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Yogesh Joshi Institute of South Asian Studies, National University of Singapore

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## THE IMPERATIVE OF POLITICAL NAVIGATION

### India’s Strategy in the Indian Ocean and the Logic of Indo-U.S. Strategic Partnership

*Yogesh Joshi*

When in April 2021 USS *John Paul Jones* (DDG 53) conducted a freedom-of-navigation operation (FONOP) in India’s exclusive economic zone (EEZ), a section of India’s highly vocal strategic community erupted with indignation and criticism.<sup>1</sup> Steeped in the precepts of nonalignment, these passionate defenders of India’s strategic autonomy and modern purveyors of a Nehruvian foreign policy accused the Seventh Fleet of violating India’s domestic law.<sup>2</sup>

The U.S. Navy (USN) actions raised significant doubts regarding India’s capability to safeguard its maritime interests.<sup>3</sup> Some even argued that such FONOPs diminished India’s credibility to deter China’s encroachment into India’s maritime zone of influence. After all, the legitimacy of India’s position hinged on an equal application of the law to all, whether friend or foe.<sup>4</sup> FONOPs challenged two salient aspirations of Nehruvian foreign policy: Indian leadership of the South Asian region and recognition of the same by other great powers. The Indian government’s pallid response to this unwanted foray into the country’s “sphere of influence” could signal to the region that New Delhi has forfeited its leadership role to Washington.<sup>5</sup> As one commentator argued, by “encouraging the United States to assume a dominant role in South Asia, India might be on a path to relinquish its security commitments in the neighborhood.”<sup>6</sup>

*Yogesh Joshi is a research fellow at the Institute of South Asian Studies, National University of Singapore, and a global policy fellow at the Woodrow Wilson International Center for Scholars, Washington, DC.*

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The furor the Nehruvians raised even rubbed raw the sensibilities of some of the more-pragmatic members of the Indian strategic community, who were equally embarrassed by the purported wounding of their country’s ego. Not only do Indian and American conceptions of the “rules-based

order” in the Indo-Pacific differ substantially, but, as Admiral Arun Prakash warned, instead of “detering adversaries” FONOPs can “alienate friends” in the Indo-Pacific.<sup>7</sup> For Vice Admiral Pradeep Chauhan, the FONOP in India’s EEZ reflected the propensity of the United States to “shoot itself in the foot,” considering the damage it had done to the otherwise rising trajectory of the bilateral relationship.<sup>8</sup> The incident, therefore, was construed as highly detrimental to the Indo-U.S. strategic partnership.

As if these recriminations were not enough, the “breathtaking inanity” (as Prakash had dubbed it) of the Seventh Fleet’s actions managed to resurrect yet again the haunting memories of American gunboat diplomacy during the 1971 Bangladesh war, when President Nixon dispatched the Seventh Fleet to the Bay of Bengal in support of Pakistan. As Manish Tewari, a senior leader of the main opposition party, the Indian National Congress, observed, “In the fiftieth year of the creation of Bangladesh, to sail a Seventh Fleet vessel in defiance of Indian law through our EEZ, and then advertise it is downright obtuse, if not intended to send out a message to India and the larger Indo-Pacific region.”<sup>9</sup>

Therefore, at stake were not only India’s sovereignty and territorial integrity but also its prestige as a major regional power in the Indian Ocean and the future of the Indo-U.S. strategic partnership.

Yet while the proponents of strategic autonomy and nonalignment within the strategic community wanted the Indian government, led by the right-of-center Bharatiya Janata Party, to save India’s honor and defend its interests, India’s Ministry of External Affairs (MEA) merely conveyed concerns “regarding this passage through our EEZ to the Government of USA through diplomatic channels.”<sup>10</sup> And Admiral Karambir Singh, the chief of naval staff, simultaneously was declaring the capability and intentions of the Indian navy to coordinate and interoperate with the navies of the other Quad countries, of which the United States is one.<sup>11</sup> Seemingly, the Indian government neither shared the humiliation felt and expressed by the analytical community nor appeared to be concerned over the purported violation of India’s territorial integrity, sovereignty, or domestic law—or, for that matter, its material interests and status concerns in the Indian Ocean.

What can explain this dissonance between the positions of India’s highly vocal Nehruvian strategic community and those of the Indian strategic establishment? Or what explains “the enduring reluctance of Delhi’s foreign policy community,” as C. Raja Mohan puts it, to understand the praxis of Indian foreign and national-security policy, both in the Indian Ocean and vis-à-vis its relations with the United States?<sup>12</sup>

The question acquires additional importance when one considers the following facts. First, given that the U.S. Navy has conducted FONOPs in India’s EEZ

regularly since 1992, successive Indian governments—of all ideological dispositions—can be considered complicit in not defending India's interests and honor; the absence of a firm response is not the policy of the current government alone.<sup>13</sup> Second, the Indian government's statement clearly outlined that even though Washington had not notified New Delhi of the drill, the Indian navy "continuously monitored [USN ships] transiting from the Persian Gulf towards the Malacca Straits."<sup>14</sup> The FONOP was not conducted in secrecy. If the government had wanted to do so, it could have raised the issue diplomatically; and, given how seriously it takes such violations even by friendly navies, it might have "challenged" such navigation physically.<sup>15</sup> Yet New Delhi was interested in doing neither.

The critics within the Indian strategic community fail to account for New Delhi's policies for four principal reasons. First, they underestimate the strength of the realpolitik tradition in India's foreign and security policies in the Indian Ocean. Irrespective of the idealistic and normative overtones of India's foreign-policy pronouncements—whether on the presence of great-power navies in the Indian Ocean, the question of the so-called Indian Ocean Zone of Peace (IOZP), the matter of Diego Garcia, or, for that matter, the law of the sea—Indian foreign policy always has been highly pragmatic.<sup>16</sup> This pragmatism is engendered by an acknowledgment of the incompatibility between the desirability and the feasibility of India's preferred position, by a similar disconnect regarding attempts to use normative arguments to secure India's material interests, and also by the realization that today's commitments could become tomorrow's constraints. India's strategic community regularly has underestimated New Delhi's "capacity to rework its great power relations to meet India's changing interests and circumstances."<sup>17</sup>

Second, those in this community misunderstand the relationship between international law and politics. Both the codification and the application of law are determined by what is politically desirable, negotiable, and feasible in a particular historical context. It is politics that determines how the law will be applied and, if need be, altered, depending on the state's interests. India's Maritime Zones Act of 1976, which lays out India's *legal* position on foreign military presence in the EEZ, is also subject to the vagaries of the country's *political* interests.<sup>18</sup> In international politics, the legal tail seldom wags the political dog.

Third, China's rise as a great power in India's immediate neighborhood has shifted New Delhi's motivation fundamentally toward a robust Indo-U.S. strategic partnership. Even during the Cold War, India leveraged the great powers—both the United States and the Soviet Union—to ensure that its security requirements were met, yet while doing so it could continue to feign nonalignment because both great powers were geographically distant in the maritime realm and had no fundamental conflict of interest with India. The rise of China has changed India's geopolitical imperative. For the first time in the history of the Republic of India,

it faces a hostile great power on its immediate borders. In the post–Cold War period, India “bandwagoned” with the United States for economic and military gains; today, however, the issues at stake are much more existential. Both Indian political survival and the avoidance of Chinese hegemony in Asia necessitate a closer alignment with the United States.

