

## INDIA AND SOUTH CHINA SEA: INITIATION OF QUAD

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### **Abstract**

*There was much unrest between a large number of coastal countries with China's assertive and unilateral policy of claiming legitimacy by declaring the SCS as an unquestionable area in its sovereignty. In addition, China continues to pull its muscles and initiate so many unilateral measures, such as turning Spratly Island into a naval and military air base, creating a large number of conflicts across the region. Instead of fighting unilaterally, the United States is known for forming an alliance in most of the world crisis, and the US policymaker tries to forge a democratic coalition to stop China's ambitious expansionary territories.*

**Keywords:** *South China Sea (SCS), United Nation Convention on Laws of the Sea (UNCLOS), Coalition of Democracies, String of Pearls, and Permanent Court of Arbitration*

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### **Introduction**

The South China Sea has been one of the six seas between the continent of Asia and the offshore tidal islands which span from the Arctic Ocean in the north to the Indian Ocean in the south; the Andaman Sea, the South China Sea, the Sea of Japan, the Okhotsk Sea and the Bering Sea. Although these seas are in the same place, their climatic, economic and geopolitical variations are significant<sup>1</sup>. From the Hua dynasty history, the relevance of the South China Sea "Since the second century B.C., during the Han dynasty's Emperor Wu Di, the Chinese people started to sail to the South China Sea. They found successively the Xisha and Nansha Islands after many years of navigation". The New China News (1980) quotes this is an explanation of the basic epistemic of the history of the region of occupation and its complex rivalry. This controversial region crosses the Pacific and the Indian Oceans international waterways, and its strategic position is essential for business and maritime shipping. The United Nations Sea Laws Convention for the Exclusive Economic Zone provides dearth of clearness for the semi enclosed seas like the South China Sea because the provisions related to the semi-enclosed sea are clearly defined by the UNCLOS. Thus, this lack of clarity to define the semi-enclosed sea where the sea-floor shared by several countries whose continental shelf are difficult map moots the militarisation of this zone by China (with its territorial ambition). So this study will proceed under the following the sections, where: the first section would illustrate the geographical contentions that mooted the dispute with special reference to the freedom of navigation; in the second section, this study will explain how India engaged with the South China Sea's regional countries through its Look East Policy; and in the last section this article would explain the various policy option through the coalition of democracy initiative like QUAD.

### **The South China Sea and Geographical Contentions**

In an important way, the South China Sea differs in the following ways from the other marginal sea. First of all, it is the largest of the six seas and is twice that of the Japanese Sea area. Secondly, there are eleven coastal countries surrounding each other, where no other sea has more than five coastal countries. Third, there are two important groups of islands close to the centre of the sea in the South China Sea. Fourthly, there are many more islands spread across the wider area than any other seas in Asia, on the eastern margins of this sea. The coastal states include China, Vietnam, Cambodia and Thailand on the side of the mainland and the neighbouring

islands of Taiwan, the Philippines, Brunei and Indonesia. Nine-data is an imaginary area covering the majority of the South China Sea and overlapping with Brunei, Indonesia, Malaysia, the Philippines, Taiwan and Vietnam, claimed to have the exclusive economic zone. The contention is also visible at the maritime border along the coast of Vietnam, between China, Taiwan and Vietnam. Freedom of Navigation is a law enshrined in Article 87 1(a) of the UNCLOS that ships with "flags of any sovereign state" shall not face a stand-off from another nation in a conventional international practise validated by UNCLOS." The freedom to navigate will, however, only apply to the high seas; the provision of UNCLOS in Part V, which clarifies the Exclusive Economic Zone provision, does not justify semi-contained South China Sea geographic areas, and the UNCLOS provisions are ambiguous in themselves. Eleanor Freund<sup>16</sup> argues in her work for the artificial island's rights entitled to: according to her "naturally formed features without any question a reentitled to rights accorded by UNCLOS but the ambiguity rises when artificial islands are constructed". The rights entitled to an artificial island depend on the pre-existing features to the construction of the artificial island. If, for example, "an artificial island was constructed on to pofa low-tide elevation, the new feature would not be entitled to the rights of an island"<sup>5</sup>. In the eyes of the law, it would still be a low-tide elevation and granted only those rights accorded to low-tide elevation. Ministry of External Affairs, India in 2016 had commented about India's interest in the region "Peace and stability in the region is of great significance to India, it undertakes various activities, including cooperation in oil and gas sector, with littoral states of South China Sea". He further said that India is firm to certain for the entitled rights for the UNCLOS's "freedom of navigation, over-flight and unimpeded lawful commerce in the international waters". Further he stated that the South China Sea constitutes a part of the global commons and therefore India has an abiding interest in the peace and stability in the region.

