

Causal Analysis of India's Response to Maritime Security Debate at the UNSC

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Abstract

UNSC debate on the maritime security-initiated discussion on response and reaction plan not only for particular countries and regions overall. The Eastern part of the Indian Ocean (IO) has been a boiling cauldron due to the race of maritime hegemony, maritime alliances for economic cum security dimensions and choking important points of maritime trade in crisis. The outbreak of Covid heavily restricted global supply chains. Security cooperation should focus on 'reassurance' rather than 'deterrence' to create the desired security order in which multilateral frameworks may be formed. In this scenario, security interactions would help nation-states converge their national interests and minimize a zero-sum security situation. UNSC debate on maritime security demands for cooperative security approach through a framework of like-minded states. Pakistan foresees this debate as an increasing challenge by constructing the role of the Pakistan Navy to perform and ensure its capacities for maritime security in the long run. The paper presents the response to Indian Duplicities in the wake of the Russian proposal for maritime security management at UNSC in 2021. Strategic analysis

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with qualitative research method and exploratory approach is adopted in this research with pertinent and feasible findings.

Keywords: Deterrence, India, Indian Ocean, Maritime Security, Russia, UNSC.

Introduction

United Nations Security Council (UNSC) headed by India in August 2021, titled “Enhancing Maritime Security: A Case for International Cooperation”, presided over by Indian Premier Narendra Modi. During the session, a resolution on maritime security was passed emphasizing much-needed balance in the contours of geostrategic dimensions evolving new world order after every international happening, i.e., the Russia-Ukraine war, international oil prices hype and many others. This session focused on the urgency of addressing maritime challenges with the idea of multilateral cooperation and governance transparency in light of the UNUN Convention of the Law of the Sea (UNCLOS) – 1982. After this resolution, Russia intended to launch another initiative to be maritime security management in the Indian Ocean, which is altogether out of its jurisdiction. But support for the Indian narrative created regional tensions and pinched Pakistan to respond in a very calculated manner. Why? Because new alliances call for reconsideration of the regional security complex and strategic plan to perform in Arabian waters, countering a navy that intends to be a 'Net Security Provider' in the Indian Ocean region. This argument is weakened as one of the strategic allies of India – The USA, didn't support it anywhere. This situation in UNSC demands a planned response to the UNSC debate. In the upcoming discussion on Indian duplicities, the Russian proposal of maritime security in light of the war of principles is discussed in detail with plausible recommendations.

Indian Duplicities

Indian aim of 'Removing Barriers to Maritime Trade' and Impeding Pakistan's Entry into IORA

Pakistan being an important littoral state of IOR, is eligible to become a member of IORA as per clause 4(a) of the IORA charter. However, India has time and again blocked the rightful entry of Pakistan into IORA on the pretext of not granting 'Most Favored Nation' (MFN) status to India.² Even though the charter itself states that bilateral issues impeding regional cooperation may be kept aside from deliberations as per clause 2(d), India continues to discriminate against Pakistan by blocking its rightful entry. If the IORA charter is to be followed in letter and spirit, then India stands in violation of clause 2(a), which calls for "respect for territorial integrity, non-interference in internal affairs and peaceful coexistence."³

If India wants to remove barriers to maritime trade in the region, it should stop sabotaging CPEC, which has the potential to increase maritime trade through Gwadar port. According to a dossier submitted by Pakistan to UN, Indian credentials of being a promoter of peace and regional trade have been largely exposed. The arrest of Indian spy Kulbhushan Jadhav, the creation of a state-sponsored militia of 700 militants under RAW and the patronization of Baloch separatists speak volumes about Indian designs against CPEC.⁴ RAW and Indian PM Narendra Modi have developed a \$500 million Anti-CPEC Cell to

² Devirupa Mitra, "Faraway France Enters Indian Ocean Rim Association as India Backs Move, Iran Eases Off," *The Wire*, Dec 18, 2020, <https://thewire.in/external-affairs/indian-ocean-rim-association-iora-france-india-iran>.

³ "Charter of the Indian Ocean Rim Association," accessed Nov 07, 2021, https://www.un.org/en/ga/sixth/70/docs/iora_charter.pdf.

⁴ Naveed Siddiqui, "Irrefutable Evidence: Dossier on India's Sponsorship of State Terrorism in Pakistan Presented," *Dawn*, Nov 14, 2020, <https://www.dawn.com/news/1590333>.

undermine CPEC developments.⁵ It is pertinent to mention that China has offered India to become a part of BRI. But India continues to oppose BRI and CPEC, thus, creating barriers to regional maritime trade.

Brussels-based 'EU DisinfoLab' revealed in 2020 a network of 265 coordinated fake local media outlets in 65 countries favoring Indian interests, as well as various questionable think tanks and NGOs. The report said the operation's long-term goals were to push material against Pakistan and China and strengthen India's position at international venues, including the EU and UN, since 2005.⁶ It proves that India promotes barriers to regional and maritime trade through its nefarious designs, as mentioned above.

