



# INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS

Open Access, Refereed Journal Multi Disciplinary  
Peer Reviewed Edition :

[www.ijlra.com](http://www.ijlra.com)

## **DISCLAIMER**

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Managing Editor of IJLRA. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of IJLRA.

Though every effort has been made to ensure that the information in Volume 2 Issue 7 is accurate and appropriately cited/referenced, neither the Editorial Board nor IJLRA shall be held liable or responsible in any manner whatsoever for any consequences for any action taken by anyone on the basis of information in the Journal.

Copyright © International Journal for Legal Research & Analysis

IJLRA

## **EDITORIAL TEAM**

### **EDITORS**

#### **Megha Middha**



*Megha Middha, Assistant Professor of Law in Mody University of Science and Technology, Lakshmangarh, Sikar*

*Megha Middha, is working as an Assistant Professor of Law in Mody University of Science and Technology, Lakshmangarh, Sikar (Rajasthan). She has an experience in the teaching of almost 3 years. She has completed her graduation in BBA LL.B (H) from Amity University, Rajasthan (Gold Medalist) and did her post-graduation (LL.M in Business Laws) from NLSIU, Bengaluru. Currently, she is enrolled in a Ph.D. course in the Department of Law at Mohanlal Sukhadia University, Udaipur (Rajasthan). She wishes to excel in academics and research and contribute as much as she can to society. Through her interactions with the students, she tries to inculcate a sense of deep thinking power in her students and enlighten and guide them to the fact how they can bring a change to the society*

#### **Dr. Samrat Datta**

*Dr. Samrat Datta Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Samrat Datta is currently associated with Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Datta has completed his graduation i.e., B.A.LL.B. from Law College Dehradun, Hemvati Nandan Bahuguna Garhwal University, Srinagar, Uttarakhand. He is an alumnus of KIIT University, Bhubaneswar where he pursued his post-graduation (LL.M.) in Criminal Law and subsequently completed his Ph.D. in Police Law and Information Technology from the Pacific Academy of Higher Education and Research University, Udaipur in 2020. His area of interest and research is Criminal and Police Law. Dr. Datta has a teaching experience of 7 years in various law schools across North India and has held administrative positions like Academic Coordinator, Centre Superintendent for Examinations, Deputy Controller of Examinations, Member of the Proctorial Board*



## Dr. Namita Jain



*Head & Associate Professor*

*School of Law, JECRC University, Jaipur Ph.D. (Commercial Law) LL.M., UGC -NET Post Graduation Diploma in Taxation law and Practice, Bachelor of Commerce.*

*Teaching Experience: 12 years, AWARDS AND RECOGNITION of Dr. Namita Jain are - ICF Global Excellence Award 2020 in the category of educationalist by I Can Foundation, India. India Women Empowerment Award in the category of "Emerging Excellence in Academics by Prime Time & Utkrisht Bharat Foundation, New Delhi.(2020). Conferred in FL Book of Top 21 Record Holders in the category of education by Fashion Lifestyle Magazine, New Delhi. (2020). Certificate of Appreciation for organizing and managing the Professional Development Training Program on IPR in Collaboration with Trade Innovations Services, Jaipur on March 14th, 2019*

## Mrs.S.Kalpana

*Assistant professor of Law*

*Mrs.S.Kalpana, presently Assistant professor of Law, VelTech Rangarajan Dr. Sagunthala R & D Institute of Science and Technology, Avadi. Formerly Assistant professor of Law, Vels University in the year 2019 to 2020, Worked as Guest Faculty, Chennai Dr.Ambedkar Law College, Pudupakkam. Published one book. Published 8 Articles in various reputed Law Journals. Conducted 1 Moot court competition and participated in nearly 80 National and International seminars and webinars conducted on various subjects of Law. Did ML in Criminal Law and Criminal Justice Administration. 10 paper presentations in various National and International seminars. Attended more than 10 FDP programs. Ph.D. in Law pursuing.*



## Avinash Kumar



*learning.*

*Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC - NET examination and has been awarded ICSSR - Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and*

## **ABOUT US**

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS

ISSN

2582-6433 is an Online Journal is Monthly, Peer Review, Academic Journal, Published online, that seeks to provide an interactive platform for the publication of Short Articles, Long Articles, Book Review, Case Comments, Research Papers, Essay in the field of Law & Multidisciplinary issue. Our aim is to upgrade the level of interaction and discourse about contemporary issues of law. We are eager to become a highly cited academic publication, through quality contributions from students, academics, professionals from the industry, the bar and the bench. INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN 2582-6433 welcomes contributions from all legal branches, as long as the work is original, unpublished and is in consonance with the submission guidelines.

