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Stories of U.S. - India Defense Partnership

U.S.-India Cooperation in the South China Sea

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The South China Sea dispute has become an increasingly complex issue in the Indo-Pacific region, with competing territorial claims, overlapping Exclusive Economic Zones (EEZs), and maritime security concerns. As a result, the U.S. and India have recognised the importance of their cooperation in preserving the current multilateral rule and ensuring regional stability and security.

The South China Sea is a vital waterway for international trade, and the U.S. and India among others have a shared interest in ensuring its safety. Addressing the issues surrounding the South China Sea dispute is crucial to maintaining the strategic interests of both countries.

This Briefing Paper examines the U.S.-India cooperation in preserving regional stability and security in the South China Sea, including their efforts to uphold international law, freedom of navigation, and peaceful resolution of disputes.

The paper also analyses the challenges and opportunities for U.S.-India cooperation in this context and suggests

recommendations for strengthening their strategic partnership in the region.



Source: *Disputed Claims in the South China Sea* Centre for Strategic and International Studies, Washington DC

Introduction

The South China Sea dispute is a complex issue, and various factors contribute to the ongoing conflicts and tensions in the region. One of the critical issues in the South China Sea dispute is the conflicting claims over territorial sovereignty and maritime rights. The countries involved have based their claims on historical, legal, and inheritance grounds. However, these claims often overlap, leading to disputes over control and ownership of islands, reefs, and other features in the region.

Another factor contributing to the South China Sea dispute is the region's rich natural resources and strategic importance. The South China Sea is believed to contain significant oil and natural gas reserves and is also a vital shipping lane for international trade. As a result, the competing claims by different countries have led to tensions and conflicts as each country seeks to secure its economic and strategic interests in the region.¹

In recent years, efforts have been made to resolve the South China Sea dispute diplomatically. The United Nations Convention on the Law of the Sea (UNCLOS) has provided a framework for resolving maritime disputes, and several countries have pursued legal avenues to defend their claims. However, progress towards a resolution has been slow, and regional tensions continue to simmer.

The South China Sea dispute remains a complex and challenging issue with no easy solutions. It will require ongoing efforts by all parties involved to find a peaceful and mutually acceptable resolution to the conflicting claims and tensions in the region.

In this context, the partnership between the U.S. and India is increasingly vital in preserving regional stability and security in Asia. India's strategic location at the crossroads of South Asia, Southeast Asia, and the Middle East means that its security and stability directly impact the entire region. The U.S. and India share common interests in promoting democracy, and a rules-based international order. Both have a stake in maintaining regional stability and preventing the spread of terrorism and extremism.

Military cooperation, economic ties, and regional diplomacy are all essential aspects of the U.S.-India partnership in promoting regional stability and security. By working together, the two countries can help to build trust, promote regional cooperation, and address common challenges facing the region.



Source: U.S. and India Conducting Joint Military Exercise in South China Sea, South China Morning Post

Territorial Claims and Overlapping EEZs

Territorial claims and overlapping Exclusive Economic Zones (EEZs) are separate but related concepts in international law. Territorial claims refer to a state's asserting sovereignty over a particular territory or area, including the land, airspace, and waters surrounding it. These claims are usually based on historical, geographical, or cultural grounds and are often the subject of

disputes between neighbouring states. (Break the page here)

EEZs, on the other hand, refer to a coastal state's exclusive rights to explore, exploit, and manage natural resources within 200 nautical miles (370 km) of its coastline. These rights include fishing, oil and gas exploration, and other economic activities. EEZs are established by the United Nations Convention on the Law of the Sea (UNCLOS) and are recognised as a fundamental principle of international law.

Conflicts may arise when two or more states have overlapping territorial claims or EEZs. In such cases, international law provides mechanisms for resolving these disputes through negotiations, mediation, or arbitration. UNCLOS sets out guidelines for determining the boundaries of EEZs and resolving conflicts between states over their maritime boundaries.²

What is at Stake?