Last but not least is the lack of a deeper historical understanding of India’s foreign-policy positions.<sup>19</sup> Any immersive engagement with archival sources reveals the inherent contradictions between India’s foreign-policy pronouncements and its practice, but in the absence of such careful study the analytical community often has erred by taking India’s public declarations as representing its intended policy and its foreign-policy principles as denoting the limits of potential behavior.

However, extensive documentary evidence from Indian archives is now available. Using those resources, along with interviews with government officials, this article aims to explain the above-mentioned dissonance between the students and the practitioners of Indian security policy in the Indian Ocean, especially with regard to the role of the United States in the region. It argues that, unlike those making up a large section of the strategic community, which remains embedded in the Nehruvian rhetoric of nonalignment and strategic autonomy, India’s foreign-policy mandarins and its national-security managers always have adopted a *realpolitik* approach to security concerns in the Indian Ocean and the involvement of great powers in the region. In doing so, the article also traces the many twists and turns in the Indo-U.S. relationship and explains the current trajectory of the two nations’ burgeoning partnership in the Indian Ocean.

#### GREAT-POWER PRESENCE AND INDIA’S REALPOLITIK IN THE INDIAN OCEAN

As India and China were engaged in a crisis over eastern Ladakh in July 2020, an aircraft carrier strike group (CSG) led by USS *Nimitz* (CVN 68) under the U.S. Navy’s Seventh Fleet transited through the Indian Ocean.<sup>20</sup> *Nimitz*’s foray into the Bay of Bengal and the ensuing passing exercise (known as a PASSEX) with warships from the Indian navy’s Eastern Naval Command hardly was accidental.<sup>21</sup> Irrespective of whether *Nimitz*’s transit had any direct impact on Beijing’s calculations on the Sino-Indian crisis, it did help to ventilate emotions stirred up by China’s heavy-handedness in the region. China should not commit the mistake of “underestimating the strength of free democracies,” warned then–U.S. Defense Secretary Mark T. Esper.<sup>22</sup>

However, the significance of *Nimitz*’s passage through the Indian Ocean was far greater. The Seventh Fleet finally had “eclipsed” the emotional baggage weighing on Indo-American relations owing to its past actions.<sup>23</sup> In December

1947	India gains independence, Indian navy established
1958	UNCLOS I held
1960	UNCLOS II held
1962	First assistance to India by USN CSG, during India-China war
1963	U.S. extends operational area of Seventh Fleet to include Indian Ocean; U.S. and India sign port visit MOU
1964	China explodes first nuclear device
1966–69	Britain withdraws naval forces from east of Suez
1967	India extends territorial sea claim to twelve miles
1971	U.S. begins rapprochement with China
1971	Bangladesh war partitions Pakistan; India intervenes in Bangladesh; USS <i>Enterprise</i> CSG enters Bay of Bengal, attempting to coerce cessation
1971	India and USSR conclude treaty of friendship
1971	IOZP proposed in UN General Assembly
1973–82	UNCLOS III held
1974–76	USN aircraft buzz Indian navy ships
1977	India’s Maritime Zones Act goes into effect
1982	UNCLOS completed and ratification begins
1986, 1988	India intervenes in Seychelles/Maldives
1989–92	End of Cold War and USSR
1992	First Exercise MALABAR held, between U.S. and India in Indian Ocean
1992	USN begins regular FONOPs in India’s prospective EEZ
1995	India ratifies and issues declaration on UNCLOS
2007	India, U.S., Japan, and Australia establish the Quad and hold Exercise MALABAR-2007 in Bay of Bengal; China protests
2010–13	The Quad quiescent
2013	India scuttles U.S.-Maldives agreement
2014	PLAN nuclear submarine transits Indian Ocean en route to Pakistan
2017	Members agree to revive Quad
2019	Indian navy forces PLAN research vessel to depart Andaman Sea
2020	Galwan / eastern Ladakh crisis between India and China; USS <i>Nimitz</i> CSG conducts PASSEX with Indian navy in Bay of Bengal
2020	India fosters U.S.-Maldives agreement
2021	USS <i>John Paul Jones</i> CSG conducts FONOP in India’s EEZ

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**Notes:** CSG = carrier strike group; EEZ = exclusive economic zone; FONOP = freedom-of-navigation operation; IOZP = Indian Ocean Zone of Peace; MOU = memorandum of understanding; PASSEX = passing exercise; PLAN = People’s Liberation Army Navy (China); UNCLOS = UN Convention on the Law of the Sea; UNCLOS I, II, III = First, Second, Third UN Conference on the Law of the Sea; USN = U.S. Navy; USSR = Soviet Union

1971, President Richard M. Nixon ordered USS *Enterprise* (CVN 65) to sail into the Bay of Bengal to coerce India to cease its intervention in Bangladesh.<sup>24</sup> Nixon's gunboat diplomacy could not stop Pakistan's dismemberment; however, ever since then the Seventh Fleet has retained an infamous reputation in India's strategic consciousness. Nixon's actions ensured that New Delhi remained both disagreeable and distrustful regarding any U.S. military presence in the Indian Ocean. And in the post-Cold War period, the incident has provided the reference point for domestic opposition to the strengthening Indo-U.S. strategic partnership. In this context, the show of solidarity by the *Nimitz* CSG during the Galwan crisis was perceived not merely as an act of support for India's resistance to China but also as granting the Seventh Fleet absolution for the sins committed in December 1971. Even so, against the backdrop of the recent FONOPs, comparisons to the 1971 *Enterprise* incident were back in vogue. For the domestic critics of the Indo-U.S. strategic partnership, Nixon's gunboat diplomacy remains the gift that simply keeps on giving.

However, considering December 1971 to be the reference point for the Seventh Fleet's entry into the Indian Ocean—and India's strategic memory—is erroneous. The Seventh Fleet first was ordered to the Indian Ocean by President John F. Kennedy in November 1962, in response to an explicit request from Indian prime minister Pandit Jawaharlal Nehru to provide air support against Communist China.<sup>25</sup> On receiving Nehru's request for assistance, the "aircraft carrier [USS *Kitty Hawk* (CV 63)] of the Seventh Fleet was detailed to steam at full speed for the Bay of Bengal."<sup>26</sup> However, the war ended before the Seventh Fleet units could arrive in the region.

Although this was the first time since independence that India had welcomed American intervention in the region, the presence of friendly great powers in the Indian Ocean on which New Delhi could bandwagon for the sake of Indian maritime security was part and parcel of the government's security policy in the Indian Ocean from the very beginning.<sup>27</sup> In August 1947, the Royal Indian Navy prepared its first planning paper for postindependence India. For Naval Headquarters in New Delhi, "a navy commanding the respect of the world" was not a "luxury" but an "essential" prerequisite for "pre-eminence and leadership" in South and Southeast Asia and for maintaining its "position in world strategy as the focal country of the Indian Ocean." The navy's outlook was driven by a Mahanian vision of the service's role in India's future wars and the country's aspiration to take over the British mantle in the Indian Ocean; India's maritime security could be achieved best by "destroying or neutralising the enemy naval forces and by ensuring that enemy shipping is deprived [of] the use of the seas."<sup>28</sup>

The plan prepared by Naval Headquarters was one of the most ambitious in the entire Third World; it also was detached entirely from India's political, economic,

and strategic realities. Politically, Indian decision makers neither shared the navy's vision of India's strategic objectives nor appreciated the role of the navy in India's military strategy. Skeptical of the claims that India would become a significant military power in the next decade, Nehru limited the country's military objectives to ensuring "internal and frontier security." For such limited aims, India required "land forces not greater than the pre-war level," and of course "the air forces," which Nehru saw as the "most efficient weapon" for "immediate action" against any external "aggression."<sup>29</sup> The navy did not fit into Nehru's vision for the future of India's armed forces, mainly owing to the absence of any specific maritime threat and the presence of friendly great powers in the Indian Ocean. British military strategists such as Patrick M. S. Blackett, to whom Nehru often turned for advice regarding India's defense requirements and posture, reinforced this belief. In a top secret report submitted to the Indian Ministry of Defence (MoD) in September 1948, Blackett argued that the Indian navy should "look after the coastal and local defences, and the escort of convoys in the Indian Ocean, leaving the major fighting units to be provided by the great powers."<sup>30</sup>