# **INDIA'S MARITIME DIPLOMACY: ANALYZING SAGAR POLICY WITH SPECIAL REFERENCE TO SUSTAINABLE DEVELOPMENT GOALS**

AUTHORED BY - MS. SHWETA BHALERAO

Institute- Department of Law, Savitribai Phule Pune University, Pune

Designation- Junior Research Fellow

Email id- [b.shweta03@gmail.com](mailto:b.shweta03@gmail.com)

Mobile no.- 09049362277

## ***ABSTRACT:***

Maritime Diplomacy for any country is extremely essential to secure its water bodies and at the same time maintain international cooperation, at the same time, sustainable development goals also need to be kept at the center for ensuring no harm to the environment or the national interest of the country. India showed immense multilateral cooperation when the Security and Growth for All in the Region (SAGAR) policy was introduced. At this backdrop, this paper aims to analyze the India's Maritime Diplomacy with the SAGAR policy as its focal point and understands the relevance of the same with reference to Sustainable Development Goals while discussing instances to protect national interest and to ensure cooperation in the region. Having discussed that, it is inevitable to enumerate and discuss maritime disputes that India is a party to, as the main aim of any policy is to bring balance in interest of parties and to ensure harmony and promote cooperation. Therefore, this paper also evaluates the maritime disputes that have erupted through the past years and how well the SAGAR policy is helpful in providing a solution for such disputes or to mitigate the consequences of the maritime disputes of India.

**Keywords:** Maritime Diplomacy, India, SAGAR Policy, Maritime Dispute, SDGs.

## **Introduction**

Maritime Diplomacy is not intended to lead to a war, but rather to signal to allies and rivals the intent of one's policies and capabilities of one's security forces. Its effects are created through reassurance, deterrence or compelling circumstances. Maritime Diplomacy therefore becomes a

unique tool for navies and governments worldwide which continues to further state interest<sup>1</sup>. This puts Maritime Diplomacy in a unique position where it involves actual use of security forces which affect other state's policies relating to use, demonstration and threat to the limited sea-based forces.<sup>2</sup>

Maritime Diplomacy has evolved from avoiding war due to sea-based dispute to trying to be cooperative and promoting harmonious use of sea routes for navigation, trade, exploration, exhaustion and exploitation of natural resources etc. Some states in the international community are blessed with abundance of natural resources due to coastlines while some landlocked states depend on other states for such natural resources. Nonetheless, most states use sea routes for navigation purposes and for maintaining maritime security, it is essential to comply with certain norms which ensure security in such matters. It also essentially means promoting growth of the region at the same time while ensuring security. The SAGAR, Security and Growth for All in the Region Policy of the Indian Government, introduced in 2015 by honorable Prime Minister of India, Shri. Narendra Modi, is a huge leap forward for India in becoming one of the leading powers in the Indo-Pacific region to extend multilateral ties for security, growth as well as sustainable development in the region for all. This paper discusses these important concepts at length and also discusses the analysis of India's Maritime Diplomacy in trying to resolve maritime disputes with other states.

