

# One Ocean, Two Shades

# **Perceptions about the Indian Ocean**

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#### Abstract

The Indian Ocean and India itself and how the United States views this area of the world is discussed in light of history, India's recent growth and influence in the region as well as globally, and the opportunities presented through an adjustment to the U.S. lens. The current focus is on China. Should it really be on India? The importance of regional actors working in coordination with the support of extraregional actors and methods to move in that direction are discussed.

he grape vine circulated an amazing sea tale. Somewhere in the Northern Arabian Sea an Indian Naval destroyer chanced upon the Coalition Task Force. Probably concerned with possible interference with carrier operations, the Americans directed the destroyer to keep clear and rather brusquely questioned why the destroyer was in those waters. The Indians firmly stated they were in their normal area of operations and questioned why the American carrier was in the Northern Arabian Sea. Folklore and national chauvinism aside, there exist differences in perceptions of how the United States and India view the strategic imperatives of the Indian Ocean. These differences are rooted in historical and geopolitical perspectives that are becoming increasingly obsolete and counterproductive given the convergence of American and Indian strategic interests.

A historical preview provides an understanding of past challenges and the present opportunity for a paradigm shift. A study of the economic and geopolitical differences explains the inertia against such a shift, while a reflection of the commonality of national interests demonstrates the imperatives to overcome such inertia. Three instances of divergent policy perspectives are examined so as to appreciate differences and to identify a way ahead.

#### **The Metamorphosis of Historical Perspectives**

For millennia, India has been linked to littorals across the Indian Ocean by civilization, history, culture, economics, and politics, all of which have contributed to India's prosperity and spread of a vibrant diaspora. This relationship was fractured during colonization. Post-independence the country adopted a conciliatory and a pacifist approach in international affairs by espousing causes like nonalignment (which was perceived in light of the Indo-Soviet Treaty of Peace, Friendship and Cooperation - as a Soviet bias), universal disarmament, and the Indian Ocean as a Zone of Peace. These policies were probably appropriate for a young and economically weak nation, but they engendered a degree of insularity. Gradually as the nation grew, through choices and compulsions, there were transformations in policies. In the wake of a fiscal crisis in 1991, there was a tectonic shift in economic policies under the stewardship of Dr. Manmohan Singh as India's Finance Minister.<sup>3</sup> Over a decade and a half later, during his tenure as the Prime Minister, there was a metamorphosis in Indo-American relations when President George W. Bush broke with long standing U.S. policy and openly acknowledged India as a legitimate nuclear power, ending New Delhi's 30 year quest for such recognition. <sup>4</sup> The trust generated through these strategic engagements now provides an opportunity for a similar transformation in the maritime domain. This trust is not limited to the present political establishment but is widespread across Indian intelligentsia.5

<sup>&</sup>lt;sup>1</sup> Rao, Nirupama. India as a consensual stakeholder in the Indian Ocean: Policy Contours, Speech by the Foreign Secretary at the National Maritime Foundation, Accessed on 24 Dec 10 at <a href="http://www.maritimeindia.org/modules.php?name=Content&pa=showpage&pid=624">http://www.maritimeindia.org/modules.php?name=Content&pa=showpage&pid=624</a>.

<sup>&</sup>lt;sup>2</sup> Prakash, Arun. Introduction to Security Challenges along the Indian Ocean Littoral – Indian and U.S. Perspectives, National Maritime Foundation.

<sup>&</sup>lt;sup>3</sup> Gurcharan Das in his article 'The India Model', Foreign Affairs, Jul/Aug 2006 brings out that India's economic insularity was reflected in the country's economic policies that resulted in the suboptimal 'Hindu rate of growth' of 3.5% from 1950 to 1980. It had nothing to do with Hinduism and everything to do with Fabian socialistic economic policies. The fiscal crisis of 1991 catalyzed India's integration into the global economy and laid the ground work for the present high rate of growth.

<sup>&</sup>lt;sup>4</sup> Carter, Aston B. America's New Strategic Partner?, Foreign Affairs, Jul/Aug 2006.

<sup>&</sup>lt;sup>5</sup> Indians see a more multilateral America. More than eight-in-ten (83%) say the U.S. takes the interests of countries like India into account when it makes foreign policy decisions -- the highest percentage among the 21 nations surveyed outside the U.S. This view has become increasingly common among Indians over the last eight years -- in 2002, only 51% said the U.S. considered their interests. This opinion was accessed from Pew Research Centre - <a href="http://pewresearch.org/pubs/1771/survey-india-threat-from-pakistan-america-obama-image-strong">http://pewresearch.org/pubs/1771/survey-india-threat-from-pakistan-america-obama-image-strong</a> on 06 Jan 11.

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While the Indian Ocean had been central to India, Americans by contrast were barely aware of the Indian Ocean, concentrating instead on the Atlantic and Pacific. Nazi Germany, Imperial Japan, the Soviet Union, Korea and Communist China all precipitated such an orientation. Robert Kaplan theorizes that this is even embedded in mapping conventions which place the Western Hemisphere in the middle thereby splitting the Indian Ocean at the far edges. In fact, the vacuum of military power left by the withdrawal of the British Fleet "East of the Suez" was filled by a relative equilibrium, with the Indian Ocean as a "Zone of Peace" resulting in agreements amongst the Superpowers, until the hostage crisis in Iran and the Soviet invasion of Afghanistan.

Since then, missions to escort tankers during the later years of the 1980-88 Iran-Iraq war, the wars against Iraq (Desert Shield/Desert Storm/OIF), terrorism, Afghanistan, growing concerns about Iran and maritime piracy have all ensured a substantial increase in American interests in the Indian Ocean Region. Presently, the U.S. Cooperative Strategy for 21<sup>st</sup> Century Seapower envisages that "credible combat power will be continuously postured in the Western Pacific and the Arabian Gulf/Indian Ocean to protect our vital interests, assure our friends and allies of our continuing commitment to regional security, and deter and dissuade potential adversaries and peer competitors." In practice, this suggests—with fewer ships anticipated in the future—that the U.S. will shift naval resources from the Atlantic to the Western Pacific and the Indian Ocean.