Consistent Intrusion by Indian Fishing Vessels in Pakistan's Waters and the Spread of Marine Pollution

Indian fishing boats engage in 'Illegal, Unreported, and Unregulated Fishing' (IUUF) in neighboring states' waterways. Part VII of UNCLOS-82 focuses on high-seas conservation and management. Articles 116, 117, 118, 119, and 120 of UNCLOS-82 provide a framework for the rights of fishing and sustainable utilization of marine organic resources.⁷ The articles prohibit IUUF in high seas as well as in neighboring waters.

The IUUF is also a major hurdle in the achievement of Sustainable Development Goal 14 (SDG-14), established by the United Nations in 2015. SDG-14 deals with the conservation of life below water. Target IV

⁵ "RAW Running \$500 Million Cell to Sabotage CPEC, Says Gen Zubair Hayat," *Dawn*, Nov 14, 2017, <https://www.dawn.com/news/1370463>.

⁶ Bilal Kuchay, "EU NGO Report Uncovers Indian Disinformation Campaign," *Al-Jazeera*, Dec 11, 2020, <https://www.aljazeera.com/news/2020/12/11/eu-ngo-report-uncovers-a-15-year-disinformation-campaign>.

⁷ "United Nations Convention on the Laws of the Sea," *UNUN*, accessed on Nov 05, 2021, https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf.

of SDG-14 urges the ending of overfishing, IUUF and destructive fishing practices to replenish fish populations quickly.⁸ Instead of facilitating the accomplishment of SDGs, India is inhibiting the overall progress.

Several measures have been crafted to undermine the illicit usage of marine resources. Indian Ocean Tuna Commission 17th IOTC Session approved Resolutions 13/02, 13/03, 13/06, and 13/07. (Mauritius, 6–10 May 2013).⁹ These resolutions deal with the registration of fishing vessels, the keeping of fishing records, and securing of endangered species. India has refused to comply with all resolutions mentioned above.¹⁰ and continues to exploit the neighboring maritime resources without following the recommended safeguards.

The Indian fishery threatens the marine environment in three distinct ways. First, Indian fishermen are consistently involved in marine poaching by employing harmful fishing techniques within Pakistan's territorial waters.¹¹ The Indian illicit fishery in Pakistan's waters has caused a total revenue loss of Rs. 2 billion per month.¹² Second, excessive Indian fishing, even in closed seasons, has threatened the existence of several marine species. Indian Ocean accounts for over 14% of global fish caught, but about 30% of assessed stocks in the region have

⁸ "International Day for Fight against Illegal, Unreported and Unregulated Fishing," *United Nations*, accessed on Nov 05, 2021, <https://www.un.org/en/observances/end-illegal-fishing-day>

⁹ "Indian Ocean Tuna Commission", accessed on Nov 05, 2021, <https://www.iotc.org/documents/objection-india-iotc-resolutions-1302-1303-1306-and-1307>.

¹⁰ Ibid.

¹¹ "Pakistan arrests 59 Indian Fishermen for poaching in the country waters," *First post*, accessed on Nov 05, 2021, <http://www.firstpost.com/world/pakistan-arrests-59-indian-fishermen-for-poaching-in-the-countrys-waters-2706882.html>.

¹² Lt Cdr Tahir Majeed Asim, "Improving Health of Fishing Industry to Revive Country's Blue Economy," *The Beacon* (2017 -2018): 09.

already been fished beyond sustainable limits.¹³ Third, the plastic footprint - particularly fishing nets - of Indian fishermen is a lethal concern for marine life.¹⁴ These three factors play a primary role in distorting the fragile balance of marine ecology in the regional waters. India has failed to implement environment-friendly safeguards within its fishery industry.

The majority of IUUF takes place in the proximity of the disputed Indo-Pak maritime boundary. Denying a peaceful resolution of the Sir Creek issue, India continues to violate UNCLOS-82 section II article 118, which encourages state collaboration in maritime conservation and management.¹⁵ The existence of well-defined borders and the implementation of law and order are crucial for thwarting IUUF.