The Permanent Court of Arbitration in The Hague ruled in 2016 that China's claims to almost the entire South China Sea were invalid under international law. The tribunal said China had violated the Philippines' sovereign rights by interfering with its fishing and oil exploration, among other activities, within its exclusive economic zone.

However, China rejected the tribunal's verdict and continued to assert its territorial claims in the region, leading to ongoing tensions and disputes with other claimant states and countries such as the U.S. and India.

The construction of islands by China in the disputed South China Sea has been a source of tension in the region, with Beijing asserting its historical claims over most of the waterways through the nine-dash line. The international

tribunal rejected China's claims in 2016, but China continues to decline the verdict.

The presence of Chinese warships in the region has also been a concern for neighbouring countries, including India, which has increased its engagement with like-minded allies in the larger Indo-Pacific region to advance common interests and safeguard open and accessible navigation.

Maritime Security Challenges

Maritime security challenges in the South China Sea are territorial disputes among the countries in the region, particularly between China and its neighbouring countries. These disputes have led to tensions, military posturing, and occasional skirmishes in the region. Additionally, there is a growing concern over China's military expansion in the area, including constructing military bases on disputed islands, which could potentially destabilise the region.

Another challenge is the presence of non-state actors, such as pirates and terrorists, who operate in the region. These groups significantly threaten the safety and security of shipping lanes and commercial vessels.³

Illegal fishing and overfishing in the South China Sea are also significant concerns. This activity harms the marine ecosystem and creates conflicts among countries, as fishing boats often cross territorial waters and compete for resources.

Finally, the South China Sea is also vulnerable to natural disasters such as typhoons, which can damage infrastructure and affect shipping and trade in the region.

The U.S. and India have been working with other countries to address these challenges to promote cooperation and stability. This includes

increasing maritime security cooperation, promoting the rule of law, and supporting regional efforts to manage and protect the region's resources. Additionally, the two countries have been conducting joint naval exercises and intelligence sharing to address the security threats in the South China Sea.

Strategic Cooperation

The U.S. has a national interest in the South China Sea. Its overriding objective is to ensure freedom of passage and commerce. Both are important to China, but there are disagreements between the two nations about what constitutes legitimate military activities disguised as freedom of passage transportation, particularly in the South China Sea.

The supporting argument for the statement that the U.S. has a national interest in the South China Sea is that it is a vital maritime region that is critical to global trade and commerce. About one-third of the world's maritime trade passes through the South China Sea, including oil and natural gas shipments. The U.S. has a strategic interest in ensuring freedom of navigation and overflight in the region, as well as maintaining stability and security to protect the economic interests of itself and its allies.

In addition, the U.S. and China have different interpretations of the UNCLOS regarding military actions undertaken within a state's EEZ. The U.S. maintains that military operations in EEZs are permitted under the Convention, while China takes the opposite position. This has led to tensions in the South China Sea and is a key disagreement between the two countries.

The U.S. and China's different interpretations of UNCLOS, an example of tensions arising from this disagreement is China's claim to

sovereignty over most of the South China Sea, including areas that are also claimed by several ASEAN countries. China has been building military installations on artificial islands in the disputed waters, which the U.S. views as a threat to freedom of navigation and security in the region. The U.S. has been conducting freedom of navigation operations in the area, including within China's claimed EEZ, which has led to protests from China. This illustrates how differences in interpretation of UNCLOS can lead to tensions and disagreements between countries in the region.

Also, the U.S. and China have differing interpretations of UNCLOS regarding military activities in a state's EEZ. The U.S. maintains that UNCLOS permits military operations in EEZs, while China disagrees. This disagreement has led to tensions in the South China Sea, where both countries have competing claims and interests. While both countries recognise the importance of freedom of passage and commerce in the region, there are disagreements on how to ensure these rights are upheld, particularly when it comes to military activities in the EEZ.⁴

India's perspective on the South China Sea issue has traditionally focused on its sphere of influence in South Asia and the Bay of Bengal region. It has not been directly involved in the South China Sea dispute. However, India sees escalating tensions in the region as an opportunity to enhance its geopolitical relevance as a counterbalance to China in Southeast Asia and to exert strategic pressure on China in response to its expanding presence in the Indian Ocean region.