Blue Economy is emerging as a new development paradigm which is more just and acceptable to both developed and developing countries. Spotty evidences demonstrate that the ocean-driven segment of 'Blue Economy' is one of the most dynamic segments of the economy in several countries, irrespective of their economy sizes. The challenges faced with the oceans lead to a new wave of global governance efforts such as the forum of Global Ocean Governance which cover issues related to goods and services provided by the ocean ecosystem. There are immense potentials with the oceans not only in the aqua sector, as viewed traditionally, but also with other sectors including those of mining, energy, construction, manufacturing and services.<sup>3</sup>

During discussions in the framework planning of SDGs, there were two streams of views which

---

<sup>1</sup> CHRISTIAN LE MIÈRE, MARITIME DIPLOMACY IN THE 21ST CENTURY: DRIVERS AND CHALLENGES (2014).

<sup>2</sup> *Id.*

<sup>3</sup> S K Mohanty et al, Prospects of Blue Economy, Blue Economy Report, 2015 Website.pdf, [https://www.ris.org.in/sites/default/files/Final\\_Blue\\_Economy\\_Report\\_2015-Website.pdf](https://www.ris.org.in/sites/default/files/Final_Blue_Economy_Report_2015-Website.pdf) (last visited Sep 1, 2023).

had different perspectives on the role of SDG14 as an independent goal for oceans. While one group of countries proposed a stand-alone SDG for the oceans, others argued in favour of having an integrated goal for natural resources<sup>1</sup>. Most of the SIDSs<sup>2</sup>, particularly Pacific Small Island Developing States, Pacific Islands Forum, Romania, Poland, Maldives, New Zealand and others, favoured a stand-alone SDG for ocean development. It was argued that oceans have large potential which can greatly influence the lifestyle of people in the littoral countries. Following the current trends in the world economy, the ocean development may not be assured automatically, rather concentrated efforts will have to be made to reap huge gains from the oceans. Separate SDG for the oceans could provide justifications for countering the existing challenges that are being faced in the way of proposing a plan of action for ocean development<sup>4</sup>. Another group of countries such as France, Germany, Switzerland, India, Pakistan, Sri Lanka, etc. was not in favour of pursuing a separate SDG for the oceans. Pakistan, on behalf of India, and Sri Lanka presented the view that “lone, singular and numerous SDGs removed from their entire context are not likely to produce desired result”<sup>5</sup>. However, prolonged debate on the issue made the global community to realise that ocean sector is going to play an important role in the economic development of littoral countries. Further, the unsustainable use of ocean and its resources need to be put under the purview of the global governance<sup>6</sup>.

The Sustainable Development Goals Agenda 2030 and the SAGAR Policy is the facilitation of India’s Maritime Diplomacy and the view that it may be the solution to the maritime disputes that have arisen or might arise in the future in context of jurisdiction, innocent passage, development, climate change, environmental concerns, distribution of natural resources, use of natural resources etc. in the Indian Ocean Region. Blue diplomacy is one essential concept in this regard as well.

### **India’s Maritime Diplomacy:**

Before SAGAR policy was introduced, the “*inherent difficulties*” in highlighting maritime issues in India due to the “*abysmal neglect of maritime affairs by successive governments*” as well as the “*strong bureaucratic turf battles*”; and against this context, various steps were taken to

---

<sup>4</sup> Aastha Gupta et al, Blue Economy Forum, <https://www.ris.org.in/blueeconomyforum/sites/default/files/2.pdf> (last visited Aug 16, 2023).

<sup>5</sup> Pankhuri Gaur, *Blue Economy, Ocean Development and SDG-14 Implications for the Marine Ecosystem*, POLICY BRIEF, BLUE ECONOMY FORUM, RIS (2017), <https://www.academia.edu/40380462/>.

<sup>6</sup> *supra* note 4.