India maintains an opaque posture as far as the safety and management of its nuclear materials are concerned. The radiation poisoning of the Subarnarekha River exemplifies how irresponsible mining of uranium deposits at Jaduguda in Jharkand state has endangered the corresponding areas.¹⁶ Similarly, the Madras

¹³ "Unregulated Fishing on the high seas of the Indian Ocean," *WWF*, Nov 02, 2020, accessed on Nov 05, 2021,

https://wwf.panda.org/wwf_news/?1014116/Unregulated-fishing-on-the-high-seas-of-the-Indian-Ocean & Pooja Bhatt, 'IUU Fishing as a National Security Threat:

Revisiting India's Domestic Framework and Compliance with International Regimes', *US Naval War College Review*, 2020, [https://digital-](https://digital-commons.usnwc.edu/cgi/viewcontent.cgi?article=2928&context=ils)

[commons.usnwc.edu/cgi/viewcontent.cgi?article=2928&context=ils](https://digital-commons.usnwc.edu/cgi/viewcontent.cgi?article=2928&context=ils)

¹⁴ "Haunting our seas: How ghost nets threaten marine life and human beings," *Times of India*, Jul 04, 2021, accessed on Nov 05, 2021,

<https://timesofindia.indiatimes.com/haunting-our-seas-how-ghost-nets-threaten-marine-life-and-human-beings/articleshow/84686016.cms>.

¹⁵ "United Nations Convention on the Laws of the Sea," *UNUN*, accessed on Nov 05, 2021,

https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf.

¹⁶ "Leaking Jaduguda mine poses Radioactive risks: USUS Report," *The Times of India*, Dec 15, 2015, accessed on Nov 05, 2021,

<https://timesofindia.indiatimes.com/india/leaking-jaduguda-mine-poses-radioactive-risk-us-report/articleshow/50178791.cms>.

Atomic Power Station (MAPS) located at Kalpakkam has been upgraded by raising new fast breeder reactors. Besides inherent safety concerns, coastal nuclear power plants are also vulnerable to natural disasters. While the developed nations with better safety protocols are moving away from such approaches, India is still building nuclear infrastructure in the coastal regions, thus raising the likelihood of environmental disasters.

The accidents within the Indian Navy involving nuclear assets also have the potential to cause ecological calamity. *INS Arihant (SSBN)*, the only operational nuclear ballistic missile submarine of the Indian Navy, was reportedly left crippled when it dived without closing all its hatches.¹⁷ The submarine, equipped with nuclear weapons and power plants, remained out of action for 10 months. The track record of questionable safety and maintenance standards of the Indian Navy suggests that the occurrence of similar incidents cannot be ruled out in the future.

India is the 12th major marine polluter and will likely be the 5th by 2025.¹⁸ The coastal regions of India alone produce around 33215 MLD of sewage, while the sewage treatment capacity is a mere 12673 MLD.¹⁹ The remaining untreated sewage waste ends up in seawater after

¹⁷ Dinakar Peri and Josy Joseph, 'INS Arihant left crippled after 'accident' 10 months ago, World Defense, Jan 08 2018, <https://world-defense.com/threads/ins-arihant-left-crippled-after-%E2%80%98accident%E2%80%99-10-months-ago.4981/>

¹⁸ "Are we at sea on Marine Plastic Pollution?" *Financial Express*, Nov 11, 2020, accessed on Nov 05, 2021, <https://www.financialexpress.com/opinion/are-we-at-sea-on-marine-plastic-pollution/2125852/#:~:text=Currently%2C%20India%20is%20considered%20the,the%20fifth%2Dlargest%20by%202025.&text=The%20global%20Marine%20plastic%20Pollution,into%20the%20ocean%20every%20minute.>

¹⁹ "India sewage treatment plants treat only a third of the sewage generated daily: CPCB," *Down To Earth*, Sep 22, 2021, accessed on Nov 05, 2021, [https://www.downtoearth.org.in/news/waste/india-s-sewage-treatment-plants-treat-only-a-third-of-the-sewage-generated-daily-cpcb-79157.](https://www.downtoearth.org.in/news/waste/india-s-sewage-treatment-plants-treat-only-a-third-of-the-sewage-generated-daily-cpcb-79157)

moving through rivers, and canals and contributes momentarily to marine pollution. By doing so, India violates articles 221 and 222 of UNCLOS-82 section VI, which directs to avoid pollution arising from marine sources and countering pollution from aerial and seaborne navigation in the maritime domain.²⁰

All initiatives about the conservation of the maritime environment by controlling marine pollution should be welcomed by Pakistan. However, the feasibility of such initiatives is determined by the legal framework and working principles. The facts mentioned above suggest that India is a poor choice for framing any working principles for overcoming marine pollution and conserving marine ecology.

Indian Hegemony in IO Under the Guise of Net Security Provider

Indian Prime Minister Modi - rotational president of UNSC (August 2021), stated in his presidential address that "Oceans may be our shared heritage and lifeline for international trade, but the sea has always proven to be dangerous and insecure".²¹ His statement has cautioned every state to protect its borders on its own while Oceans are shared developmental spaces, so they should be secured via a globally accepted body- under UN auspices. Part VII, Section-I, Articles 88 & 89 of UNCLOS-82 provisos reservation of high seas for peaceful purposes and invalidity of claims of sovereignty over the high seas, respectively, rebut the Indian

²⁰ "United Nations Convention on the Laws of the Sea," *UNUN*, accessed on Nov 05, 2021,

https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf.