The maritime communities both in the United States and India have provided impetus for Navyto-Navy ties. On a visit to Delhi in 1992, Admiral Chuck Larson commented, "Let's forget the past, mistakes were made. Visakhapatnam was never a Soviet naval base, as we had thought." The relationship has matured by abandoning emotional baggage (for instance, memories of a possible 7<sup>th</sup> Fleet intervention in the Indo-Pak war of 1971), and in accordance with enunciated vision, has the potential to discard historical chasms and work toward creating a credible strategic engagement.

# **Divergent Economic and Geographic Imperatives**

The Indian Ocean encompasses the world's most prominent Sea Lines of Communication and its littorals are awash with tremendous natural resources. These facts have been extensively documented and do not need to be reiterated; however, it is important to recognize that 80% of the trade conducted across the Indian Ocean is extra-regional, and therefore any adverse development would impact the world's major economies. This 80:20 ratio of extra-regional versus regional trade is practically inversed in the Atlantic and Pacific Oceans. However, U.S. economic stakes in the Indian Ocean region, while growing, remain minor in comparison to investments in East Asia, Europe, or the Western Hemisphere. Energy provides a good case in point; in 2008 U.S. oil imports from the Indian Ocean was only about 17% of total American oil imports while globally 70% of all traffic in oil and gas passed through the Indian

<sup>&</sup>lt;sup>6</sup> Kaplan, Robert D. Center Stage for the Twenty-first Century, Foreign Affairs, Mar/Apr 2009. A more complete enunciation of his thesis can be found in his book, "Monsoon – The Indian Ocean and the future of American Power" published by Random House.

<sup>&</sup>lt;sup>7</sup> Remnek, Richard B. Superpower Security Interests in the Indian Ocean Area, accessed on 23 Dec 10 at http://www.cna.org/sites/default/files/research/5500028500.pdf

<sup>&</sup>lt;sup>8</sup> "A Cooperative Strategy for 21 Century Seapower," October 2007.

<sup>&</sup>lt;sup>9</sup> Bronson Percival, Growing Chinese and Indian Naval Power: U.S. Recalibration and Coalition Building, accessed on 23 Dec 10 at <a href="http://www.cna.org/sites/default/files/research/WEB%2005%2021%2010.1%20Percival%20Commentary.pdf">http://www.cna.org/sites/default/files/research/WEB%2005%2021%2010.1%20Percival%20Commentary.pdf</a>

<sup>&</sup>lt;sup>10</sup> Menon, K Raja. The Geo-Political Scenario in the Indian Ocean Region-India –US Strategic Convergence and Maritime Cooperation.

<sup>&</sup>lt;sup>11</sup> Erickson, Andrew S., Walter III, Ladwig C. and Mikolay, Justin D. (2010) 'Diego Gracia and the United States' Emerging Indian Ocean Strategy, Asian Security, 6: 3, pp 214-237.

Ocean.<sup>12</sup> The American interests are therefore primarily strategic and its economic interests in the region are comparatively minimal, albeit sensitive to global disruptions.

In contrast, India's mercantile trade is 41% of its GDP and 77% of that trade by value and 90% by volume is carried by sea. As India is poised to become the fourth largest global economy by 2020, this dependence will grow exponentially. Energy security will also become vital as India becomes the world's single largest importer of oil by 2050. About 10-15% of the population in India is engaged in fishing as the sole means of livelihood. The International Seabed Authority has accorded pioneer investor status to India of over 150,000 sq. km of the seabed in the southern Indian Ocean.

By virtue of India's peninsular geography and central position in the Indian Ocean Rim, the ocean is central to India's economic and security imperatives, thereby gradually transforming the nation's continental mindset to a maritime one. In surprising contrast, the United States, the world's primary maritime power, has a continental mindset of the region. The Department of State divides this ocean amongst four geographic bureaus: East Asia, South Asia, the Middle East and Africa. None of these bureaus focus on the Indian Ocean. As for the Department of Defense, three combatant commands—PACOM, CENTCOM and AFRICOM—divide the Indian Ocean. The centers of gravity of each of these commands lie outside the Indian Ocean in East Asia, the Persian Gulf, and in sub-Saharan Africa. Furthermore, the PACOM-AOR is co-terminus with the Indo-Pak border; therefore, in any strategic dialogue in the Asia-Pacific context, India is included as an afterthought and the Greater Middle East context is conspicuous by its absence. <sup>16</sup>

#### **Convergent National Interests and Security Objectives**

India's national interests are expressed in the Preamble to its Constitution and are centered on the preservation of the nation's core values from external aggression and internal subversion. In the maritime context, the security objectives ensure security of national territory, territorial space, citizens, resources and maritime trade routes; maintain a strong and credible defense posture; and strengthen cooperation and friendship with other countries to promote regional and global stability. The 26/11 (26 November 2008) terrorist attack (which emerged from the sea) on Mumbai and the possibility of a Mumbai II represents a primary maritime security concern in India, which is as definitive in the national psyche as 9/11 (11 September 2001) is to Americans.

U.S. strategic priorities since the end of the Second World War have been to prevent the emergence of a rival hegemon in Europe or Asia while guaranteeing order in key areas of the periphery—most notably in the Persian Gulf. <sup>18</sup> The U.S. National Security Strategy 2010 FURTHER enumerates the enduring American national interests as the security of the United States, its citizens, and U.S. allies and partners; a strong, innovative, and growing U.S. economy in an open international economic system that promotes opportunity and prosperity; respect for universal values at home and around the world; and an international order advanced by U.S. leadership that promotes peace,

<sup>&</sup>lt;sup>12</sup> Percival, Bronson. Regional Security Environment in the Indian Ocean – Threats on the Margin; Partnership with India.

<sup>&</sup>lt;sup>13</sup> Rao, Nirupama. Loc cit.

<sup>&</sup>lt;sup>14</sup> Indian Maritime Doctrine. Published by the Integrated Headquarters, Ministry of Defence (Navy) 2009.