safeguard India's maritime interests<sup>7</sup>. Perceptions of security in this country, continue to be dominated overwhelmingly by developments on land, without much appreciation of country's dependence. In more ways than a realise today on the sea. This is due to primarily for life and work on land as well as at historical experiences with Desi perceived, merely as an extension of land-based enterprise and activities. This is exacerbated by the continuation of the land word mindset of our Mogul rulers as well as legacy of Britain's colonial security doctrine in the Indian Ocean, which emphasised land forces at the cost of naval forces. Not surprisingly these factors have traditionally led to the neglect of maritime and naval dimensions of the country's security as well as its basic economic interests. Fortunately, such perceptions are being challenged by the countries, growing awareness of the sea as the very arena for economic growth and prosperity, changing international law, and technologically and doctrinally motivated military developments. Within the next few years, such economic, political, and military trends are expected to become exceedingly complex and multifaceted. It is imperative, therefore, to examine maritime and evil issues in a comprehensive manner, and think through their implications for the country's security in the 21st century. The major physical features of India and its geopolitical position in the Indian Ocean has been the basis for a centuries – old relationship with the sea. The country's major transit and trade routes are situated on the coast, given the location and height of the Himalayas<sup>8</sup>. India's naval engagement with south-east Asia has begun since 2001 and had progressed incremental. It had commenced with India's economic growth, maritime-based trade and the benign maritime relationships with the states of Southeast Asia that had been the pivot for its increasing economic and maritime presence in East Asia and East Pacific. India's Naval engagement with Southeast Asia have been promised on the economic and strategic rationale of:

1. The imperatives to develop and sustain the enduring economic partnership is evident in the comprehensive economic agreements with Association of Southeast Asian Nations (ASEAN) , too. The enablement of symbolic Indian naval forward presents based on convergent and cooperative security interests with south-east Asia. In articulating, the 3 concentric circles of Msndala doctrine of the inner, intermediate and outer circles of Mandala with India as the core state, South East Asia is the intermediate Manda of India's realist strategic concourse. South-east Asia constitutes the extended neighbourhood of India with substantive Jio economic and security interests, 3. Reinforcing India's substantive maritime presence in its mercantile. Enable dimensions has gained imperative. South East and East Asian theatres are now the hubs of global

---

<sup>7</sup> Priyadarshi Dash, *INDIA'S MARITIME DIPLOMACY, 2004-14*, NATIONAL MARITIME FOUNDATION (Oct. 18, 2022), <https://maritimeindia.org/indias-maritime-diplomacy-2004-14/> (last visited Aug 15, 2023).

<sup>8</sup> Rahul Roy-Chaudhury, *India's Maritime Security*, 25/26 *INDIA INTERNATIONAL CENTRE QUARTERLY* 129 (1998).

economic growth, and India has emerged as a critical, economic and strategic stake holder of regional order and stability, 4. southeast Asian waters provide the convergence of strategic and security interests for India, China, United States, Japan as the premier economic powers that are constantly engaged in the region. Given the great power involvement in the region that is shaping the regions, architecture, India's naval presence and pro-action please a salient role. Is the Indian naval presence will come in the region? What role does India play in terms of maritime security in south-east Asia and in terms of great powers rivalry in the region? Does India exhibit a genuine naval vision in the extended neighbourhood of south-east Asia and the Pacific that envisions cooperative and convergent engagement?<sup>9</sup>.

### **Security and Growth for All in the Region (SAGAR) Policy:**

SAGAR initiative provides a mechanism for India to expand strategic partnerships with other Indian Ocean Region littorals in Asia and Africa. It indicates the leadership role and responsibilities India is ready to play in the region on a long-term basis in a transparent manner through its capacity building and capability enhancement programs and its relevance observed when seen in conjunction with India's other policies impacting the maritime domain like Act East Policy, Project Sagarmala, Project Mausam, India as 'net security provider', focus on Blue Economy etc<sup>10</sup>.

SAGAR initiative's weakness lies in its capacity and execution. India has the capability to offer maritime assets to other littoral states but it has limited capacity to execute them, lack of engagement of private sector along the lines of the initiative as well as engagement of multiple players, duplication of actions, as well as regional dependence on international navies<sup>11</sup>.

Though the strategic vision behind the SAGAR initiative is laudable, no official document on the doctrine till date has been promulgated by the Government. That remains a big void in full comprehension of the vision. India with its geo-strategic location in the Indian Ocean is a natural and prime actor in this region and thus it must leverage this to become a prominent regional player

---

<sup>9</sup> LAWRENCE PRABHAKAR WILLIAMS, *India's Expanded Maritime Mandala: Naval Intent and Strategy in Southeast Asia*, 260 (2013), <https://www.jstor.org/stable/resrep05896.14> (last visited Aug 15, 2023).