It also was easy for New Delhi to adopt a "cryptic," or unstated, bandwagoning strategy because there were only minimal associated costs to pay. In public, Nehru continued to oppose any great-power presence in the Indian Ocean; proclaim the policy of nonalignment; and refuse to sanction explicit security cooperation with the British and the Americans, not only because of their existing presence in the region, but also owing to a belief that, if need be, they would come to India's aid anyway. Nehru, therefore, rejected any explicit defense talks with the British and the idea of a Commonwealth security pact. However, the inherent dichotomy in India's nonalignment policy—that the political leadership in New Delhi considered India "too important to be a junior partner in a military alliance yet too weak to be left alone to its resources"—was captured in Nehru's defense minister Baldev Singh's reassurance to the British that, irrespective of the Indian prime minister's public position, "his colleagues in the cabinet fully realise that India cannot stand alone in defence matters."<sup>31</sup> Therefore, in the postindependence period India chose to bandwagon on the dominant Western naval forces instead of developing itself into an independent naval power. However, the perceived absence of maritime threats was reassuring only in a context in which no threat could materialize from over the horizon, given the dominance of Western naval forces in the Indian Ocean.

India's dichotomous approach toward Western naval powers in the region also was evident in the positions its government took during the first United Nations Conference on the Law of the Sea, in 1958. India's diplomatic position was torn between its cryptic bandwagoning strategy and its public rhetoric supporting Third World solidarity and sovereignty. On three major dimensions of the debate



during the 1958 conference, India opted for a course closer to that of the Western states than of its Third World colleagues. The first concerned the expansion of the limits of territorial seas from three to twelve nautical miles. The second pertained to the right of innocent passage and the requirement for “authorisation and/or notification” by foreign warships sailing through the territorial seas. The third concerned the rights of coastal states in the contiguous zone adjoining the territorial seas, and the status of those waters as high seas.

Whereas the major maritime powers, led by the United States, wanted to limit the extent of territorial seas to three nautical miles, many Latin American and Afro-Asian countries wanted to assert their sovereignty to twelve nautical miles, and even beyond.<sup>32</sup> The Soviet Union had lobbied vigorously for the new limits, as they would complicate the projection of naval power by the Western maritime powers. India, however, supported a compromise advanced by the United States and Britain to limit the extent of territorial seas to six nautical miles. Although the compromise solution was defeated by a narrow margin and none other could be agreed on under the 1958 convention, President Dwight D. Eisenhower fulsomely stated American appreciation for India’s position, asserting that it was owing only to that country’s “gratifying support” that “such a proposal came close to adoption at the last conference.”<sup>33</sup>

On the question of innocent passage, during the deliberations at the 1958 Geneva summit India supported the requirement for “authorisation [of] and/or notification [by]” foreign warships and commercial ships passing through a state’s territorial waters. Scholars have claimed that this was India’s position, and that it was one of the primary reasons for the government’s nonsignature.<sup>34</sup> However, archival documents now available indicate that both the MoD and the MEA instead had recommended signing the Convention on the Territorial Sea and the Contiguous Zone, which required only notification, not authorization. The Indian government delayed taking a firm position on this requirement even after the 1958 convention. This was both because “they [the conventions] were incomplete” and because the forthcoming second conference, in 1960, could look at these “unsettled questions,” so there was no need to sign the conventions “in haste.”<sup>35</sup> Moreover, during the deliberations in Geneva the Indian representative had urged caution on the drafters regarding some of the provisions sought by other developing countries, arguing that “the coastal state could not act with impunity” to restrict innocent passage, as any such “suspension” had to be “bonafide,” and the “burden of proof” lay with the coastal state.

Lastly, India also argued against extending the full rights of the coastal state to the contiguous zone. The government held that “the contiguous zone was not part of the territorial sea of the coastal state.”<sup>36</sup>

One of the main reasons for this alignment closer to the Western states during the Geneva conference was the fear of misuse of territorial seas by both adversaries and other coastal states. India’s MEA reasoned that many developing states with very few naval resources would not be able to shoulder the responsibility “to prevent any violation of their territorial sea by other states, particularly in wartime when the territorial waters of the neutral states could give refuge to unscrupulous belligerents.” Second, even though “innocent passage” through territorial waters might be codified in law, “different states interpret these rights differently,” which might lead to “considerable harassment” of foreign ships sailing through a state’s waters. Lastly, extending the territorial seas to twelve nautical miles would incorporate many areas of the high seas into national jurisdictions. This was particularly problematic for crucial international waterways such as the Red Sea and Strait of Malacca, “which would remain high seas under a 6-mile width” but “would become closed by an extension of territorial waters to 12 miles.” For the MEA, the “fears of harassment” in connection with Indonesian claims along the Strait of Malacca, which historically have become more vociferous during internal troubles in the country, were of particular concern.<sup>37</sup>

New Delhi demurred from signing any of the four proffered conventions or the optional protocol, even though all the ministries concerned—Defence, External Affairs, Agriculture, and Law—“recommended signatures without reservations.” Even Nehru had assured Eisenhower, during the president’s trip to India in 1959, of India’s support in the forthcoming second conference, in 1960.<sup>38</sup> This (negative) action was taken largely because of the blowback received from the Soviet Union and Afro-Asian countries, and the criticism the 1958 document received from Nehru’s newly appointed—and influential—defense minister, V. K. Krishna Menon. As Menon wrote to Nehru, “in this battle between haves and have-nots,” India’s position should not constitute a “considerable departure” from our policy of not “lining up with the power alignment with the powerful nations [*sic*].” Menon built his central thesis on the assumption that the UN Convention on the Law of the Sea (UNCLOS) process supported the interests of major maritime powers and was not in the long-term interests of a large coastal state such as India.<sup>39</sup>

As we will see in the next section, India’s rise as a naval power in the 1970s and ’80s fundamentally contradicted Menon’s thesis; however, during the 1960s India’s approach to UNCLOS remained ambivalent. India neither created a domestic law to assert its sovereignty within its territorial seas nor extended its territorial seas to twelve nautical miles (until 1967, as a reaction to Pakistani claims), in contrast to the actions of many other Afro-Asian and Latin American states. As one scholar of India’s international legal practice has argued, “India, unlike [with] disarmament and other regimes, at various junctures, maintained a low profile in the Law of Sea Convention negotiations because its interests in

freedom of navigation and security were identical to the interests of the major maritime powers.”<sup>40</sup>