²¹ Viotti Maria Luiza Ribeiro, "Remarks at Security Council high-level open debate on 'Enhancing Maritime Security: A case for international cooperation [as delivered]'", United Nations-SG, Aug 09, 2021, Available at:

<https://www.un.org/sg/en/content/remarks-security-council-high-level-open-debate-%E2%80%98enhancing-maritime-security-case-for-international-cooperation%E2%80%99-delivered>

role of the net security provider.²² As in general, smaller littoral states would like to get security provisions from some hired policeman but those having a strong naval presence in IO would not welcome the same notion.²³

India is a signatory of UN Security Council Resolution 1929 (2010), which reaffirms participants' commitment to the Treaty on the Non-Proliferation of Nuclear Weapons and supports the efforts of the Nuclear Supplier Group (NSG).²⁴ United Nations Security Council Resolution 1540²⁵ and the International Atomic Energy Agency (IAEA) Convention on the Physical Protection of Nuclear Material (CPPNM)-1987, which made it binding on states to ensure stringent measures to prevent nuclear material from falling into the wrong hands.²⁶ About face, the theft of over 200 kilograms of nuclear material during the last two decades (1994-2021) in India poses serious threats of nuclear terrorism, necessitating the global powers' role to enforce safety

²² UNCLOS-82, Part-VII, Section-I, Article 88 and 89, Available at:

https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf

²³ Venter Denis, "India and Africa: Maritime Security and India's Strategic Interests in the Western Indian Ocean", Centro de Estudos Internacionais, pp 131-167, 2017, Available at: <https://books.openedition.org/cei/469?lang=en>

²⁴ UNSC Resolution-1929, "Reaffirmation on the Treaty of Non-Proliferation of Nuclear Weapons", United Nations Security Council, 2010, Available at: [https://undocs.org/S/RES/1929\(2010\)](https://undocs.org/S/RES/1929(2010))

²⁵ UNSC Resolution-1540, "Non-Proliferation of Weapons of Mass Destruction", United Nations Security Council, 2004, Available at: [https://undocs.org/S/RES/1540\(2004\)](https://undocs.org/S/RES/1540(2004))

²⁶ IAEA, "Convention on the Physical Protection of Nuclear Material (CPPNM) and its Amendment", Feb 08 1987, Available at:

<https://www.iaea.org/publications/documents/conventions/convention-physical-protection-nuclear-material-and-its-amendment>

standards in the country.²⁷ This situation raises the question about India's claim of being a 'Net Security Provider'.

Understanding of the Indian claim has to be improved regarding 'Net Security Provider, i.e., Provider of 'Net Security' or 'Net provider' of security in the Indian Ocean. The statement is binate, giving options of international policing or taking up the status of the regional maritime hegemon. Russian President Vladimir Putin, in a UNSC address on Aug 09, 2021, states in this reference that we need to establish a more effective counteraction to transnational crime and prevent the use of seas and oceans for criminal purposes²⁸. While ensuring security, we need to respect the sovereignty, non-interference in internal affairs and resolution of disputes by way of dialogue. So, the status of the Net Security Provider could not be decided alone.

The dual methodology proposed in chapter 2 of IMSS-2015 to both secure the chokepoints and gain command of the sea, is the important maritime strategic orientation of India.²⁹ Chapter 6 of the IMSS-2015 states that India's planning seems to envisage having command of the sea in the Indian Ocean with a sub-policy of controlling the identified chokepoints, handling maritime security operations and strategic communication.³⁰ While extended presence in Red Sea-Inlet to

²⁷ APP, "1994-2021: Over 200 kg uranium theft in India poses nuclear terrorism threats", Associated Press of Pakistan, Sep 04 2021, Available at: <https://www.app.com.pk/national/1994-2021-over-200kg-uranium-theft-in-india-poses-nuclear-terrorism-threats/>

²⁸ Novo-Ogaryo (Moscow region), "*Putin Speech at UNUN Security Council High-Level Debate on Maritime Security*", Aug 09 2021, Available at: <http://en.kremlin.ru/events/president/transcripts/66352>

²⁹ Indian Maritime Security Strategy-2015, Chapter-2, Indian Navy Official Website. Available at: <https://www.indiannavy.nic.in/content/indian-maritime-security-strategy-2015>

³⁰ Indian Maritime Security Strategy-2015, Chapter-6, Indian Navy Official Website. Available at: <https://www.indiannavy.nic.in/content/indian-maritime-security-strategy-2015>

IO near strait of *Babl-e-Mandab*, Gulf of Oman, the Gulf of Aden and expanding area of operation by recognizing new chokepoints- the Mozambique Channel, Ombai and Wetar Straits may create maritime rifts in the region (IMSS-2015, Table 2.1).³¹