<sup>&</sup>lt;sup>15</sup> Percival, Bronson. Loc cit.

<sup>&</sup>lt;sup>16</sup> Prakash, Arun. Loc cit.

<sup>&</sup>lt;sup>17</sup> Indian Maritime Doctrine. Published by the Integrated Headquarters, Ministry of Defence (Navy) 2009.

<sup>&</sup>lt;sup>18</sup> Layne, Christopher. The Peace of Illusions: American Grand Strategy from 1940 to the Present. Published by Ithaca, NY: Cornell University Press, 2006, pp 27,45.

security, and opportunity through stronger cooperation to meet global challenges. <sup>19</sup>Iran's nuclear programme, its belligerency that seeks to demonstrate a capability to block the Strait of Hormuz (déjà vu of the days of the Tanker Wars), and China's increasing expeditionary capability are, therefore, of strategic concern. <sup>20</sup> The U.S. National Security Strategy of 2010 recognizes that the United States and India are building a strategic partnership that is underpinned by our shared interests, our shared values as the world's two largest democracies, and the intent to work with India to promote stability in South Asia and elsewhere in the world. <sup>21</sup>

To disrupt, dismantle, and defeat al-Qaida have been identified as areas of particular priority. The Cooperative Strategy for 21<sup>st</sup> Century Seapower elucidates that creation and maintenance of security at sea is essential to mitigating threats short of war, including piracy, terrorism, weapons proliferation, drug trafficking, and other illicit activities. In this context, U.S. strategic objectives in the Indian Ocean are to secure the sea lines of communication (SLOC) that transit the region, to prevent a hostile power from dominating the littoral, and to disrupt the operations of al-Qaeda affiliated groups. The National Military Strategy of 2011 reiterates the intent to expand military cooperation with India on non-proliferation, safeguarding the global commons and countering terrorism.

#### The Proliferation Security Initiative

Notwithstanding the commonalities of strategic interests, certain policies remain in divergence. The most prominent of these are the Proliferation Security Initiative, efforts against regional piracy, and perceptions of China. Formulated by the Bush Administration, the Proliferation Security Initiative (PSI) is a web of partnerships with the aim of stopping—at sea, in the air, or on land—shipments of biological, chemical, and nuclear weapons, and their delivery systems to terrorists or countries suspected of trying to acquire them. Over 90 countries presently support the initiative and are not bound so much by treaty law than by activity-based programmes. From the American perspective, India's accession to the PSI is long overdue; when adopted, it will signal that India intends to assume a position of stewardship over international trade and security that can be expected from an emerging great power. <sup>26</sup> India's reservations are on account of perceptions about the Initiative's legitimacy, political sensitivities, and, technical and diplomatic imperatives.

Given India's preference for UN sanction for any military or diplomatic intervention, the principal reservation against the PSI by many Indian commentators is the absence of any specific endorsement of the PSI by the UN. On the other hand, proponents of the PSI cite UNSCR 1540 on the proliferation of nuclear, chemical, biological weapons and their delivery systems, and specifically, its encouragement of multilateral arrangements which contribute to non-proliferation as an adequate and appropriate legal sanction for the initiative.<sup>27</sup> Furthermore, the proponents of PSI cite the March 2005

http://www.whitehouse.gov/sites/default/files/rss\_viewer/national\_security\_strategy.pdf

<sup>&</sup>lt;sup>19</sup> National Security Strategy 2010. Accessed on 24 Feb 11 at

<sup>&</sup>lt;sup>20</sup> Erickson, Andrew S. ,Walter III, Ladwig C. and Mikolay, Justin D. Loc cit.

 $<sup>^{21}</sup>$  National Security Strategy, May 2010. Accessed on 24 Dec 10 at

<sup>&</sup>lt;sup>23</sup> A Cooperative Strategy for 21<sup>st</sup> Century Seapower. Accessed on 24 Dec 10 at <a href="http://www.navy.mil/maritime/Maritimestrategy.pdf">http://www.navy.mil/maritime/Maritimestrategy.pdf</a>

<sup>&</sup>lt;sup>24</sup> Erickson, Andrew S. ,Walter III, Ladwig C. and Mikolay, Justin D. Loc cit. p 218.

<sup>&</sup>lt;sup>25</sup> National Military Strategy 2011. Accessed on 10 Feb 11 at <a href="http://www.jcs.mil/content/files/2011-02/020811084800">http://www.jcs.mil/content/files/2011-02/020811084800</a> 2011 NMS - 08 FEB 2011.pdf

<sup>&</sup>lt;sup>26</sup> Holmes, James R. (2007) 'India and the Proliferation Security Initiative: A US Perspective', Strategic Analysis, 31:2, pp 315-337.

<sup>&</sup>lt;sup>27</sup> UNSCR 1540. Accessed at <a href="http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N04/328/43/PDF/N0432843.pdf?OpenElement">http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N04/328/43/PDF/N0432843.pdf?OpenElement</a> on 25 Mar 11.

speech by the then UN Secretary General Kofi Annan applauding the PSI, 28 and the report under his auspices by the high level panel on threats, challenges and change which categorically emphasizes that all States should be encouraged to join the PSI.<sup>29</sup>

Another commonly expressed reservation amongst Indian policy think tanks regarding the PSI is that it violates the historical principle of the "Freedom of the Seas" which the US has always asserted although it has chosen not to ratify the UNCLOS.<sup>30</sup> Americans, while accepting that international law is subject to differing interpretations, emphasize that the PSI relies heavily on national legal authorities and therefore encourage PSI participants to review and strengthen national legal authorities and the relevant international laws and frame works in ways that are appropriate to support their commitment.31

The United States has consistently maintained that the PSI is an innovative and proactive approach that relies on the voluntary action by states that are consistent with their national legal authorities and relevant international law and frameworks. It is emphasized that the initiative is flexible and voluntary, and consequently, the PSI is often referred to as an activity and not a treaty or organization with its participants (not members) encouraged to take timely actions to meet the fast moving situations involving proliferation. In doing so, they are encouraged to interdict transfers to and from states and non-state actors of proliferation concern to the extent of their capabilities and legal authorities, develop procedures for exchange of information, strengthen national legal authorities to facilitate interdiction, and take specific actions in support of interdiction efforts. 32 In his April 2009 Prague speech, President Obama called for the PSI to continue as an enduring international counter proliferation effort.33