Yet to come to this realization entirely, India still had to experience the trauma of defeat at the hands of China and the exultation of victory at Pakistan’s expense. As Srinath Raghavan has argued, Nehru’s unfounded realism—the belief that the great powers would not let India fall by the wayside even without security commitments—came crashing down during the Sino-Indian border war of 1962.<sup>41</sup> If New Delhi’s strategy of bandwagoning with friendly great powers in the Indian Ocean had been driven earlier by an assessment of their interests and of India’s place in the Cold War, the China threat, along with the emergence of the Pakistani and Indonesian navies, lent a sense of desperation to India’s perception of its security requirements in the Indian Ocean. Therefore, when in December 1963 Washington formally announced its decision to “extend the operational area of the Seventh Fleet to the Indian Ocean,” Nehru welcomed American ships to Indian ports gladly.<sup>42</sup> India and the United States also signed a memorandum of understanding that facilitated visits by USN warships to Indian ports every six months.<sup>43</sup> By 1964, when China conducted its first nuclear test, India’s security reliance on the U.S. Navy extended from conventional deterrence even to nuclear deterrence. The presence of nuclear-weapons-capable U.S. ships and submarines was construed as providing an implicit nuclear deterrent and was perceived as reassurance vis-à-vis India’s hostile Himalayan neighbor.<sup>44</sup>

Even so, New Delhi could not support the U.S. presence explicitly, in public, for three reasons.<sup>45</sup> First, it needed to retain a semblance of the nonaligned foreign policy it supposedly shared with its Third World colleagues. Second, China already had started canvassing for a more significant role in Indian Ocean politics by championing the cause of anti-imperialism in the region. Not only did the issue of foreign military bases rankle within the domestic politics of Indian Ocean states; it also provided fertile ground for Maoist revolutionary ideas exported into Afro-Asia.<sup>46</sup> Lastly, Moscow had warned New Delhi against providing any justification for the “US to consolidate its nuclear presence in the Indian Ocean area on the pretext of offering nuclear protection to India [and other countries].”<sup>47</sup>

In private, however, New Delhi not only encouraged the U.S. Navy to bolster its presence in the region; it also rejected the suggestions of Afro-Asian countries to oppose actively the movements of USN ships within the Indian Ocean.<sup>48</sup> As L. K. Jha, principal secretary to India’s second prime minister, L. B. Shastri, advised in a top secret note of March 1965, even when the “Afro-Asian powers are averse to the idea of nuclear weapons being carried in the Ocean close to their borders,” India has to “live with a hostile nuclear power on its borders.” For India, therefore, it was “difficult” to be “equally averse to movements of nuclear weapons of Powers more friendly to us in the Indian Ocean.”<sup>49</sup> Y. D. Gundevia, India’s then

foreign secretary, took a similar position on the issue of the U.S. military base on Diego Garcia, a British-controlled island in the Indian Ocean. In a strongly worded memo, he argued against those of his colleagues favoring more-robust opposition against the U.S. base: "If Mrs. Bhandaranaike shouts about Chagos because it is nearer to Ceylon than Lop Nor; the same argument must apply, in reverse, to Lop Nor, which is a slap across our northern borders. We cannot talk about islands in the Indian Ocean, without condemning Chinese Nuclear land bases, nearer to our borders; and if our friends want us to join in the howl against Indian Ocean bases, we must expect them to not remain silent on the Chinese nuclear bases, much closer to us."<sup>50</sup>

For many in India, the Diego Garcia base and the subsequent stationing of Polaris submarines in the Indian Ocean reflected a joint Western understanding to provide a nuclear umbrella against the Chinese.<sup>51</sup> Rather than reeking of anti-Americanism, India's approach to the Indian Ocean was premised principally on bandwagoning with the great powers.

The policy of cryptic bandwagoning continued even after the British withdrawal from the Indian Ocean. Britain's 1966 defense white paper recommended relocating British naval assets then operating east of Suez. As the British prepared to leave the Indian Ocean in the late 1960s, the Indian navy feared that hostile powers would try to gain a toehold in the Indian Ocean. The British move motivated the Indian naval staff to argue a "vacuum of maritime power" theory: that in the face of British withdrawal inimical forces would take over custody of the Indian Ocean. The concern was whether the vacuum the British left would allow China to "extend her influence" by cooperating with Pakistan in the region.<sup>52</sup> Not without reason, therefore, Indian naval chief Admiral A. K. Chatterji suggested a forward naval policy in the Indian Ocean, including the establishment of a fueling base in Mauritius.<sup>53</sup>

Indian decision makers, however, were not in favor of extending India's sphere of influence in the Indian Ocean. Moreover, as far as deterring China was concerned, the presence of great powers in the Indian Ocean remained highly reassuring. As a top secret assessment emanating from Prime Minister Indira Gandhi's office in April 1970 stated, "[J]ust as nobody in India can be certain that the United States would use its nuclear weapons against China in the event of a Chinese threat to India, nobody in China can be certain that the United States, in fact, will not use its nuclear weapons against her."<sup>54</sup> U.S. naval operations in the Indian Ocean buttressed India's perceptual deterrence vis-à-vis China. Therefore, Indian decision makers ignored the Indian navy's call to fill the power vacuum the British left in the Indian Ocean; the quest to balance China's conventional and nuclear threat dominated India's approach to the Indian Ocean, and the presence of great powers provided a cheaper policy alternative.

As the historical narrative offered above shows, India's first encounters with the Seventh Fleet, or more broadly with great powers such as the United States in the Indian Ocean, hardly can be characterized uniformly by feelings of anxiety, insecurity, humiliation, and distrust; rather, it reveals how New Delhi early on actually came to love the Seventh Fleet and the U.S. naval presence. Post-1971 sentimentalities notwithstanding, the relationship between India and the U.S. Navy (and Britain's Royal Navy before that) was one of "friends with benefits," so to speak. The American presence in the Indian Ocean and in the larger Indo-Pacific region serves a similar purpose today.

### THE LAW OF THE SEA AND THE FREEDOM OF POLITICAL NAVIGATION

India's strategy in the Indian Ocean during the 1960s suffered from the basic weakness of any bandwagoning approach: What should the bandwagoner do if the great power turns hostile? President Nixon's embrace of China to outflank the Soviet Union in the bipolar contest of the Cold War created a dilemma for India. As a top secret MEA report in February 1970 stated, "[E]stablishment of a working relationship between USA and China is likely to work to our detriment, politically and economically."<sup>55</sup> Whereas India had banked on an implicit U.S., or at least U.S.-sponsored, deterrent vis-à-vis China, by early 1971 Washington had conveyed to New Delhi that "if the Chinese were to come to Pakistan's assistance in an attack on India, the U.S. would not find it possible to help us." With one superpower turning hostile (or at least less supportive), India's cryptic bandwagoning strategy had to give way; New Delhi instead signed an Indo-Soviet treaty in August 1971. As India's ambassador to the United States told U.S. Secretary of State William P. Rogers, nonalignment does not mean that "in facing aggression and/or threats of aggression, we will be alone and single-handed."<sup>56</sup>

The 1971 war with Pakistan over the creation of Bangladesh resulted in contradictory impulses, of both exultation and anxiety. First, it entrenched a belief of regional supremacy, or at least an aspiration toward it, in New Delhi. The war laid the ideological, if not the material, edifice of India's equivalent of the Monroe Doctrine.<sup>57</sup> However, the previously discussed actions of the Seventh Fleet toward the end of the war left a distinct impression of vulnerability on the Indian psyche. Henceforth, the aspiration to establish the country's supremacy within the region and reduce its vulnerability against extraregional powers drove India's approach to the Indian Ocean. Given the country's lack of material resources, the tools of diplomacy, law, and morality became India's primary instruments to achieve its interests in the region.

