Pacifism and appeasement won't be strategically wise for India any more. China's arbitrary and unjustified actions in South China Sea need to be countered with multilateral approach. China can never be brought to a negotiated solution unless sustained and united pressure is built upon it.

Endnotes

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- 1 Michael Martina and Olivia Rondonuwu, "China, ASEAN Set "guidelines" on Sea Row, But No Deal Expected," *Reuters*, July 20, 2011,
<http://www.reuters.com/article/us-asean-southchinasea-idUSTRE76J0YO20110720>
 - 2 Robert D. Kaplan, "The South China Sea will be the battleground of the future," *Business Insider*, February 6, 2016,
<http://webcache.googleusercontent.com/search?q=cache:lc3EGmrpTWsJ:www.businessinsider.com/why-the-south-china-sea-is-so-crucial-2015-2+&cdht=1&hl=en&ct=clnk&gl=in>
 - 3 Munmun Majumdar, "India's Stakes in the South China Sea," *International Journal of Humanities and Social Science*, 3(13), 2013, pp.242-247,
http://www.ijhssnet.com/journals/Vol_3_No_13_July_2013/28.pdf
 - 4 "Vision Statement-ASEAN-India Commemorative Summit", December 20, 2012,
<http://mea.gov.in/bilateraldocuments.htm?dtl/20982/Vision+Stateme ntASEANIndia+Commemorative+Summit>
 - 5 "Question No.2014 India's Interest in South China Region," Rajya Sabha, August 4, 2016,
<http://www.mea.gov.in/rajyasabha.htm?dtl/27229/QUESTION+NO2014+INDIAS+INTEREST+IN+SOUTH+CHINA+SEA+REGION>
 - 6 Franz-Stefan Gady, "India Sends Stealth Warships to South China Sea," *Diplomat*, May 19, 2016,
<http://thediplomat.com/2016/05/india-sends-stealth-warships-to-south-china-sea/>
 - 7 Ekatha Ann John, "Milan 2014: Naval exercise off Andamans concludes," *Times of India*, February 10, 2014,
<http://timesofindia.indiatimes.com/india/Milan-2014-Naval-exercise-off-Andamans-concludes/articleshow/30149435.cms>

-
- 8 "Incident involving INS Airavat in South China Sea", Ministry of External Affairs, India, September 1, 2011, <http://www.mea.gov.in/media-briefings.htm?dtl/3040/Incident+involving+INS+Airavat+in+South+China+Sea>
 - 9 Observer Research Foundation(ORF),"South China Sea: India Should Avoid Rushing in Where Even US Exercises Caution", September 30,2011,<http://www.orfonline.org/research/south-china-sea-india-should-avoid-rushing-in-where-even-us-exercises-caution-2/>
 - 10 "South China Sea Dispute," General Awareness blog, <http://generalawarenessinfo.blogspot.in/2013/06/south-china-sea-dispute.html>
 - 11 Balaji Chandramohan, "QDR 2014 and the Evolving US Grand Strategic Approach in the Indo-Pacific", *Future Directions*, December 19, 2013, <http://www.futuredirections.org.au/publication/qdr-2014-and-the-evolving-us-grand-strategic-approach-in-the-indo-pacific/>
 - 12 "China warns Japan not to 'play with fire' in South China Sea,"Live Mint, September 29, 2016, <http://www.livemint.com/Politics/gC93sQFqWwG0s9VtvjvQnO/China-warns-Japan-not-to-play-with-fire-in-South-China-Sea.html>
 - 13 "India, US hold first Maritime Security Dialogue," *Economic Times*, May 16, 2016, <http://economictimes.indiatimes.com/news/defence/india-us-hold-first-maritime-security-dialogue/articleshow/52298672.cms>
 - 14 "The Dragon's New Teeth," *The Economist*, April 7, 2012, <http://www.economist.com/node/21552193>
 - 15 David Brunnstrom and Matt Spetalnick, "Trump's secretary of state pick says China should be barred from S. China Sea islands," *Reuters*, January 12, 2017, <http://in.reuters.com/article/usa-congress-tillerson-china-idINKBN14W01F>
 - 16 Santosh Chaubey, Rex Tillerson, Trump's secretary of state, says would block China from South China Sea," *India Today*, January 12, 2017, <http://indiatoday.intoday.in/story/rex-tillerson-donald-trump-secretary-of-state-block-china-from-south-china-sea/1/856331.html>

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- 17 "Joint Statement : Third India-Philippines Joint Commission on Bilateral Cooperation," October 14, 2015, <http://mea.gov.in/bilateral-documents.htm?dtl/25930>
- 18 "In Hanoi, Modi to Address a Balanced Note," *The Hindu*, September 22, 2016, <http://www.thehindu.com/news/international/In-Hanoi-Modi-to-strike-a-balanced-note/article14621768.ece>