QUAD's upgradation to QUAD 2.0 in military sector cooperation is raising the question of capacity justifications as high seas are not in anyone's jurisdiction and may pave the way for a power dilemma.³² In this context, the Indian move in mere madness to dominate IO by only relying on the US alliance is not enough. As yet, despite the US calling India a strategic partner but is continuously delaying India's role as a 'Net Security Provider' in the region by launching new maritime strategic agreements. An important aspect is that Beijing and Washington have a direct stake in the freedom of navigation in the South China Sea and in regional stability more generally, including the peaceful resolution of disputes which wipe out the need for Indian claim of 'Net Security Provider'.³³

India needs to prove its capabilities for the claimed status, as during the COVID crisis, New Delhi could not counter the situation due to a lack of resources, capability and capacity.³⁴ Maritime security concerns involve interstate dimension, and unauthorized use of sea necessitates

³¹ Indian Maritime Security Strategy-2015, Chapter-2, Table 2.1, Indian Navy Official Website. Available At: <https://www.indiannavy.nic.in/content/indian-maritime-security-strategy-2015>

³² European Parliament, "The Quad: An emerging multilateral security framework of democracies in the Indo-Pacific region", Briefing-European Parliament Research Services, 2021, Available at: [https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/690513/EPRS_BRI\(2021\)690513_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/690513/EPRS_BRI(2021)690513_EN.pdf)

³³ CRS Report, "U.S.-China Strategic Competition in South and East China Seas: Background and Issues for Congress", Congressional Research Service, Oct 06 2021, Available at: <https://sgp.fas.org/crs/row/R42784.pdf>

³⁴ Markey S Daniel, "The Strategic Consequences of India's COVID-19 Crisis", *Council on Foreign Affairs*, Apr 28 2021, Available at: <https://www.cfr.org/blog/strategic-consequences-indias-covid-19-crisis>

security provision service. India established information fusion centres (IFC) in 2019 as a vital spot to accomplish the claim of net security Providers.³⁵ IFC - IOR, with installed coastal radar surveillance systems across friendly nations by India. Information collating and processing is a small yet crucial step for materializing the concept of Net Security Provider, while it needs to be evaluated at Tallin Manual 3.0 on cyber operations.³⁶ It further needs strategic acceptance in IOR for its commercial viability. UNCLOS-82 is void of any chapter dedicatedly to dealing with cyber security, information sharing and gathering, which needs to be considered a priority for updating the law.³⁷

From another lens, as discussed already, Pakistan has actively fulfilled its commitments related to maritime security. Every littoral state manages its water's security and protects SLOCs passing through it. Therefore, the Indian claim will not be acceptable to all stakeholders of IO and Pakistan in particular.

Peaceful Resolution of Maritime Dispute as per International Law

India emphasized on peaceful resolution of maritime disputes at the UNSC debate. However, the mantra for promoting amicable resolution of conflicts is eyewash. Firstly, India failed every time to resolve its domestic issues peacefully, like the ethnic disputes that are prevailing for decades in different regions, i.e., Assam, Nagaland and the issue of Khalistan with Sikh etc. India as a state completely failed to settle those issues according to law peacefully.

³⁵ CSIS report, "Ports and Partnerships: Delhi Invest in Indian Ocean Leadership", Center for Strategic & International Studies, Dec 05 201, Available at: <https://amti.csis.org/ports-and-partnerships-delhi-invests-in-indian-ocean-leadership/>

³⁶ CCDCOE, "The Tallinn Manual 3.0", *Cooperative Cyber Defence Centre of Excellence*, 2017, Available at: <https://ccdcoe.org/research/tallinn-manual/>

³⁷ UNCLOS-82, Available at: https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf

Secondly, not only domestically but even internationally, India never showed peaceful and mature behavior in dealing with its disputes with neighboring states. Shiv Shankar Menon, a former diplomat of India, stated in one of his lectures that India has violated borders with all of its neighboring countries. India currently has severe disputes with China on Ladakh and Nepal on Kalapani and Susta Territory. Above all, the major disputes are with Pakistan, including Kashmir, the water, and the Sir Creek issue.

Pakistan offered peaceful resolutions according to international law, but every time but these offers were rejected singlehandedly by India. India played a major role in making the Kashmir dispute more intense by trespassing some important international laws, including;

UNSC Resolution 47 calls for a free and impartial plebiscite in Kashmir, but India becomes a hurdle every time to carries out a free plebiscite.³⁸

Article 33 (1) of the Shimla agreement 1972 stated that all matters of Kashmir should be dealt with bilaterally.³⁹ India has always taken unilateral choices for Jammu and Kashmir, as shown by the repeal of Articles 370 and 35A, which violate UN resolutions and the Shimla Agreement.