The impact of this policy imperative first became evident in India's approach to the Indian Ocean Zone of Peace.<sup>58</sup> If India earlier had conspired against its

fellow nonaligned states silently, now it led that opposition from the front. As new archival research shows, “[h]olding the Great Powers responsible solely for IOR’s [Indian Ocean region’s] militarization and restricting the IOZP from addressing any local imbalances of power assured that India’s regional primacy, achieved in the aftermath of the 1971 war, would remain intact.”<sup>59</sup> The same was true for India’s position on Diego Garcia. In the 1960s, Indian diplomats had promised their British counterparts that the “Indian government did not propose to push their protest [regarding the Anglo-American understanding on Diego Garcia] beyond a formal objection. British base in the Indian Ocean might well in the long term be of advantage to India.”<sup>60</sup> However, the change in India’s political circumstances transformed what once may have been perceived as a security asset into a manifest threat.

Therefore, India’s approach to the evolving legal regime on the law of the sea in the 1970s cannot be divorced from India’s political-strategic imperatives. And, as in the cases of both the IOZP and Diego Garcia, India’s position on freedom of navigation in the EEZ was driven by two competing logics: power and vulnerability.

In South Asia, India was one of the first states to endorse openly the EEZ provision in the draft UNCLOS. With a total of 587,600 square nautical miles in its nascent EEZ, India would be one of the top beneficiaries of the emerging resource jurisdiction in the high seas. The discovery in the early 1970s of oil resources off the coast of Bombay and technological breakthroughs in seabed mining only heightened India’s interest in the concept. As was the case everywhere else in the developing world, the fundamental impulse to claim an Indian EEZ was “resource-oriented.”<sup>61</sup>

However, the motivation to claim EEZs was not purely economic. Like the rest of the Third World, India was equally enthused by the prospect that the global political-legal trend on EEZs might help extend the territorial sovereignty of coastal states into the high seas. For India, such an extension of territorial jurisdiction could engender new “psycho-legal boundaries” against the military presence of hostile great powers in the Indian Ocean.<sup>62</sup> As Elizabeth Young argued in a 1974 article, “The great navies will find their traditional roaming of the open seas, ‘showing the flag’ in their nation’s interest, constrained, psychologically where not physically, by the multitude of new jurisdictional boundaries.”<sup>63</sup> In the face of material constraints on India’s naval power, the law of the sea provided a perfect combination of diplomacy, legality, and morality for New Delhi to use to achieve its immediate objectives in the region.

A concrete example of such thinking within the Indian establishment is available in a top secret note made by the Legal Treaties Division of the MEA in July 1976.<sup>64</sup> Between 1974 and 1976, several incidents occurred in which Indian navy ships were buzzed and harassed by USN aircraft on what were then the high seas

of the Indian Ocean, but which prospectively would fall within the Indian EEZ under UNCLOS.<sup>65</sup> The MoD requested that the MEA take up the matter with the American embassy in New Delhi, but it also sought a legal opinion on “whether such acts of snooping and buzzing by the US Aircraft amount to a violation of rights of the Indian Navy to conduct its operations on the high seas or any right it may have in this regard.”

In the event, although India communicated its concerns to the U.S. embassy, the foreign secretary cautioned the MoD that “New Delhi should not make much of an issue.”<sup>66</sup> The MEA believed that unnecessary publicity of these events could create a political crisis for the government and “put a strain” on bilateral Indo-U.S. relations.<sup>67</sup>

Second—and more interestingly—the MEA believed that U.S. actions did not violate any international law. As the Legal Treaties Division explained, the 1958 Geneva Convention on the High Seas “allows such action under the freedom of the high seas.” Furthermore, the note accepted that “even in the context of current negotiations on the law of the sea, the freedom of navigation and freedom to fly over the oceans beyond the limits of the territorial sea are unchallenged.” The issue, therefore, was not a matter of legal rights—which were nonexistent—but of avoiding serious accidents on the high seas. Therefore, the practical solution was to subject the interactions between the two navies to standards similar to those the Soviet Union and United States had negotiated in their agreement on the prevention of incidents on the high seas.<sup>68</sup> Looking to the future, however, the division pointed out that the ongoing negotiations in the United Nations could create new legal boundaries to the U.S. presence in India’s adjacent high seas: “[I]f these incidents occur in the maritime areas over which” India could gain “sovereignty or sovereign rights or special rights, they may be regarded as interference with or violation of our rights thereunder.”<sup>69</sup>

India’s interests and expectations concerning the ongoing negotiations on the law of the sea were principally responsible for the enactment—even before UNCLOS was negotiated fully—of its domestic law on the subject, the previously mentioned Maritime Zones Act of 1976. As one of the Indian negotiators of UNCLOS has argued, the act was “umbrella legislation” that asserted India’s claims in anticipation of their acceptance at the third UN Conference on the Law of the Sea (UNCLOS III).<sup>70</sup> Thus, the domestic law prefigured, rather than followed, the international treaty on the law of the sea. The law laid out the maximum extent of India’s interests—not its obligations—projected to flow from the conclusion of the 1982 treaty, UNCLOS. When the domestic law came into effect in 1977, India also created a police force—the Indian Coast Guard—to implement its domestic laws in its EEZ.

The terms of the Maritime Zones Act not only required any foreign warships to provide prior notification of movement in India’s EEZ; it also declared that the

government of India could restrict or regulate freedom of navigation in “designated areas” of its EEZ if deemed necessary in the “interests of the peace, good order, or security of India.”<sup>71</sup> Prima facie, both of these provisions in domestic law were in contravention of the customary law of freedom of navigation on the high seas. During the negotiation of UNCLOS India’s appeal to have these provisions accepted was rejected, and the final version of UNCLOS upheld the freedom of navigation of foreign warships.

Considering the final treaty terms, O. P. Sharma argues that “India had an obligation to modify [its relevant domestic legislation] after India formally ratified the treaty.”<sup>72</sup> However, once India had codified its maximalist position in domestic law it could not revise it without entailing high political costs for the government. Thus, democratic politics ensured that India would remain in violation of its treaty commitments. The legal incompatibility between India’s domestic law and its international treaty commitments can be traced easily to resource nationalism, ideological adherence to Third World solidarity, and a belief that the momentum of global politics was shifting in favor of the nonaligned.

However, India’s policy position was driven equally by the imperative to reduce the country’s vulnerability to political intimidation by hostile great powers and the aspiration to establish its regional supremacy. The overall strategic context within which India conducted, and continues to conduct, its legal maneuverings is vital to understanding why the Indian government has remained relatively silent on the presence of foreign navies in the Indian Ocean in general and the issue of FONOPs in particular. While reducing the country’s vulnerability to political intimidation by hostile great powers may have been India’s immediate interest, its own longtime goal of establishing regional supremacy would necessitate its rise as a naval power. These contradictory interests played out both in the debate surrounding the enactment of the Maritime Zones Act of 1976 and in the act’s subsequent implementation. India may have been materially weak, but it aspired to be a great power, so insofar as today’s legal commitments could become tomorrow’s constraints, India had to tread carefully; the possibility that it someday might become a significant naval power could shift the balance of India’s interests closer to those of the established maritime powers. Such a possibility was given due recognition within both the MEA and the MoD. The top secret assessment made by the Legal Treaties Division in 1976 mentioned the Indian navy’s “right to navigation” and the right to “exercise of freedom of navigation” on the high seas.<sup>73</sup>

However, the emergence of the EEZ regime created complications for the Indian navy vis-à-vis its smaller littoral neighbors in the Indian Ocean. If India used the logic of the law to restrict great-power presence in its surrounding waters, the smaller states could request that New Delhi extend them the same courtesy. Moreover, while a state with a mediocre navy could ignore these restrictions, the



situation could become a headache once that state achieved maritime greatness, as India aimed to accomplish eventually. The MoD's view soon was validated; during the mid-1970s, Bangladesh, Myanmar (Burma), Pakistan, and Sri Lanka enacted maritime laws requiring prior consent, resulting in restrictions on India's maneuverability within the region.<sup>74</sup> For example, even though India offered a reciprocal requirement of notification for the movement of both Indian and Sri Lankan warships in the Palk Strait, Sri Lanka continuously has demanded that India acquire consent for the movement of its warships.<sup>75</sup> Moreover, Malaysia and Indonesia could use the new construct of international law, in the form of UNCLOS, to claim sovereignty over major navigational choke points such as the Malacca Strait.