In an effort to counter China's challenge to its predominance in the region, India has aimed to align itself with the United States and other ASEAN governments, both claimant and non-

claimant, regarding the issue. This is viewed by India as a means of showcasing its strategic importance.

India's links to Southeast Asia do put it in direct conflict with China's claims in the South China Sea, but India does not view this as a zero-sum game. India has emphasised its economic and strategic interests in the region rather than taking an aggressive stance against China.

India has also made it clear that it supports freedom of navigation in the region and opposes any attempts to change the *status quo* through force or coercion. While India's navy has been involved in joint exercises and port visits in the

region, India has also emphasised that it is not seeking to establish military bases in Southeast Asia. Instead, India views its engagement in the region as a means to promote peace and stability and safeguard its Indo-Pacific interests.

Additionally, both countries could support the peaceful resolution of disputes through international arbitration and legal mechanisms. Overall, increased engagement and cooperation among regional actors, including the U.S. and India, will be critical to promoting peace and stability in the South China Sea.⁵

U.S.-India Joint Military Exercises

Military Exercises	Bilateral/ Multinational	Type	Year of Inception
Vajra Prahar	Bilateral	Military Training: Airborne, special and counterterrorism operations	2010
Yudh Abhayas	Bilateral	Military training and exchanges	2002
Spitting Cobra	Bilateral	Naval Exercise	2004
Sangam	Bilateral	Naval	1994
Red Flag	Multinational	Air Exercise	India's participation since 2008
Cope India	Bilateral	Air Force	2004
Tarkash	Bilateral	Counterterrorism and Chemical biological, radiological and nuclear terrorism	NA
Habu Nag	Bilateral	Amphibious training exercise	2005
Malabar	Multinational	Naval forces of India, U.S., Japan, Australia	1992
Milan	Multinational	Naval	1995
Exercise Tiger Triumph	Bilateral	Tri services exercise in HADR- Humanitarian Relief and Disaster Relief	2019
RIMPAC	Multinational	Naval Exercise	India's participation since 2014

Source: <https://pib.gov.in/Pressreleaseshare.aspx?PRID=1539020> and <https://pib.gov.in/PressReleasePage.aspx?PRID=1605121>

Beijing's Anxiety

China has expressed concerns about the growing military exercises including that of Quad and Malabar, viewing them as an attempt to contain its growing influence and ambitions in the Indo-Pacific region. China has criticised these exercises, saying they aim to undermine its regional security interests and attempt to create a "mini-NATO" in the region.

China's concerns about the growing network of alliances and partnerships in the Indo-Pacific region are not new and have been expressed in various forms. China has repeatedly accused the U.S. of attempting to contain its rise by forming such alliances and military partnerships.

China views the QUAD as an attempt to contain its growing influence and ambitions in the region reflects China's perception of the grouping. While India has not considered the QUAD to be a military alliance, China's concerns stem from the fact that the four countries have shared security interests and have been conducting joint military exercises and naval drills in the Indo-Pacific region. Additionally, the QUAD countries have emphasized the importance of a free and open Indo-Pacific, which China sees as a challenge to its territorial claims in the South China Sea. Therefore, China's comments reflect its perception of the QUAD's strategic significance and its potential to counterbalance China's influence in the region.⁶

In response to the growing alliances, China has been taking steps to strengthen its military capabilities and assert its dominance in the region. China has been increasing its military spending and expanding its navy, air force, and missile capabilities. China has also been involved in territorial disputes in the South

China Sea and the East China Sea with several countries in the region, including Japan, the Philippines, and Vietnam.