Other reservations amongst Indians center around possible classification of India as a nonweapon state and subsequent pressures to sign the Non Proliferation Treaty, with reference to the SUA convention,<sup>34</sup> the selective categorization of "states of proliferation concern" which includes Iran but not Pakistan.<sup>35</sup> On the other hand, American's view India's reluctance to be based on a hesitation to upset either the Chinese or Pakistanis by any interdictions, or that New Delhi believes that India must take the lead in policing the Indian Ocean with the United States relegated to a supporting role at most.<sup>36</sup>

In spite of the apparent divergence of perceptions and despite the aforementioned reservations, there is an underlining appreciation amongst a significant portion of strategic thinkers in India that the PSI is in consonance with India's national interests and that engagement would minimize misuse of the provisions against the country. This possibly explains why New Delhi's response has been neither to endorse nor criticize the PSI.<sup>37</sup> However, with the maturing of relationships, such ambiguities

<sup>&</sup>lt;sup>28</sup> Synopsis of the Secretary General's speech accessed at <a href="http://www.un.org/secureworld/report.pdf">http://www.un.org/secureworld/report.pdf</a>, on 25 Mar 11.

<sup>&</sup>lt;sup>29</sup> Report of the Secretary-General's High level Panel on Threats, Challenges and Change, accessed at http://www.un.org/secureworld/report.pdf on 25 Mar 11.

30 Khurana, GS, Proliferation Security Initiative: An Assessment, Strategic Analysis, Vol 28 No.2, Apr-Jun 2004.

Winner, Andrew C, The Proliferation Security Initiative: The New Face of Interdiction, The Washington Quarterly, Spring 2005.

<sup>&</sup>lt;sup>32</sup> U.S. Department of State website <a href="http://www.state.gov/t/isn/c10390.htm">http://www.state.gov/t/isn/c10390.htm</a> accessed on 23 Feb 11.

<sup>&</sup>lt;sup>33</sup> U.S. Department of State website <a href="http://www.state.gov/t/isn/c10390.htm">http://www.state.gov/t/isn/c10390.htm</a> accessed on 23 Feb 11.

<sup>&</sup>lt;sup>34</sup> SUA convention – This is the 2005 Protocols to the Conventions for the Suppression of Unlawful Acts against the Safety of Maritime Navigation. Under Article 3 bis transportation of nuclear technology can be intercepted if it is not under IAEA safeguards. Therefore it prohibits the inherent right of non NPT states to undertake civilian nuclear commerce while permitting NPT states to do so.

<sup>&</sup>lt;sup>35</sup> Kumar, Vinod A. Loc cit.

<sup>&</sup>lt;sup>36</sup> Holmes, James R. Loc cit.

<sup>&</sup>lt;sup>37</sup> Mohan, Raja C. ' India's Nuclear Exceptionalism', Nuclear Proliferation and International Security, Routledge Global Security Series, Oxon, 2007, pp 152-171.

would have to be addressed. An honest appraisal may conclude that there is a strange similarity between Indian reservations on the PSI and American ambivalence on the UNCLOS which revolves around the absence of adequate domestic political capital required to ratify these international arrangements. An honest and critical analysis will reveal that there is more to be lost than is to be gained by such self-imposed isolation.

### Piracy – Extra-regional and Regional Approaches

Notwithstanding the surge of regional and extra-regional navies deployed in the Indian Ocean, piracy continues to flourish. The Lloyd's List ranking of the 100 top people in the global shipping business placed a Somali pirate Garaad Mohammed as the fourth most powerful.<sup>38</sup> The incidents of piracy off the coast of Somalia, both in terms of the number of incidents and the extent of the area of operations, are higher than ever before and have consequently diluted the effort of the participating navies. These forces include those of the European Union (in their first ever out-of-area naval operations), NATO, and the US led Combined Maritime Forces (CTF 150 and CTF 151); additionally, there are the efforts of the independent efforts of the Royal Navy, the French Navy (with the French Indian Ocean Fleet—*Al Indien* home ported at Djibouti), U.S. Naval ships on transit, and the navies of China, India and Russia who regularly coordinate with CTF 151.<sup>39</sup>

The Indian Navy commenced anti-piracy patrols off the Gulf of Aden in October 2008 and has maintained a constant presence since, providing protection and rendering assistance to merchant vessels irrespective of their nationality. The Indian Navy has effectively averted numerous piracy attempts, arrested several pirates, and sunk mother ships when warranted. In February 2011 the first American citizens were lost to an attack by Somali Pirates;<sup>40</sup> the next month, the Indian Navy neutralized a pirate mother ship and captured 61 Somali pirates, the largest such success in the ongoing anti-piracy operations, earning praise from the International Maritime Bureau (IMB) which simultaneously urged other nations to commit resources and empower naval commanders with appropriate Rules of Engagement.<sup>41</sup>

Many navies presently deployed on anti-piracy missions are reluctant to demonstrate an adequately proactive engagement given the possible legal implications and consequent exploitation by pirates of their self-imposed restrictions. The Indian Navy could play a significant role in defining Global Rules of Engagement for anti-piracy, based on its first-hand experience in regional anti-piracy patrols. Since a large number of Indians are employed worldwide by the mercantile marine, and given its vested national interests and humanitarian concerns, India has sought to enhance the efficacy of international efforts against piracy. During his address to the United Nations Security Council, India's Permanent Representative proposed a five point plan to address the problem of piracy as enumerated below:

- Reinforcement of tracking the trail of ransom money to different parts of the world, as entrusted to the Interpol.
- Prosecution of the beneficiaries of ransom money for abetting piracy.