### Look East Policy on South China Sea Dispute

Several developments in India's Foreign Policy followed by 1991 reforms made India incline initially through a policy vision called as "Look East" which primarily involves establishing strong ties with South East Asian Nation and especially ASEAN. However, the nation with which India concentrated through Look East Policy are the main stakeholders involved South China Sea Dispute. In 2004, the then India's External Affairs Minister Yashwant Sinha<sup>14</sup> described "South China Sea as India's extended neighbor". India's paradigm change to Act East focused on creating infrastructure hierarchies between India and ASEAN nations, paving the path for the South China Sea's resources to be exploited. The tangible outcome in this prospect would be agreement between ONGC's oversea arm and Vietnam to explore Vietnamese Oil Block<sup>14</sup>, the same agreement can be extended for several more years to diversify India's demand on oil from West Asia. David Brewster had commented that Vietnam, is "India's oil exploration in this region would yield Diamond in the South China Sea", however, this initiative by India to access this disputed water would drive India closer to this contest front. David Brewster observations comes from Indian Navy's 2007 doctrine statement which says "India's Maritime Security Strategy defined the South China Sea as an area of Strategic Interest to India". This statement from India Navy's doctrine clearly points that "India has huge interest over this disputed ground and if necessarily defended primarily through India Navy's unilateral presence and bilateral security arrangements". Under Modi administration since 2014 post formulation of Act East policy, "there is a significant increase in the development of India's engagement in South China Sea by providing military assistance program to Vietnamese Navy".

In terms of geopolitics, Vietnam acts as a check on China's dominance in the South China Sea, from which Beijing may project influence into the Indian Ocean via the Strait of Malacca. In India's opinion, Vietnam may exert pressure on China's southern flank in the same way that China is using the Pakistan card against India in the Indian Ocean. India seeks access to oil reserves in

Vietnamese-controlled waters from a geo-economic standpoint. The issue is that some of the exploratory plots are in dispute with China, which China believes is a breach of their sovereign rights, similar to how India opposes the China Pakistan Economic Corridor (CPEC) on the same grounds. Though this situation looks like tooth for tooth situation and to heat up further, India has moved closer with USA on bilateral security links to form QUAD (along Japan and Australia).

According to Ministry of External Affairs, the South China Sea “South China Sea is a major waterway and over US\$ 5 trillion trade passes through the sea lanes in this region. As per information available, over 55% of India’s trade passes through South China Sea and Malacca Straits. Peace and stability in the region is of great significance to India. India undertakes various activities, including cooperation in oil and gas sector, with littoral states of South China Sea”. The opinion to act from mere looking at east since 1990’s has created many implication to India because of rise of Chinese which was noted by several analysts:

1. David Scott :He pointed out that the various boundary issue settlement, which are stalled before India and China, will lead to a state where Chinese will dictates the terms and conditions to India. This assertion of China will make India to counter back for which he coined this phenomenon as “The Razor’s Edge.
2. HarshV.Pant: He elucidated how the rise of China will lead to spread its influence across South Asian countries and thus frame circling architecture with Sri Lanka, Bangladesh, Nepal, its all-weather friend Pakistan etc.
3. Gary Milhollin: He pointed out the development of Pakistan’s Nuclear Program which was possible only because of aids from China. China has supplied Pakistan with nuclear materials and expertise and has provided critical assistance in the construction of Pakistan’s Nuclear Facilities. Sarcastically, he said “If you subtract China’s help from Pakistan’s nuclear programme, there is no nuclear programme”.

Now, the various strategic policy option which India, as a Sovereign Democratic country shall exhaust to achieve India’s interest in this region which is not only containing China’s growth but also aligning with China in a very critical perspective but whatever options are mentioned henceforth are elucidated by considering two limitation in the region- firstly, all the members of ASEAN are not united to convene common code called South China Sea Code of Conduct where the Chinese principle allies Laos and Cambodia are there to vote to any such consensus and secondly, China is against non-regional countries influence in this region and it considers ASEAN as its sole neighbour with whom it will bilaterally deal. The various policy options which India can exhaust shall be: Dr. Rajaram Panda opined that India’s Diamond in the SCS i.e. Vietnam shall always be in our side and India at any cost due to growing nexus between India and China, post Doklam standoff, India shall not be found extending hands to China because India’s maritime interest lies in the SCS waters of Vietnam. India should extend its military exercise level support to safeguard Vietnam interest but in the case of excess Chinese aggression India shall intervene to restore maritime order but the case of excess Chinese aggression shall be ruled off because this maritime waterfront runs 75% of its economy.