China's response to the growing network of alliances and partnerships in the Indo-Pacific region remains to be determined. While China has shown dissatisfaction with these developments, it is still being determined how it will respond. China could resort to non-conventional warfare tactics such as cyber-attacks, proxy wars, insurgency, or economic coercion to counter the growing influence of the U.S. and its allies in the region.

However, The QUAD's formation is a significant development in the Indo-Pacific region, and its growing cooperation between member countries reflects a broader global concern over China's aggressive behaviour. The QUAD can be essential in shaping regional dynamics and promoting a free and open Indo-Pacific region.⁷

Different Approaches

While the U.S. and India both share concerns about China's aggressive actions in the South China Sea and the need to preserve regional stability and security, there are differences in their approaches and priorities.

One significant difference is the level of direct involvement in the region. The U.S. has a long-standing military presence in the region, with many military bases and Naval assets in the Asia-Pacific. In contrast, India has historically focused more on its immediate neighbourhood and has a limited military presence in the South China Sea.

Another difference is their diplomatic approach. The U.S. has been more vocal in criticising China's actions and has been actively

working to rally regional support to counter Chinese influence. On the other hand, India has adopted a more cautious approach and has been careful not to take sides in territorial disputes. India has instead focused on building economic ties with the region and pursuing a more nuanced diplomatic strategy.⁸

Regarding priorities, the U.S. has placed a greater emphasis on freedom of navigation and upholding international law in the South China Sea. It has also focused more on security issues, including countering Chinese military expansion in the region. India, on the other hand, has prioritised economic cooperation and connectivity in the region. India has been promoting initiatives like the "Indo-Pacific Oceans Initiative" to enhance regional economic cooperation and connectivity.⁹

While the U.S. and India share common concerns about the South China Sea, their different approaches and priorities reflect their unique geopolitical interests and strategic objectives.

India-U.S. Potential Collaboration

Despite the differences in their approaches and priorities, there are several areas where the U.S. and India can collaborate and coordinate in preserving regional stability and security in the South China Sea. Some of these opportunities are:

Joint military exercises: The U.S. and India can conduct exclusive joint military activities in the South China Sea to enhance their interoperability and improve their ability to operate together. This would send a strong message to China that the two countries are committed to preserving the security and stability of the region.

Intelligence sharing: The U.S. and India can share intelligence on Chinese military activities in the South China Sea. This would help both countries better understand China's intentions and improve their ability to respond to potential threats.

Promoting international law: The U.S. and India can work together to promote the importance of upholding international law in the South China Sea. This would include advocating for the freedom of navigation and the peaceful resolution of territorial disputes following international law.

Economic cooperation: The U.S. and India can work together to promote regional economic cooperation. This would include promoting trade and investment, building infrastructure, and supporting regional initiatives like the IPEF as a tool to enhance connectivity and economic growth in the region.

Humanitarian assistance and disaster relief: The U.S. and India can work together to provide humanitarian aid and disaster relief in the South China Sea. This would help build goodwill and strengthen their relationships with countries in the region.

By collaborating and coordinating in these areas, the U.S. and India can strengthen their partnership and contribute to preserving regional stability and security in the South China Sea.

Conclusion

The South China Sea is a strategically significant region for global trade and commerce, as well as regional stability and security. With China's aggressive actions, countries must cooperate to preserve regional peace and

security. U.S.-India cooperation in the South China Sea is crucial in achieving this goal. The two countries share concerns about China's regional actions, including territorial claims and military expansion.

By working together, the U.S. and India can enhance their military interoperability, share intelligence, promote international law, support economic growth and connectivity, and provide humanitarian assistance and disaster relief.

Furthermore, continued U.S.-India cooperation in the South China Sea sends a strong message to China that the international

community is committed to upholding the rule of law and preserving the stability and security of the region. This can serve as a deterrent to China's aggressive actions and reduce the risk of conflict.

The importance of continued U.S.-India cooperation in preserving regional stability and security in the South China Sea cannot be overstated. The two countries must continue to work together and strengthen their partnership to ensure the region's peaceful and prosperous future.

Endnotes

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