<sup>10</sup> Ankita Singh Gujjar, *Sagar Policy: Analyzing India's Vision for Maritime Diplomacy – Center For Land Warfare Studies (CLAWS)*, (2021), <https://www.claws.in/sagar-policy-analyzing-indias-vision-for-maritime-diplomacy/> (last visited Aug 15, 2023).

<sup>11</sup> *Id* at 10.

in IOR and influence the present and future trajectory of maritime stability in this region<sup>12</sup>. The OPV CGS Barracuda was the first ever warship built in India for export, based on the specific design requirements of the buyer country, which in this case was Mauritius. It was built by India's defence PSU (Public Sector Undertaking) Garden Reach Ship Builders and Engineers Limited (GRSE) in Kolkata.<sup>13</sup> It symbolised a new beginning for India's defence industry sales; and the ships final destination being Mauritius indicated the island nations geo-strategic importance in the Indian Ocean<sup>14</sup>. The Indian Ocean has over forty littoral states bearing over 40 per cent of the world's population. It is through the IOR that two-thirds of the world's oil shipments; one-third of the world's bulk cargo; and half of the world's container traffic transit. Also 90 per cent of India's trade by volume and 90 per cent of its energy imports transit through these waters.<sup>15</sup>

## **SAGAR is most effective in a scenario of positive bilateralism.**

### **Presently India**

Maldives relations are going through a difficult phase<sup>[16]</sup>. A few hiccups have also arisen regarding India's infrastructural developmental activities in the strategically located island nation of Seychelles which need to be addressed.<sup>[17]</sup> Sustaining positive bilateral relations on a long-term basis with the Indian Ocean littorals will be a major challenge in implementing SAGAR. It is in such a scenario that the role of the political leadership in India becomes crucial to keep up the momentum of cooperation<sup>16</sup>.

The weakness of the SAGAR initiative is due to its capacity and execution. Although India has the capability to offer the maritime assets it has limited capacity to execute it. The limitation of capacity, coupled with a lack of international coordination, will fail in living up to the expectations of its maritime neighbors<sup>17</sup>.

“India considers the IORA as an important instrument for achieving peace and security in the

---

<sup>12</sup> Raagini Sharma, *India's Maritime Diplomacy (SAGAR Policy as the Focal Point)*.

<sup>13</sup> India exports its first warship 'CGS Barracuda' to Mauritius, THE HINDU, Dec. 20, 2014, <https://www.thehindu.com/news/national/india-exports-its-first-warship-cgs-barracuda-to-mauritius/article6711039.ece> (last visited Aug 16, 2023).

<sup>14</sup> *supra* at 7.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> Security and Growth for all in the Region (SAGAR): Vision, Strengths and Weaknesses, Maritime Security Studies, <https://mssiora/vision-sagar-india/> (last visited Aug 16, 2023).

region”<sup>18</sup>. IORA was established in March 1997 and has a Secretariat in Mauritius. It has 22 members and 09 Dialogue Partners. The eight existing Working Groups are: • Maritime safety and security- Trade and investment facilitation, Fisheries management, Disaster risk management, Tourism and cultural exchange, Academic, Science and Technology, Blue economy, Women’s empowerment,<sup>19</sup>.

According to the [World Bank](#), the [blue economy](#) is “the sustainable utilization of ocean resources for economic growth, livelihood security, and employment generation while sustaining the health of ocean life.”<sup>20</sup>. maritime security coordinates maritime issues such as national security, the marine environment, economic development and human security, all these are facets of the sustainable development goals which are to be achieved till 2030, under the SDG Agenda 2030<sup>21</sup>.

### **Promoting Sustainable Development Goals:**

With the adoption of the Sustainable Development Goals (SDGs), the international community demonstrated its renewed global commitment to sustainable development and clarified the ambitious vision for the wide range of goals to be achieved under this framework. International agreement on a set of SDGs was a significant diplomatic achievement in its own right, but implementation is an even greater challenge<sup>22</sup>. The process of implementing sustainable development requires a governance system that can match the ambition and complexity of the goals. One of the greatest challenges for sustainable development governance is the complexity of the issues and the evolving diplomatic processes required to address the linkages across issue areas, scales and actors<sup>23</sup>.