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<sup>&</sup>lt;sup>38</sup> Chinese transport minister Li Shenglin tops the list. In second place is Nils Andersen, chief executive of Maersk, with billionaire shipping magnate John Fredriksen ranked third. Gulf of Aden Operations, Experts in Maritime Security. http://www.gaops.com

<sup>&</sup>lt;sup>39</sup> Thompson, Eric V. US, EU and NATO Military Presence in the Indian Ocean Region – The implications for stability and instability.

<sup>&</sup>lt;sup>40</sup> The Los Angeles Times news article dated 11 Mar 11 accessed at <a href="http://articles.latimes.com/2011/mar/11/nation/la-na-pirates-indictment-20110311">http://articles.latimes.com/2011/mar/11/nation/la-na-pirates-indictment-20110311</a> on 25 Mar 11.

<sup>&</sup>lt;sup>41</sup> Indian Express News Article dated 22 Mar 11 accessed at <a href="http://www.indianexpress.com/news/IMB-hails-Navy-action-against-Somali-pirates/765457/">http://www.indianexpress.com/news/IMB-hails-Navy-action-against-Somali-pirates/765457/</a>, on 25 Mar 11.

pirates/765457/, on 25 Mar 11.

<sup>42</sup> Christine Boilard, Marie (2010), 'Improving Policy response to Piracy in the Red Sea and Gulf of Aden Region: What Role for India?', Strategic Analysis, 34: 4, 625-638.

Sanitization of the Somali coast line through identified corridors and buffer zones and tracking of fishing vessels around the Somali coast.

Consideration of the conduct of the naval operations under the UN as the preferred option.

Enactment of national laws on priority to criminalize piracy as defined in the UN Convention on the Law of the Sea and the prosecution of suspected, and imprisonment of convicted, pirates apprehended off the coast of Somalia as required under resolution 1918 (2010).<sup>43</sup>

The International Law Department of the Center for Naval Warfare Studies at the U.S. Naval War College in Newport, Rhode Island, conducted a counter piracy workshop in April 2009. The workshop concluded with four major findings. The first was that piracy in the Horn of Africa has emerged from a complex political, economic and cultural milieu and therefore no single response will solve the problem. Secondly, regional capacity building and collective maritime action would require contending with the challenge of piracy since the pirates enjoy sanctuary in Somalia. In this regard, reservations were expressed about the international community's capability or will to transform Somalia into a governable state in the immediate future. Next, the participants were convinced that only the major maritime powers have the skill and resources to help the regional states expand coastal and littoral maritimesecurity capability. Security assistance to the regional states, including training and provision of patrol craft, can shift responsibility for counter piracy to the states of the neighborhood. Finally, the workshop concluded that civil shipping industry should take a greater role in protecting merchant vessels, including integrating passive design measures that make it more difficult for pirates to board a ship. Towards this end it was opined that provisioning of private armed security may be appropriate. 44

It is a common refrain to attribute the root cause of piracy to the fact that Somalia is a failed state, and consequently, there is conjuncture that the solution lies ashore, suggesting land based operations. There is criticism amongst certain strategic thinkers in India that despite the authorized mandate by the UN Security Council Resolutions very little has been done to tackle the problem from landward for want of a national or collective will since Somalia is not considered a "place of interest" nor is piracy considered a big threat by the nations that have the ability to combat it.<sup>45</sup> However, this may not be the consensus view in India given the fact the country has traditionally had a non-expeditionary foreign policy. Even though the U.S. foreign policy has been at the other end of the spectrum, in the backdrop of the reality that the nation has been at war for over a decade, and reminiscent of the U.S. led operations in Somalia in 1991-1994, it is extremely unlikely that strategic wisdom would suggest, or political will would authorize, ground based operations in Somalia. The predominant view perhaps is that if counter piracy forces went ashore and stayed, they would find themselves embroiled in a contingency disquietingly similar to a counterinsurgency. <sup>46</sup> A view that emerged in the workshop at the Naval War College was that even land strikes against identified pirate staging areas would be difficult to conduct and would likely ignite anti-Western reactions and inflame Muslim sensitivities, making the cure worse than the disease.47

<sup>&</sup>lt;sup>43</sup> Ambassador H.S. Puri, Permanent Representative of India at the UN Security Council, Statement on Piracy off the coast of Somalia, on 25 Jan 11. Accessed on 23 Feb 11 at www.un.int/india/2011/ind1815.pdf

<sup>44</sup> Kraska, James Commander, 'Fresh Thinking for an Old Problem – Report of the Naval War College Workshop on Countering Maritime Piracy', Naval War College Review, Autumn 2009, Vol. 62, No.4.

<sup>&</sup>lt;sup>45</sup> Parmar, Sarabjeet S., 'Piracy: A Fresh Look is Essential' IDSA Issue Brief. Accessed on 20 Feb 11 at http://www.idsa.in/issuebrief/PiracyAFreshLookisEssential

<sup>&</sup>lt;sup>46</sup> Holmes, James R. (2010), 'Tackling Somali Piracy Ashore: Maritime Security and Geopolitics in the Indian Ocean', Strategic Analysis, 34: 5,

<sup>&</sup>lt;sup>47</sup> Kraska, James Commander, Loc cit.

Arguments in favor of the presence of extra-regional navies involved in combating piracy off Somalia highlight that these maritime forces contribute directly to enhancing the stability and security, provide a credible deterrence, and enhance commercial confidence. On the downside is the fact that their presence undermines the need for regional solutions to maritime security.<sup>48</sup>

In contrast to the Gulf of Aden security construct, the South-East Asian littorals (Malaysia, Indonesia and Singapore) were prompted by the U.S. Navy's move to formally present before the U.S. House of Representatives Armed Forces Committee, the Regional Maritime Security Initiative (RMSI) in March 2004, and asserted their sovereignty by categorically rejecting U.S. involvement while simultaneously demonstrating willingness to accept American financial assistance, equipment and training. By 2008, piracy in the Straits practically vanished and as TIME magazine reported "a combination of factors—both on sea and land—contributed to the pirates' near total defeat. Most significantly, the success in the straits shows how concerted and well-coordinated action by regional governments can prevent pirate attacks." It is important to recognize that there are fundamental differences between piracy off Somalia and that in Southeast Asia. Somalia is a failed State, in stark contrast to the economically vibrant Southeast Asia. Nevertheless, Somalia does have comparatively stable neighbors who could facilitate a regional response and international efforts could provide impetus to the fledgling Somali Coast Guard.