1. Keeping in mind, the Chinese proposed Krachannela.k.a Thai Channel to connect Gulf of Thailand with Andaman Sea to overcome Malaccan Dilemma. India must act, react and stop this proposed work by citing the reason of fragile ecosystem which are supposed to be conserved by Sustainable Development Goal 2030 (SDG). This policy option was suggested by overruling the other options via international tribunal because Chinese’s UNSC permanent veto but their moral attack will deter themselves to be called as “Peaceful Dragon”.
2. More strategically, India’s Foreign Policy has shifted from Look East to Act East then Act Far East and now in a broader perspective it has to be Act Indo Pacific in longer run because of the current development in west due to United States tussle with Iran but in east except SCS dispute there is no much state of disorder with many trustable ally like Japan, South Korea,

Vietnam, Philippines etc. In this perspective, India can play more proactive role in Arctic Ocean Drilling Projects convened by USA in Alaska and Russian Payakha region, Taymyr (Northern Siberian Region).

3. Revitalising, British Colonial strategy in maritime front where they successfully covered the entire stretch of this system for peaceful navigation in that region. Though, SCS dispute is an issue of recent days but reusing such colonial strategy will help to contain China's militarization in this region which impedes "Freedom of Navigation" but such move by India can lead to counter from China either reinvigorating unsolved Indo-China Boundary issue or maritime front like Doklam stand off. If maritime front like Doklam stand off occurs India will be at disadvantaged position because we will be aggressor in this situation and former happen India needs to have its diplomatic manpower ready to showcase its top class diplomatic skill of Southern Block to settling the border issue.
4. Tracing back to principle of Panchsheel agreement, making its principle relevant amongst the various stakeholders involved in the SCS dispute. The five principle of Panchsheel like Mutual respect for each other's territorial integrity and sovereignty, Mutual non-aggression, Mutual non-interference, Equality and mutual benefit and Peaceful co-existence. Though the credibility of this option would be questioned but championing Panchsheel will solve aggression and paces up the economic integration which will guide to a century of Asian countries. Territorial sovereignty may create friction for the today's world but for the tomorrow's Globalized World it won't be but as a fool proof mechanism Haksar doctrine may be used.

## Conclusion

Now, the various policy options have been widely discussed by considering two factors: Firstly our Foreign Policy has been criticized recently that there is a loss in its strategic autonomy which India since Nehruvian era had championed for, since the loss of strategic autonomy in our Foreign Policy will lead to dilution of decision making autonomy at Delhi and by any how Delhi shall not act from the dictation of Pentagon or White House. Secondly, the track record of India in dealing with bilateral and multilateral issues are always benevolent; in this aspect the coalition of democracy grouping (like QUAD) India shall strive to bring peace in this region and imbibing the values from our freedom struggle like Unity, Fraternity, Equality, Freedom etc shall be seeded in this disputed region to achieve the common goals. More strategically, there are other policy options before India to seek where our interests were awarded well and there India can ally with but this is possible if India at any cost doesn't leave its strategic autonomy in the conduct of its Foreign Policy: if India's interests are well awarded by allying with China, India shall do so and be a party to Belt and Road Initiative (BRI) project though land route is case of concern but the Maritime connectivity of BRI is not a case of concern for India. In fact, various projects undertaken by Ministry of Shipping like SAGARMALA project can lead to rapid transits by integrating with BRI (Maritime) projects which leads to infrastructure creating, job creation, capital flows etc. India's growing willingness from "been looked through its conflict with Pakistan" to "Howdy Modi at Houston" is boosting its morale in various stages of International Organisation. As a result, India's Foreign Policy is more ambitious in its scope today which is evident in India's engagements with states in Africa, Latin America, Middle East etc. The India's own neighbours seems to be a challenge in South Asia and the recent development post Doklam standoff and upcoming Mamallapuram meet are heading to diffuse the tension between India and China, which leads to a century of Asian Countries.

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