Maritime Diplomacy itself brings in the flavor of sustainable development, security, growth and sustained progress for all in the sea-based environment including other water bodies as well, but since the focal point is the Indian Ocean Region for India, it is filled with trade related activities

---

<sup>18</sup> IORA, Report on Indian Ocean Rim Association, (16 September 2021) [https://mea.gov.in/Portal/ForeignRelation/IORA\\_new.pdf](https://mea.gov.in/Portal/ForeignRelation/IORA_new.pdf) (last visited Aug 16, 2023).

<sup>19</sup> Commander Subhasish Sarangi, *Unpacking SAGAR (Security and Growth for All in the Region)* 2018.

<sup>20</sup> Security and Growth for all in the Region (SAGAR), *supra* note 17.

<sup>21</sup> Agenda for Sustainable Development Goals 2030, (30 June 2020) <https://sustainabledevelopment.un.org/content/documents/21252030%20Agenda%20for%20Sustainable%20Development%20web.pdf> (last visited Aug 16, 2023).

<sup>22</sup> William R. Moomaw et al., *Sustainable Development Diplomacy: Diagnostics for the Negotiation and Implementation of Sustainable Development*, 8 GLOBAL POLICY 73 (2017).

<sup>23</sup> *Id.*

promoting sustained development and growth for all involved in the region. Sustainable development goals focus on climate change, reduction of power, clean water, protection of environment etc. Maritime diplomacy in its other facets does focus on these aspects as well, with security being at the center of all these goals especially when it comes to India's maritime diplomacy in the Indian Ocean Region.

Blue economy concept, under the Sustainable Development Goals Agenda 2030, at its core refers to the decoupling of socioeconomic development through oceans-related sectors and activities from environmental and ecosystems degradation. It draws from scientific findings that ocean resources are limited and that the health of the oceans has drastically declined due to anthropogenic activities. These changes are already being profoundly felt, affecting human well-being and societies, and the impacts are likely to be amplified in the future, especially in view of projected population growth<sup>24</sup>. The blue economy has diverse components, including established traditional ocean industries such as fisheries, tourism, and maritime transport, but also new and emerging activities, such as offshore renewable energy, aquaculture, seabed extractive activities, and marine biotechnology and bioprospecting. A number of services provided by ocean ecosystems, and for which markets do not exist, also contribute significantly to economic and other human activity such as carbon sequestration, coastal protection, waste disposal and the existence of biodiversity.<sup>25</sup>

Therefore, Maritime diplomacy is a means through which sustainable development goals can be achieved like the key indicators which determine whether a goal can be achieved or not and if yes, then how. Maritime diplomacy can play a vital role in realizing the means through which these sustainable goals can be achieved.

## **India's Maritime Disputes:**

### **India and Bangladesh dispute**

Bangladesh went in for arbitration over the delimitation of maritime boundary under the United Nations convention on law of sea (UNCLOS) on October 8 2009. the court concluded its hearings on December 18, 2013 in the Hague. the argument focused on issues including the location of the

---

<sup>24</sup> Blue Economy For Sustainable Development, SDG Goals, UN Documents, (1 June 2019) [https://sustainabledevelopment.un.org/content/documents/15434Blue\\_EconomyJun1.pdf](https://sustainabledevelopment.un.org/content/documents/15434Blue_EconomyJun1.pdf) (last visited Aug 16, 2023).

<sup>25</sup> *Id.*

land boundary terminus, delimitation of the territorial sea, exclusive economic zone, and the continental shelf within and beyond 200 nautical miles<sup>26</sup>.