#### **IONS – An Alternative?**

The Indian Ocean Naval Symposium is a voluntary initiative that seeks to increase maritime cooperation amongst navies of the littoral states of the Indian Ocean Region by providing an open and inclusive forum for discussion of regionally relevant maritime issues and, in the process, endeavors to generate a flow of information between naval professionals that would lead to a common understanding and possible agreements on the way ahead. 51 American audiences can well appreciate the objectives of IONS since it has been modeled on lines similar to the Western Pacific Naval Symposium (WPNS), and the feasibility of its success has been endorsed by an independent study at the University of Heidelberg, Germany. 52 The inaugural IONS 2008 occurred in New Delhi on 14 Feb 08 and marks the boldest step taken by India in its extroversive pursuit of defense diplomacy, thereby crystallizing the rhetoric of "helping the IOR help itself." The Chairmanship of the IONS is presently with the Commander of the UAE Navy and its membership presently encompasses 32 countries. 54 While the organization strives to provide a maritime security structure represented by the littorals, the reality is that it is faced with challenges of diversity and limited capacity amongst the member states. Notwithstanding, it could provide a forum for addressing the converging global maritime interests and concerns. The IONS should therefore consider opening the forum to include extra-regional navies as dialogue partners.

## Implications of the Rise of China

<sup>49</sup> Upadhyaya, Shishir. Mechanisms for Cooperation and Confidence Building in the Indian Ocean Region.

<sup>&</sup>lt;sup>48</sup> Thompson, Eric V. Loc cit.

<sup>&</sup>lt;sup>50</sup> Schuman Michael, How to defeat Pirates: Success in the Strait. TIME April 22 2009. Acessed on 24 Dec 10 at http://www.time.com/time/world/article/0,8599,1893032,00.html

<sup>&</sup>lt;sup>51</sup> IONS website, http://indiannavy.nic.in/ions\_31jul10.pdf

<sup>&</sup>lt;sup>52</sup> Athawale, Yogesh V, The IONS Initiative and its prospects for security cooperation within the IOR, (2010), Maritime Affairs Summer 2010.
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<sup>&</sup>lt;sup>54</sup> The present ION members are Australia, Bangladesh, Bahrain, Comoros, Djibouti, Egypt, Eritrea, France, Indonesia, India, Iran, Kenya, Kuwait, Malaysia, Madagascar, Myanmar, Mauritius, Mozambique, Maldives, Oman, Pakistan, Qatar, Saudi Arabia, Seychelles, Singapore, Sri Lanka, South Africa, Sudan, Tanzania, Thailand, UAE & Yemen. This information was accessed at the IONS website, <a href="http://indiannavy.nic.in/ions-31jul10.pdf">http://indiannavy.nic.in/ions-31jul10.pdf</a>, on 25 Mar 11.

Robert Kaplan, in his book Monsoon, theorizes that the Indian Ocean is where the rivalry between the United States and China in the Pacific interlocks with the regional rivalry between China and India, and is central to America's fight against Islamic terrorism in the Middle East and American attempts to contain Iran. 55 He envisages that China seeks to expand its influence vertically, reaching south towards the warm waters of the Indian Ocean, while India seeks to recreate the reach of the British Raj, reaching both eastwards and westwards, which is contested by China's so-called "String of Pearls" strategy in the Indian Ocean.<sup>56</sup> Further, he does not rule out the possibility that India's and China's mutual dependence on the same sea lanes could lead to an alliance that maybe implicitly hostile to the United States.<sup>57</sup> He summarizes that the Indians and the Chinese will enter into a dynamic great power rivalry in these waters with the United States serving as a stabilizing power in this new complex area.<sup>58</sup>

Indians may be momentarily flattered by this vision of an extended empire but recognize the facts that their difficulties of socio-economic development are compelling security challenges and hegemonic designs are therefore irrelevant.<sup>59</sup> In the Indian view, China presents a multifaceted security dilemma which includes a historic territorial dispute, its strategic nexus with Pakistan, penetrations in the maritime neighborhood, ambiguity over Kashmir (and India's similar ambiguity over a One China), all of which exist in an environment of growing (albeit, imbalanced) trade. Yet, the Indian Foreign Secretary, while probably reflecting on Kaplan's views, commented that there is no inevitability of conflict and that sustained regional security requires a cooperative effort among all regional countries and all users of the Indian Ocean. 60 It is imperative that India recognize that the unipolar world order is faced by an ambiguous evolutionary or revolutionary rise of China. Because of its geographical proximity, traditional paradigms of non-alignment or isolation are not options.

There are other perspectives regarding the rise of China; one that is particularly popular within Indian strategic circles is China's "String of Pearls" in the Indian Ocean. China's interest in the Indian Ocean Region (IOR) dates back to the 1960s with expressions of solidarity, financial aid, and military supplies to newly emerging Afro-Asian states. These initiatives, while recognized to be of geopolitical significance, were limited on account of China's own turmoil during the years of the Cultural Revolution. Since the 1990s China's military-strategic intent was renewed in the Indian Ocean beginning with military support to Myanmar. In keeping with its doctrine of high-sea defense aimed at consolidating control over the South China Sea and the Indian Ocean, the Chinese sought to attain sustainability in these areas by assisting some IOR littorals to build ports and shipping infrastructure which could be used as replenishment facilities (or perhaps even bases) for its forces operating in the Indian Ocean. 61 These have included Gwadar in Pakistan, Great Coco, Kyaukpyu, Hianggyi, Mergui and Zadetkyi Island in Myanmar, Chittagong in Bangladesh, and Hambantota in Sri Lanka. Most of these nations have emphasized that the projects are purely commercial in nature. However, from the Indian perspective, the Chinese grand-strategic motivations for its naval presence in the Indian Ocean are to deter interdiction to its shipping particularly, strategic imports, protection of its energy investments (in Kenya, Sudan, Iran, Bangladesh, Myanmar and Sri Lanka), displacement of the influence of major economic

<sup>56</sup> Ibid p 10.