These concerns were incorporated into India's domestic law, its negotiating strategy in the UNCLOS conference, and the implementation of its domestic maritime law regarding the presence of foreign navies in its EEZ. First, as was discussed earlier, during the first law-of-the-sea conference, held in Geneva in 1958, India had gone along with the rest of the Third World, insisting on both notification and authorization for the passage of foreign warships through a state's territorial waters.<sup>76</sup> However, the provision was defeated at the insistence of the major maritime powers. As New Delhi prepared to participate in negotiations for UNCLOS III, it confronted a dilemma regarding the passage of foreign warships through its EEZ. Given the growth of Indian naval power during the interim, the country's material situation had changed significantly since 1958. Therefore, unlike in 1958, on the advice of the MoD, New Delhi dropped its support for requiring consent. This change in India's position was motivated primarily by the prospect of the country's maritime rise and its possible future naval operations in other countries' EEZs. As O. P. Sharma explains, "On the eve of the convening of the UNCLOS III, an in-depth examination of this issue [i.e., authorization and notification] was carried out by the Ministry of Defence and it was concluded that India, being herself a growing maritime power, should not insist on the requirement of prior authorization but should support only the less restrictive requirement of prior notification."<sup>77</sup> Thus, India's approach was driven neither by legalism nor by notions of right and wrong; New Delhi was trying to juggle its immediate against its prospective political interests. India's immediate interests supported the notion of *mare clausum*; its prospective rise required *mare liberum*. The thinking within the establishment was relatively straightforward: because India's interests and power might shift, today's legal commitments should not become tomorrow's constraints.

Therefore, as Indian naval capabilities grew, the MoD's insistence on demanding a "less restrictive requirement" from foreign navies also gained greater currency in India's approach.<sup>78</sup> If the 1976 act requires consent by all foreign warships

to “enter and pass through” India’s EEZ, India’s 1995 declaration on the subject simply states an “understanding” that the “provisions of the Convention do not authorize other States to carry out in the exclusive economic zone and on the continental shelf military exercises or manoeuvres, in particular those involving the use of weapons or explosives, without the consent of the coastal state.”<sup>79</sup> The 1995 declaration is less restrictive than the 1976 act in two ways. First, as Commodore Lalit Kapur points out, India’s interpretation of UNCLOS does not result in a legal obligation: “An understanding is not a requirement. . . . India has never sought to enforce this understanding against any USN ships.”<sup>80</sup> Second, from the “all foreign warships” addressed under the 1976 act, the 1995 declaration pulls back to target only those involved in “military exercises or manoeuvres.” The shift creates a higher bar before Indian law can be applied to the presence of foreign warships, and it creates a distinction between navies that India may perceive to be friendly and those it deems hostile to its interests.<sup>81</sup> The declaration concerning India’s position on foreign warships in EEZs represents an evolution toward greater support for, rather than restrictions on, freedom of navigation on the high seas. Just as politics rather than law guided India’s behavior on the law of the sea in the 1970s, it has continued to do so since then.

Second, similar reasoning applied to India’s position on major navigational pathways or choke points, such as the Malacca Strait. Given the general trend in the UNCLOS progression toward extending the limits of territorial sovereignty into what had been the high seas, “creeping territorial sea[s]” threatened to restrict the “access of warships through straits used for international navigation where passage had previously been free.”<sup>82</sup> The extension of territorial seas to twelve nautical miles may have allowed countries such as Malaysia and Indonesia to challenge the status of the Malacca Strait as a high-seas corridor and thereby claim sovereignty over it. This was one of the principal worries of the Indian establishment even during the 1958 Geneva conference. Among India’s fundamental interests in Southeast Asia, as a secret report prepared by the MEA argued in February 1976, was that the “Malacca straits remain free and open to the Indian Navy.”<sup>83</sup> India, therefore, agreed with the major maritime powers over the incorporation into UNCLOS of a new regime of “unimpeded transit passage,” which was an improvement over the earlier right of “innocent passage” in the territorial seas. It is enshrined in article 38(2) of the 1982 UNCLOS treaty.

Third, India’s *realpolitik* also was visible in its implementation of its domestic laws in its EEZ. Even though the Maritime Zones Act of 1976 claimed for India the right to close parts of its EEZs to foreign warships, New Delhi never has implemented the law in practice. It hardly ever has declared any special or designated areas as being out of bounds to navigation by foreign warships. Instead, to protect its offshore oil installations, it has declared “cautionary

zones” in which foreign navies could submit voluntarily to regulation of their movements.<sup>84</sup> As one official from India’s National Security Council argued in an interview, “[T]he Navy has seldom employed coercive measures against foreign navies transiting or operating through India’s EEZs.”<sup>85</sup> The only public account of the Indian navy physically challenging a foreign navy ship relates to an incident of November 2019, when the People’s Liberation Army Navy (PLAN) oceanic research vessel *Shi Yan-1* was forced to leave the Andaman Sea. The Indian navy justified its actions by declaring that the activities of *Shi Yan-1* violated India’s 1995 declaration. “EEZs are international waters, but if we find Chinese ships engaging in what we *perceive* to be *military manoeuvres*, we chase them away.”<sup>86</sup> Perception, not the letter of the law, is the most critical element of India’s practice.

Some Indian analysts have called out India for its legal hypocrisy in differentiating between USN ships and PLAN ships operating in India’s EEZ.<sup>87</sup> This criticism is mistaken, for two reasons. First, accepting either the letter of India’s domestic law or its declaration of reservations on the eve of its ratification of UNCLOS in 1995 as being the “gospel truth” of India’s position would be highly erroneous. As the discussion above underlines, the question of foreign warships in India’s EEZ was never about legalities but about political interests. Today, India’s political interests align with those of the United States and clash with China’s. U.S. naval movement in the Indian Ocean does not threaten India’s interests, whereas the PLAN constitutes the Indian navy’s primary challenge. Second, India’s domestic law leaves enough space for Indian decision makers to make a judgment on the *intent* of foreign warships transiting through or operating in the Indian Ocean. The law allows for the benign passage of ships not involved in hostile military exercises or maneuvers—and the distinction between benign and hostile intentions is the result of a political, not a legal, determination.

In the end, how India implements its laws depends primarily on two factors: whether it is interested in physically challenging those who technically may be in violation of its domestic laws, and whether it has the power to do so. As to the first, India has no interest in stopping the Americans, and it has every reason to challenge the PLAN in its back yard.

However, as to the second: If a state lacks the capacity to surveil the high seas and physically to escort violators out of its EEZ, regurgitating legalities is futile. For India to take such action, it first must develop the requisite capability to establish maritime domain awareness so it can identify violations, and it must build enough naval muscle to be able to challenge the perpetrators thereafter. Until India has both capabilities, the law is meaningless. This was evident in 2014 when a Chinese nuclear submarine transited through the Indian Ocean on its way to the Pakistani port of Gwadar. Chinese authorities did notify the Indian

defense attaché in Beijing, but only after the passage had been completed.<sup>88</sup> In any case, India would be foolish to believe that China will be deterred from conducting naval movements in the Indian Ocean simply because India holds a certain interpretation of its own law. China will do what is in its best interests, and it will be deterred only by India’s military capacity to safeguard its interests and enforce its version of the law. The capability to perform the latter is augmented greatly by India’s close military cooperation with the United States. India’s balance of interests dictates that the passage of USS *John Paul Jones* be seen merely as a tempest in a teapot rather than a major crisis in Indo-U.S. relations.