International Humanitarian Law (IHL), Chapter 8, 'Special rules on occupied territories' states that any type of forceful annexation and occupation is an infringement of international law.⁴⁰ The Indian

³⁸UNSCRresolution-47, "*Restoration of peace and order and the plebiscite in the State of Jammu and Kashmir*", United Nations Security Council Resolutions, assessed date Nov 09, 2021, Available at: <http://unscr.com/en/resolutions/47>

³⁹Simla Agreement, Article-33. "*India-Pakistan: Joint Statement on Implementation of the Simla Agreement*" International Legal Materials 11, no. 5 (1972): pp. 958-962, Available at: <https://doi.org/10.1017/s0020782900038559>.

⁴⁰ IHL-1948, Chapter-8, "Special rules on occupied territories", 1948, Available at: <https://www.ohchr.org/documents/publications/hrhandbooken.pdf>

occupation of Kashmir epitomizes the same situation as refereed in IHL – Chapter 8.

Article 49 of the 4th Geneva Convention 1949 provides that an occupying authority cannot expel or transfer locals into occupied territory. India violated its constitution by repealing articles 370 and 35A.

On the Sir Creek issue, India is violating the 1192 resolution and its map-44 which was agreed between two provinces, i.e., among Rann of Kutch and Sindh, of the Indian sub-continent in 1924.⁴¹ India and Pakistan have different interpretations of the doctrine of international law, 'uti possidetis juris', which creates a commotion. According to this doctrine, newly independent states inherit their boundaries.

According to this principle of international law, the entirety of Sir Creek belonged to the Government of Sindh before independence. Therefore, the Sir Creek region belongs to the Pakistani province of Sindh today. India, conversely, claims that Sir Creek should have to be dealt with according to the 'thalweg principle of International Law'- demarcation from the middle line of non-navigable waters, thus as the boundary belonged to the Rann of Kutch. Resultantly, according to Indian claim, the Province of Gujarat owns the territory as it succeeded the Kutch Darbar.

Moreover, India has also made a water dispute worse with Pakistan by violating the Indus Water Treaty of 1960⁴², causing tensions across the border. India is irresponsible in dealing with its disputes with other adjacent states, such as China which is evident from the recent Ladakh episode of 2020. Thus, it is clearly evident that India's proposal of the

⁴¹ Sikander A, Shah, "River Boundary Delimitation and the Resolution of the Sir creek dispute between Pakistan and India", 2008, Available at:

<https://lawreview.vermontlaw.edu/wp-content/uploads/2012/02/shah.pdf>

⁴² David Gilmartin, "The Indus Waters Treaty and Its Afterlives," May 2015, pp. 220-252, <https://doi.org/10.1525/california/9780520285293.003.0007>

peaceful resolution of maritime disputes under international law is contradictory to its claims, as mentioned above. In pursuance of this, a Russian proposal at UNSC on Aug 09, 2021 was presented, which aims to participate in managing the security situation in IOR. Important features of this proposal are discussed.

Salient Features of the Russian Proposal at UNSC

Russia presented a few important features in the UNSC session in August 2021, which could have long last implications for Pakistan and the region at large if other states as a factor play their role as part in regional security management. The following are important features of the Russian proposal at UNSC.

- Need to evaluate practical problems connected to countering "21st-century piracy by building a more effective transnational criminal countermeasure.
- Uniting all stakeholders, international organizations, and regional groupings under the UN and Security Council.
- Adhering to UN principles for peaceful and responsible use of maritime areas, natural resources, environmental preservation, and sustainable economic activity.
- Cooperating with the Indian Ocean Rim Association and the Indian Ocean Commission.
- Creating a UN institution to tackle marine crime in different areas.

This particular framework includes specialists, civil society members, researchers, and commercial firms.

Russian Proposal in UNSC: Analysis and Implications

Russian proposal in UNSC to establish a dedicated body within UN for dealing with maritime crimes first requires analyzing its intent of it vis-à-vis the Indian Ocean region (IOR). Russia considers India and the Indian

Ocean important as per the following clauses of the Russian Maritime Doctrine:

Clause 68: National Maritime Policy in the Indian Ocean area prioritizes cordial ties with India.⁴³

Clause 69: Strengthening maritime security via a forward naval presence and excellent relations with regional governments.⁴⁴

In this way, Russia's rising interest in the IOR seems to be motivated by a desire to secure a long-term presence in a strategically vital and profitable portion of the globe. Also, Russia considers Narcos trade a major security threat. Makran Coast has been considered as the source. The milieu sits well with India and, in effect, will result in the unwarranted presence of naval ships too close to Pakistan's coast. Also, Russia has also been trying to become a dialogue partner in Indian Ocean Rim Association (IORA). However, its application could not find consensus owing to its opposition by Australia, South Africa and Iran.⁴⁵