<sup>55</sup> Kaplan, Robert D, "Monsoon – The Indian Ocean and the future of American Power" Random House, p 9.

<sup>&</sup>lt;sup>57</sup> Ibid p13.

<sup>&</sup>lt;sup>58</sup> Kaplan, Robert D. Center Stage for the Twenty-first Century, Foreign Affairs, Mar/Apr 2009.

<sup>&</sup>lt;sup>59</sup> Prakash, Arun. Loc cit.

<sup>&</sup>lt;sup>60</sup> Rao, Nirupama. Loc cit.

<sup>61</sup> Khurana, Gurpreet S. (2008) 'China's 'String of Pearls' in the Indian Ocean and its Security Implications, Strategic Analysis, 32: 1, 1-39.

competitors; achieving geo-strategic leverage and military objectives against adversaries; and reinforcing its nuclear deterrence and strike capability against India. 62

Given the historic animosity between both countries, a degree of mutual schizophrenia is natural. There is a view amongst Indians that China's "String of Pearls" is intended to create a strategic encirclement to contain India. Chinese analysts similarly worry that India will use its dominant position in the Indian Ocean to threaten China's seaborne energy supplies. Chinese analysts have likened India's peninsular geography to an unsinkable aircraft carrier guarding the Indian Ocean and have characterized the Andaman and Nicobar archipelago as a metal chain that can be used to blockade the Malacca Strait's western exit. In a similar vein, Chinese analysts see US forces in Diego Garcia as part of a larger strategy to maintain control of East Asia at Chinese expense. Diego Garcia is not as alarming a concern to the Chinese as the U.S. bases in Japan and Guam which are perceived as key links in the "First" and "Second Island Chain(s)" that China must continue to penetrate and project maritime power; yet there have been opinions that present Diego Garcia as part of an extended First Island Chain. In the Indian Indian Chain of the Indian Chain.

The Chinese believe the grand-strategic intentions of Indian naval forces are multi-faceted: achieve sea control from the northern Arabian Sea to the South China Sea; develop the ability to conduct SLOC defense and combat operations in the aforementioned areas; maintain absolute superiority over all littoral states in the Indian Ocean; build the capacity for strategic deterrence against outside naval powers; amass long range projection capabilities sufficient to reach and control an enemy's coastal waters in times of conflict; field a credible, sea-based, second strike retaliatory nuclear capability; and finally, develop the overall capacity to "enter east" into the South China Sea and the Pacific, "exit west" through the Red Sea and Suez Canal into the Mediterranean and "go south" towards the Cape of Good Hope and the Atlantic. However, not all Chinese commentaries on Indian maritime capabilities are so complimentary. Many cite fiscal, military, and technological barriers that would limit Indian naval aspirations. For instance, Li Yonghua dismisses India's ambition for an oceangoing naval fleet as a "python swallowing an elephant."

Traditional Chinese policy-opaqueness, coupled with its impetus on military modernization, has inspired many assessments of its capabilities and intentions in the context of the Indian Ocean. US Naval War College professors James Holmes and Toshi Yoshihara envision that while China's interest in the Indian Ocean will continue to increase, China's ability to use naval power to safeguard those interests will remain limited for now by Beijing's preoccupation with asserting sovereignty over Taiwan and the rest of its maritime periphery. Meanwhile, India will continue to be the dominant naval presence in the Indian Ocean. Andrew S. Erickson, in analyzing Holmes' and Yoshihara's hypothesis through the lens of Chinese naval development, agrees and concludes that it would be difficult for Beijing to increase seriously its military capabilities in the Indian Ocean region without acquiring some form of overseas basing access, which in turn would necessitate a major change in its foreign policy. 67

Such a change may well be underway. Contrary to its often reiterated policy of non-intervention, Chinese warships are now in their sixth rotation of Gulf of Aden piracy patrols. The Chinese

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<sup>62</sup> Ibid.

<sup>&</sup>lt;sup>63</sup> Erickson, Andrew S. (2008) 'The Growth of China's Navy: Implications for Indian Ocean Security', Strategic Analysis, 32: 4, 655-676.

<sup>&</sup>lt;sup>64</sup> Erickson, Andrew S., Walter III, Ladwig C. and Mikolay, Justin D. (2010) 'Diego Garcia and the United States' Emerging Indian Ocean Strategy', Asian Security, 6:3, 214-237.

<sup>65</sup> Holmes, James R. and Yoshihara, Toshi. 'China and the United States in the Indian Ocean – An Emerging Strategic Triangle?', Naval War College Review, Summer 2008, Vol 61, No3, pp 41-60.

<sup>&</sup>lt;sup>67</sup> Erickson, Andrew S. Loc cit.

frigate Xuzhou's deployment to Libya in February 2011 was heralded by the state run Xinhua news agency as China's biggest civilian evacuation operation, thus demonstrating the Chinese navy's increasing capability to operate far beyond the home-waters to protect national interests. Over the past year, public statements by Chinese academics and government officials have indicated an ongoing debate over the need to establish some sort of overseas infrastructure to support deployed forces. These need not be large American style bases but rather places with some sort of formal agreements that support their forces deployed in the Indian Ocean. These are tentative but very real steps away from their home waters and their official policies of noninterference will in all probability be tailored into a more nuanced approach.

#### **Crafting Cooperation and Consensus**

Coming back to American and Indian perceptions, it is important to recognize that while ideological differences have been mitigated, economic interests and geographic perspectives remain unique, and the imperatives for strategic cooperation have been appreciated and adequately enunciated. Differences in approach are rooted in the fact that while India has historically, culturally, and geographically been engaged with the littoral states, the United States has had greater emphasis on global relationships. While the latter bring significant capabilities, the littorals hold the key that would ensure sustainable security in the Indian Ocean region. The ocean facilitates global commerce yet the region's existing fault lines and security challenges threatens the continued fertility of the environment. Ensuring stability and continuance of economic progress is therefore contingent on a willingness to engage both littorals and extra-regional states. Enhancing engagement must be the mantra.