The history of India’s legal positioning during the UNCLOS negotiations, the process of enacting its domestic laws, and the way it implements those laws all attest to the fact that Indian decision makers never have allowed the legal tail to wag the political dog. Notwithstanding anyone’s idealistic perceptions of Indian foreign policy, the country has a tradition of safeguarding its interests in the Indian Ocean through the practice of *realpolitik*. Because India is lacking in material power, New Delhi at different times has employed diplomacy, law, and norms to attempt to secure its interests; however, the Indian government seldom could be accused of remaining blind to the fundamental forces of international politics: power and interests. The same logic drives India’s contemporary approach to the Indian Ocean and the Indo-U.S. strategic partnership.

#### EYE ON THE DRAGON AND THE LARGER DYNAMICS OF INDO-U.S. RELATIONS

By the mid-1980s, New Delhi had become convinced that the side India had chosen in the Cold War superpower rivalry between the United States and the Soviet Union (i.e., the latter) was “declining.”<sup>89</sup> There also was a realization that even though “India’s relations with the US have fluctuated from time to time” and “US foreign and strategic objectives have often militated against India’s security concerns in South Asia and the Indian Ocean,” the two countries’ interests were complementary enough to achieve a “mutually beneficial relationship.”<sup>90</sup> The rise of the Indian navy as the region’s preeminent naval force also enticed the Americans to work with the Indians once again. Not without reason, therefore, naval cooperation in the Indian Ocean was deemed to be one of the most promising avenues for productive Indo-U.S. bilateral relations. As the report of an Indo-U.S. task force on the Indian Ocean argued, “A more mature relationship is developing as India becomes increasingly strong and self-confident in its role as a major self-reliant power with acknowledged maritime capabilities in the Indian Ocean region.”<sup>91</sup> India long had desired to gain recognition of its primacy in the region, and U.S. support for a few interventions India conducted in the Seychelles and Maldives in the late 1980s fulfilled this long-held desire of New Delhi.<sup>92</sup>

The formal end of the Cold War greatly facilitated this dynamic. An editorial in India's leading English-language daily, the *Indian Express*, stated in 1992 that "whether one likes it or not, there is no other country with which India has so much in common as far as naval perceptions are concerned."<sup>93</sup> Given the absence of a fundamental conflict of interest between the two countries, New Delhi had no qualms about once again pursuing a bandwagoning strategy.<sup>94</sup> U.S. unipolarity also left no other recourse available to Indian decision makers. India required American support for its economic growth and to realize its fundamental foreign-policy goals, particularly gaining acceptance as a rising major power in the international system. The most precise summary describing U.S. unipolarity and India's consequent strategy appeared in the report submitted by the high-level Group of Ministers (GoM) that the Vajpayee government set up in 2000 to review national security. The report, titled "Reforming National Security," observed that the "pre-eminence of the USA in political, economic, military and technological fields is more in evidence today than ever before. Its capabilities to forge coalitions and alliances and have its way on any issue is [*sic*] unmatched. . . . US pre-eminence in the global strategic architecture is unlikely to diminish in the foreseeable future."

Therefore, the GoM report, in its recommendations, argued that India should embrace wholeheartedly a bandwagoning strategy: "Meaningful, broad-based engagement with the United States spanning political, economic and technological interests and commonalities will impact beneficially on our external security concerns with a resultant albeit less visible impact on our internal security environment. Conversely, an adversarial relationship with that State can have significant negative repercussions across the same broad range of issues and concerns."<sup>95</sup> If the issue of India's nuclear status can be taken as reflective of New Delhi's ability to accomplish foreign-policy priorities overall during the first two decades after the Cold War ended, India still would be an outcast among the world's global nuclear powers—if it had not received support from the United States. The inertia of India's foreign-policy idealism may have forced it to propagate a vision of a multipolar world order, but the country's rise occurred within a unipolar system.

Yet India's "bandwagoning for gain" strategy was premised on three major assumptions: the absence of a serious security threat in its neighborhood, the continuity of an American-centered unipolar world order, and the expectation of India's economic rise. In the last decade, all these assumptions have "come a cropper."

First, China's rise as a significant economic and military power located in India's immediate neighborhood has created a unique political challenge for India. For the first time since independence, India has witnessed the rise of a great power not only located in its immediate vicinity but with which it has

fundamental conflicts of interest—in particular, the two countries' unresolved border disputes.<sup>96</sup> The bipolar order of the Cold War was comparatively benign, not only because India was distant in the maritime realm from both the Soviet Union and the United States, but also because it had no major disputes with either of those great powers. The resulting bipolar world order was not a liability but an asset, insofar as India could rely on one or the other or both of these powers to protect its interests in the region. Therefore, India desired *détente* between the United States and the Soviet Union and strove to support it when possible, as in the 1960s.<sup>97</sup> India's fallback option was to gain the support of either great power if the other turned hostile, as when it sided with the Soviet Union in the 1970s.<sup>98</sup> Yet given the distance factor and the lack of physical hostility, India could embrace unipolarity with equal ease. However, the new bipolar order with China as one of the two major poles threatens India's fundamental interests, reduces its strategic maneuverability, and limits the prospects for its global rise.

Second, a necessary corollary of China's rise is the relative decline of the United States in global affairs. As China rises, U.S. influence on international politics wanes correspondingly. As long as the United States was willing to accommodate India as a rising power, the liberal world order—an anodyne representation of global rules serving American interests and supported by American power—was in India's interests as well.<sup>99</sup> China has shown no such regard for India's place in the sun, an attitude manifested in Beijing's reactions to Indian exercise of influence in South Asia and to its membership on the United Nations Security Council or the Nuclear Suppliers Group.<sup>100</sup> India remains deeply ambivalent toward a China-centric Asian or global order. It is becoming highly doubtful that New Delhi will be able to reach any respectful accommodation with Beijing, whether on the border issues or on India's status in the world.

Lastly, the bandwagoning-for-gain strategy assumed that as long as India generated enough economic and military power from within, New Delhi would not require external support to fulfill its immediate security requirements. Moreover, if India's material power increased, other states by necessity could be expected to accommodate its interests both in the region and across the world. However, the impressive economic performance that India achieved late in the first decade of the twenty-first century has been replaced by a mediocre one. India currently is growing economically, but not at a rate that will enable it to stand up to China on its own while also impressing the world with its arrival as a power with which to be reckoned.<sup>101</sup>

It is these circumstances that have altered India's approach to the United States. Previously, gain was the motive; today, the logic for India to increase its strategic closeness with the United States is the country's survival, security, and future position within the Asian and global orders. Balancing China's rise has become

India's foremost foreign-policy priority. And, given the realization that such balancing may not be achievable through the country's internal resources alone, the importance of the United States in India's strategic calculus has increased significantly.