The Russian proposal to establish a dedicated body which is tacitly in line with the pronouncements made by PM Modi in the UNSC speech. It is deemed as a gesture to earn the goodwill of India (which is the most important goal of Russian National Maritime Policy in IOR as per Clause 68 of the Russian Maritime Doctrine (RMD). RMD calls for friendly relations with India to present itself as a responsible and concerned

⁴³ "Maritime Doctrine of the Russian Federation," accessed Nov 07, 2021, https://dnnlgwick.blob.core.windows.net/portals/0/NWCDepartments/Russia%20Maritime%20Studies%20Institute/Maritime%20Doctrine%20TransENGrus_FINAL.pdf?sr=b&si=DNNFileManagerPolicy&sig=fqZgUUVRVrRkMsfNMOj%2FNaRNawUoRdhvpFj7%2FpAkM%3D.

⁴⁴ Ibid.

⁴⁵ "Russia to Continue Attempt to Be IORA Dialogue Partner, 'Depends' on Support from India," *The Wire*, Dec 21, 2020, <https://thewire.in/diplomacy/russia-bid-iora-partner-india>.

player in IOR. However, the Russian proposal is quite embryonic. It has not mentioned the modalities and functionality of such a body.

Strategic partnership between Russia and India consists of multipronged cooperation in politics, trade and economy, defence, Science and technology, culture and other fields as stated in 'Declaration of Strategic Partnership between India and Russia' in 2000.⁴⁶ Both states wish to prevent regional dominance and maintain free commerce. Indian PM: "Both nations share mutual interests in terrorism, Afghanistan, and Asia-Pacific." Delhi and Moscow endorsed regional security architecture based on the non-bloc concept of open, egalitarian, and common security.⁴⁷

After Indo-US strategic partnership (COMCASA, LEMOA and BECA etc.), Indo-Russian relations experience a declining trend. As India is aligning more towards the West, to balance this act, Russia engaged with Pakistan and extended its cooperation in the defence and energy sector. A common irritant between Indo-Russian relations is the factor of China and Pakistan. Russia and China share a broader strategic alignment against the US in the Asia Pacific and are working together to counter US influence and containment. On the other hand, India is a key stratagem in US anti-China policy in Asia-Pacific, thus creating a divergence in Indo-Russian relations.

It is pertinent to mention that if the Russian proposal to establish a dedicated maritime body within the UNUN gets passed and approved by member states at the UN, and it will not go against Pakistan's maritime interests since Pakistan is also actively engaged in fighting maritime crimes through various initiatives independently or in collaboration. RMSP, Aman exercise and CTF 150,151 are some of them. The Russian proposal did not put India in an advantageous position in the maritime domain, which was the biggest concern for Pakistan. Rather, it calls

⁴⁶ "Declaration on Strategic Partnership between Republic of India and the Russian Federation," *Ministry of External Affairs*, Government of India, last modified Oct 03, 2000, <https://mea.gov.in/Images/pdf/DeclarationStrategicPartnership.pdf>.

⁴⁷ Ibid.

for uniting the power potential of all the interested countries' special services and corresponding troops under the auspices of the UN. Increased Russian influence in IOR would benefit Pakistan in the future. Russian naval presence might act as a counterweight to the continued US role in IOR, which is also beneficial to Chinese interests in IOR. However, Russian involvement in IOR would be difficult to materialize, considering the US is the major stakeholder and player in IOR and UN.

As far as China is concerned, the international and regional strategic cooperation between China and Russia starts from and is based on the Eurasian continent. The major bilateral cooperation projects, such as the SCO, the connection between OBOR and the EEU and the Greater Eurasia Partnership. China and Russia have conducted cooperation related to oceans, including the Arctic cooperation, the building of the Maritime Silk Road, joint military exercises in the Pacific, India, the Atlantic Ocean, the joint aircraft cruising in the Sea of Japan, etc.⁴⁸ China and Russia have the conditions and possibility to form a strategic maritime partnership. They have overlapping interests in the maritime area; maybe there could be contradictions in some issues, but no serious conflicting interests. Politically, the two states maintain high-level relations, which serve as the necessary political foundation. Both China and Russia regard maritime development as an important strategic direction.

Also, China and Russia are already enhancing their navy-to-navy cooperation through various exercises in IOR (Exercise Mosi and Exercise Marine Security Belt).⁴⁹ China and Russia may be slow in enhancing their strategic coordination in the Indian Ocean, but the intent is there. Keeping in view the above realities, it can be inferred that

⁴⁸ Zhao Huasheng, "China-Russia Strategic Partnership: From Continental to Marine," *Russian Council*, Aug 09, 2021, <https://russiancouncil.ru/en/analytics-and-comments/analytics/china-russian-strategic-partnership-from-continental-to-marine/>.