India and the United States have separate strengths in enhancing engagements: India with the littoral states and the United States in a larger global context. However, the most significant inhibitor to engagement would be any affront to the strong sense of sovereignty that characterizes most nations in the region. The reservations expressed by the littoral states of the Malacca and Singapore straits towards the presence of other navies operating within their territorial waters on anti-piracy missions and the Raymond Davis affair in Pakistan are instances of perceived affronts to national sovereignty. Therefore, caution against dominance is relevant and cooperative engagement warranted. India itself has been known to be branded a regional bully, and American presence is questioned in many countries despite the fact that it has safeguarded the maritime commons since 1945.

There are numerous endeavors that could be initiated to enhance engagement. Opening the IONS forum for dialogue with the greater maritime community would serve as a mechanism for interactions between the extra-regional and littoral nations. The United States has traditionally preferred to engage within international institutions built and advanced by American leadership, accepting as a cost the burden of heavy lifting. It is not that such a principle is sacrosanct. The United States has demonstrated a willingness to participate in some regional forums such as the ASEAN Regional Forum (ARF). Participating in existing regional dialogues may provide a mechanism for collaborative engagement with littoral nations that minimizes the possibility of the emergence of a regional hegemon.

The United States should consider formulation of a singular whole of government approach towards addressing the myriad of interconnected issues across the Indian Ocean Region and its littoral

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<sup>&</sup>lt;sup>68</sup> The Wall Street Journal, 25 Feb 11, Accessed at <a href="http://blogs.wsj.com/chinarealtime">http://blogs.wsj.com/chinarealtime</a> on 27 Feb 11.

<sup>&</sup>lt;sup>69</sup> Kostecka, Daniel J., (2011) 'Places and Bases – The Chinese Navy's Emerging Support Network in the Indian Ocean', Naval War College Review, Winter 2011, Vol 64, No.1, pp 59-78.

The multinational maritime counter piracy operations provide an opportunity for developing not only operational synergy but also a consensus on national policy and strategy. It is important that this prospect be cultivated before what is a relatively benign problem of piracy develops a nexus with radical terrorism which has a cancerous potential. Options such as the Indian proposal to track illegitimate funding should be examined, adopted, and pursued not only with respect to maritime piracy but also in the larger realm of global terrorism. Development of laws and rules of engagement to combat piracy require both national and international consensus which will benefit from an exchange of the first hand operational experience of both navies beside legal and academic ideas. Piracy must be adequately deterred, and the present risk versus reward quotient must be inverted exponentially. This requires both the wherewithal of the major maritime powers as well as the expertise and local knowledge of regional players.

Towards synergizing the efforts of both, India can play a unique and invaluable intermediary role, capitalizing on both its regional relationships and credible maritime power. The Indian maritime forces have a strong tradition of training from which the Somali Coast Guard could benefit immensely. Positioning of Somali and other regional observers on ships deployed on antipiracy missions will increase legitimacy of the efforts and significantly enhance intelligence gathering capability. It is imperative that these endeavors be expedited before the plague of piracy grows to proportions that warrant surgical remedy.

Further, it is essential that the international efforts towards piracy be conducted with greater synergy that involves fewer disparate task forces and independent naval operations. India's relative autonomy of effort towards combating piracy off Somalia can be traced to its preference for a UN mandated operations which, if adopted, would holistically enhance the efficacy of operations. In the absence of such a resolution some scope for commonality must be established through bilateral and multilateral agreements or networks like the PSI.

Initiatives like the PSI require that genuine national concerns be assuaged. Once these are addressed India should endorse the PSI and engage. The PSI presents an admirable architecture for collaborative engagement on an as required basis, bereft of bureaucracy, and should be enlarged to encompass sharing information and intelligence across a wider range of maritime and anti-terrorism activities. These would mitigate the risks of another major terrorist attack, a hybrid 9-26/11. These and similar proposals can be developed, matured, and sustained through strategic dialogue, seminar exchanges and functional visits aimed to foster synergy towards combating piracy, terrorism (and the possible nexus of the two), WMD proliferation and other emergent illicit activities.

Defense related trade is another important facet which has accomplished an important milestone with the transfer of USS Trenton as INS Jalashwa. Defense related trade and the accompanying transfer of technology is an area of enormous potential. In the immediate context at the tactical level are opportunities to enhance maritime domain awareness, share surveillance assets and logistical infrastructure, synergize humanitarian relief operations, and develop Maritime Command Control and Communication interoperability by establishing a Joint Maritime Coordination Center which could address information sharing on piracy and other access issues as well. There is a need to maximize the advantages of commonality of English language and encourage exchange of liaison officers and training opportunities. Most important, strategic cooperation must be based on engagement as equals with each side bringing the national strengths of their geopolitical relationships into play.

#### Conclusion

Indo – US bilateral relations have through recent strategic engagement developed mutual trust which renders historical differences of security paradigms irrelevant. India has traditionally had an independent foreign policy yet by virtue of its democratic governance and adherence to international norms, there are considerable commonalities of national interests and an increasing convergence of security objectives. Inadequate appreciation of differences in perspectives has resulted in policy differences that have inhibited synergy in the maritime domain. It is imperative that the leadership of both nations capitalize on mutual capabilities, respective geopolitical strengths, and the mutual reservoir of trust. The United States has been the guardian of the global commons during the latter part of the 20<sup>th</sup> century. In an environment of state and non-state actors seeking anti access capabilities, the United States must seek new partnerships to ensure freedom in the global commons. The Indian Ocean Region is an area of confluence of dangers: WMD proliferation, radical terrorism, unstable states, piracy and illicit activities. These demand focused attention and synergy of efforts. Failure to do so could result in a catastrophe such as an al-Qaida WMD attack which could be either in New York or New Delhi. Neither is improbable nor inevitable. Cooperative engagement alone can minimize risks.