This external balancing strategy is evident, first and foremost, in the growth of Indo-U.S. military relations. In the last decade of the twentieth century and the first of the twenty-first, the defense aspect of the relationship with the United States helped deepen the two countries' bilateral ties overall and build India's trust therein. Still, India's primary motivation was to gain U.S. support for its foreign-policy goals in general rather than to respond to a specific threat. However, in the last decade the tone and tenor of the Indo-U.S. military relationship have been driven by India's insecurity vis-à-vis China. Not only is the bulk of the defense equipment India has purchased from the United States being employed in deterring India's northern neighbor, but the enthusiasm with which India has signed the foundational defense agreements with the United States over the last five years is evidence enough that it seeks greater assistance in upgrading its military capabilities.<sup>102</sup> These foundational agreements have helped India fill some major gaps in its military preparedness, particularly its surveillance of, as well as its acquisition of other intelligence concerning, Chinese military capabilities along the Himalayan frontier and throughout the Indian Ocean region.<sup>103</sup> Although these developments escape the classic definition of *external balancing*, which may be considered to require explicit military commitments between allies, the objective of India's interest in pursuing a robust military relationship with the United States has changed fundamentally, from being merely an instrument to achieve a greater bilateral partnership to becoming an essential component of India's deterrent strategy vis-à-vis China. Skepticism regarding the Indo-U.S. military relationship often touches on the remote possibility of India ever signing a security treaty with the United States and of American soldiers ever fighting on Indian soil. However, a more formal security partnership cannot be dismissed a priori. Given the nature of India's security requirements, New Delhi's foreign-policy practice suggests that it has used formal security pacts—for example, the 1971 Treaty of Friendship with the Soviet Union—to signal deterrence to its adversaries.<sup>104</sup> The process of moving toward a formalization of the Indo-U.S. strategic partnership continues to unfold, adding to India's internal capabilities to deter China and producing a “force in being” that could be employed in the service of India's interests in the future. Much of the course of this continuing dynamic will depend on China's assertiveness and how ably India could cope with any Chinese military pressure on its own.

The second evidence of India's shift away from a bandwagoning-for-gain strategy to an external-balancing-for-security strategy is the increasing intensity of its

support for the Quad. India's approach to the Quad again can be classified into two distinct periods: the pre-2007 and the post-2017 phases. In the face of China's discomfort and ire in response to Exercise MALABAR-2007, India readily folded the tents of its support for the Quad, because it viewed the grouping primarily as an instrument of gain rather than of survival. The Quad offered an opportunity to extend Indo-U.S. relations; build relations with otherwise estranged maritime democracies, such as Japan and Australia; and increase India's status and raise its profile in the region. However, the balance of India's interests dictated that if the Quad became an obstacle in the country's quest to reach an accommodation with China, New Delhi should abandon the concept with no qualms.<sup>105</sup>

But over the course of the Quad's dormant decade, the manifest changes in Beijing's power, interests, and conduct were sufficient for New Delhi to revise its approach to operationalizing a local balance of power in the Indo-Pacific. India's halting economic progress during that period only underlined the country's need for external assistance in countering China's diplomatic, economic, and military assertiveness in India's back yard. China's conduct in Galwan was the last straw. At present, in light of the June 2020 Sino-Indian border crisis, any hope of reaching a separate peace or accommodation with China appears forlorn.<sup>106</sup>

The resurgence of the Quad in India's strategy therefore is linked to its balancing requirements. Technological and resource cooperation with Quad countries may assist India in challenging China's monopoly on global supply chains, 5G infrastructure, and rare earths.<sup>107</sup> Militarily, the Quad not only helps to augment India's military capabilities and efficiency but—like bilateral Indo-U.S. military cooperation—also signals the formation of a force in being that may prove useful at a later date. If the Quad navies have achieved the capability “to plug and play” in the Indo-Pacific, as the Indian navy chief argued in July 2020, the Indo-Pacific naval entente surely is going to make heads turn in Beijing.<sup>108</sup>

The third indicator of India's embrace of external balancing is its shifting policy regarding the role of the United States and its allies in South Asian and Indian Ocean region affairs.<sup>109</sup> For the first time in its history, India is welcoming enthusiastically a greater American presence in the subcontinent and the northern Indian Ocean region.<sup>110</sup> Perhaps no other state in the region was hurt more by the U.S. military withdrawal from Afghanistan than India.<sup>111</sup> India also was instrumental in brokering a defense pact between the United States and the Maldives. Signed in September 2020, the Framework for U.S. Department of Defense–Maldives Ministry of Defence Defense and Security Relationship would not have come about without New Delhi's active encouragement, given the close strategic ties between New Delhi and Male.<sup>112</sup> In contrast, back in 2013 India was instrumental in scuttling a “status of forces” agreement between the Maldives and the United States.<sup>113</sup> During the recent negotiating process, both Male and Washington kept



New Delhi constantly engaged, to the extent that the draft agreement was shown to Indian leadership before it was signed. Similarly, India has encouraged greater military cooperation between the United States and its allies, such as Japan and Australia, and other South Asian states.<sup>114</sup> American allies, particularly Japan and Australia, also have become central to India's anti-China diplomacy in the South Asian region. Japan and India have collaborated to compete with China for major infrastructure projects, such as the West Container Terminal project in Colombo, Sri Lanka, and the Dhaka Metro Rail project in Bangladesh.<sup>115</sup> Australia also launched the South Asia Regional Infrastructure Connectivity Project (known as SARIC) in 2019, with India as a critical partner.<sup>116</sup> India's volte-face on a greater U.S. role in what it previously had considered to be its traditional sphere of influence is driven directly by, as one senior Indian official stated, the "imperative not to provide space to China here."<sup>117</sup>

The reality of Indo-U.S. relations is simple. In the current geopolitical environment, India needs the United States much more than the reverse.<sup>118</sup> Given India's strategic vulnerabilities, New Delhi needs to focus its attention firmly on Beijing. If that requires ignoring a few American inanities, it is definitely worth the benefits. P. N. Haksar, Indira Gandhi's principal secretary, once advised her that foreign relations are a "balance sheet of credits and debits."<sup>119</sup> Even with the Seventh Fleet's April 2021 FONOP falling on the debit side, overall Indo-U.S. relations remain hugely beneficial to India.

This article has explicated the discrepancy between the expectations of India's strategic community and the country's foreign and national-security policies in practice, concerning the Indian Ocean, the presence of great powers in the region, and the role of Indo-U.S. relations in India's geopolitical strategy. It argues that many students of Indian foreign policy have been overly idealistic, legalistic, and principled when it comes to understanding India's strategic behavior. In practice, India's foreign-policy mandarins seldom have been impelled by public pronouncements, legal obligations, or rhetorical principles. The article's analysis underlines the strength of the realpolitik tradition in Indian foreign policy and the capacity of successive Indian governments to pursue their interests even under severe material constraints by deploying tools of diplomacy and international law. Marshaling recently declassified documents from Indian archives, it reveals how Indian decision makers used the presence of great powers in the Indian Ocean to fulfill their country's security requirements, adroitly shifting from one balancing coalition to another according to the geopolitical situation. It also lays bare the political underpinnings of India's engagement with international law, particularly the law of the sea, and the enactment and implementation of domestic law concerning the country's maritime responsibilities. India seldom has

allowed the law to determine its political behavior; instead, its national interests define its negotiating behavior in legal forums, the scope of the laws it pursues or enacts, and the laws’ application within India’s maritime sphere of influence. Lastly, the article highlights the logic of India’s stronger emphasis on its strategic partnership with the United States as it confronts the peril of China’s ascendance as a great power in Asia.

Without an appreciation of the history of India’s strategic behavior and the pressing reality of India’s strategic requirements in the contemporary age of great-power politics, students of Indian foreign policy always will remain a couple of steps behind the curve in understanding the substantive reality of the Indo-U.S. relationship.

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#### NOTES

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