⁴⁹ Oriana Skylar Mastro, Russia and China Team Up on the Indian Ocean," *The Interpreter*, Dec 16, 2020, <https://www.lowyinstitute.org/the-interpreter/russia-and-china-team-indian-ocean>.

China would not create a hurdle towards the Russian proposal. However, China has not yet taken any official stance on the Russian proposal. Moreover, there is now a greater inclination in Pakistan's foreign policy to establish better ties with Russia. It is needless to mention that Russia participated in the Aman exercise 2021, which shows its greater resolve to engage with IOR littoral states as per its National Maritime Doctrine. Pakistan and China must collectively strategize to reap maximum benefits from this proposal. Proposing such a proposal might earn Pakistan a bad reputation in the UN and Kremlin, which India will further propagate on various forums. Hence, Pakistan should actively support the Russian proposal to gain diplomatic and political mileage from it. Last but not least, establishing a new body within the UNUN will have to be approved by UNGA and UNSC, which is easier said than done.

Conclusion

The Indo-Russian proposal, so far, has received no credible response from the International Community. The emerging complications in the maritime domain, particularly in the Indian Ocean region, dictate that the formation of a new and dedicated security framework is not a practical idea without the participation of all stakeholders of the Indian Ocean region. For countering asymmetric and low-intensity threats, several multilateral bodies are already operational. In addition, the nature of threats is not acute enough to compel all major stakeholders to unify under a mutually agreed framework, as this proposal was intended to counter maritime developments that are not in India and Russia's very interest.

In principle, the suggestions made via this proposal align with the national maritime interests of Pakistan. On diplomatic grounds, Pakistan should welcome such initiatives. However, Islamabad will avoid any tangible initiative till a credible framework will not be put forward, and the stance of its close allies will not become clear. The defining factor of such initiatives is the methodology, not the goals, as per which they are

implemented. The credibility of the proponents - as far as this proposal is concerned - is dubious. The active involvement of India in crafting and projecting this proposition casts implausibility as far as China and Pakistan are concerned. While propositions made by New Delhi regarding maritime connectivity, marine resource management, peaceful resolution of maritime disputes, and its actions on the ground are contradictory in nature. Subsequent to it, the Indian political thought process is increasingly centered on the self-proclaimed notion of India being a net security provider. Under these circumstances, any proposal put forward by India will be viewed from a political perspective and, therefore, will have questionable credibility. There is a good possibility that enhancing the Sino-Russian naval relationship might yield a reworked proposal which will have better acceptability among major stakeholders.

In light of the discussion made in three important dimensions of Indian duplicities and the Russian proposal for maritime security at UNSC, the following are plausible recommendations to take up as a response plan towards maritime security management proposals discussed at the UNSC session in August 2021.

Ministry of Foreign Affairs (MOFA) should actively project the issue of Sir Creek at the international forums. Similarly, Pakistan must take other regional maritime nations onboard to raise concerns about Indian violations of maritime boundaries. (Section (e), Para 22).

Pakistan should augment its maritime security capabilities to extend influence in its Exclusive Economic Zone (EEZ). The enforcement of law & order in the maritime domain can deter IUUF and similar non-traditional threats from the Indian side. (Section (b), Para 7, 9, 10, 11).

Being a committed member of the Indian Ocean Tuna Commission, Pakistan must encourage its regulation of the fishery industry. The

Automatic Identification System (AIS) can be standardized under directions from the Ministry of Maritime Affairs (MoMA) in the fishing industry to achieve better management. (Section (b), Para 4, 5, 6, 7).

MOFA must raise concerns about the transparency of Indian nuclear material management. The international community should ensure secure treatment of radioactive wastage in India as per IAEA recommendations. (Section (b), Para 9, 10).

MOFA should persuade the international community to realize the potential ecological risks involved in the nuclear proliferation ambitions of New Delhi. The growing number of nuclear-armed submarines in the Indian Ocean will also subsequently increase the likelihood of nuclear accidents, which can lead to radioactive contamination of the marine environment. (Section (b), Para 9, 10).

UNCLOS-82 is void of any dedicated chapter regarding cyber operation and security law which needs to be incorporated as a priority for maintaining international cyber order. (Section (c), Para 18).

Pakistan can expand strategic maritime relations with littoral states by increasing the area of operation of JMICC and dedicated cyber operation section for sharing and gathering information on preferred and mutually accepted domains under directions from MOFA and MOMA. (Section (c), Para 18).

MOFA should make an effort to be the participant/observer state of ASEAN and IORA to expand its international maritime presence. (Section (a), Para 1).

MOFA may attract littoral states for a collective security framework which can be crafted focusing on mutual cooperation for securing seas instead of imposing a self-proclaimed 'net security provider' agenda. (Section (c), Para 14, 15, 19).