Bangladesh v. India case can be seen as reaffirming the rules-based order at sea and producing an equitable outcome in the maritime boundary delimitation. It was accepted by both parties. High ranking officials of Bangladesh and India stated repeatedly that they would comply with the ruling. This was also confirmed in the draft Maritime Zone Act of Bangladesh of 2018 and official statements made by both governments since the announcement of the award in July 2014. The legal approach adopted by Bangladesh and India to delimit the overlapping maritime boundaries in the Bay of Bengal should be noted by other countries that have similar maritime boundary delimitation problems and are seeking possible ways for the settlement of the disputes, such as Japan and the People's Republic of China in the East China Sea, and the claimant countries in the South China Sea. If the longstanding disputes between the coastal states in East Asia could be resolved by taking the legal approach that Bangladesh and India adopted, exploration and development of hydrocarbon resources in the overlapping waters would then become possible<sup>27</sup>

### **India and Sri Lanka Maritime Disputes**

The foremost maritime issue with Sri Lanka is that of status of Kachchativu, a small barren island in the Palk Bay area. Though, India agreed on Sri Lankan sovereignty over the area but certain reservations for the Indian fishermen were agreed by both nations who were permitted to have restricted access to Kachchativu island for the purposes of fishing<sup>28</sup>.

The Governments that share maritime boundaries have a prime obligation in maintaining good governance at sea to manage the risks posed by the terrorists. No individual country will have sufficient power at its disposal to deal with all cross border evils. Therefore, cooperation between countries that share maritime borders must also address the boundary challenges whilst safeguarding their national interests. In this maritime boundary issue both India and Sri Lanka have acted in a friendly and cooperative manner by resolving problems through diplomatic channels. This is an example set by both countries to the world by showing that countries should

---

<sup>26</sup> International Maritime Disputes Of India, <https://legalserviceindia.com/legal/article-3808-international-maritime-disputes-of-india.html> (last visited Aug 15, 2023).

<sup>27</sup> Bangladesh v India, PCA BD vs India, [https://static1.squarespace.com/static/55d21ffee4b0d22e803fdca1/t/5ff4a9090c86035cd35810a7/1609869578607/Bangladesh\\_v\\_India.pdf](https://static1.squarespace.com/static/55d21ffee4b0d22e803fdca1/t/5ff4a9090c86035cd35810a7/1609869578607/Bangladesh_v_India.pdf) (last visited Aug 16, 2023).

<sup>28</sup> International Maritime Disputes Of India, *supra* note 26.

keep their respective differences aside, and come together to resolve border disputes to ensure each one's national security and a pleasant relationship with neighbors<sup>29</sup>.

Sri Lanka does not intend to deteriorate her relationship with India on wild assumptions and baseless accusations on issues like Sethu Samudram. It prefers to engage in a dialogue with India that would result in a joint approach to an environmentally and economically sound design which will yield benefits to both countries<sup>30</sup>.

### **India and China Dispute over South China Sea**

Territorial disputes in the South China Sea involve both island and maritime claims among several sovereign states within the region, namely Brunei, the People's Republic of China, the Republic of China (Taiwan), Malaysia, the Philippines, and Vietnam. There are disputes concerning both the Spratly and the Paracel islands, as well as maritime boundaries in the Gulf of Tonkin and elsewhere. There is a further dispute in the waters near the Indonesian Natuna Islands<sup>31</sup>.

International cooperation and rule of law based approach are the two ways through which maritime disputes can be resolved.

Sustaining international cooperation to enhance maritime security requires two supportive frameworks in the policy and operational areas.<sup>32</sup>

Chinese claims in the South China sea are described in part by the nine-dash line. Originally an "eleven-dashed-line," this line was first indicated by the Kuomintang government of the Republic of China in 1947, for its claims to the South China Sea. When the Communist Party of China took over mainland China and formed the People's Republic of China in 1949, the line was adopted and revised to nine dashes/dots, as endorsed by Zhou Enlai. China's 1958 declaration described China's claims in the South China Sea islands based on the nine-dotted line map. The legacy of the nine-dash line is viewed by some PRC government officials, and by the PRC

---

<sup>29</sup> Bhagra Senaratne, *Maritime Safety and Security Challenges: A Sri Lankan Perspective*. Publication-no-10.pdf, <https://fdss.kdu.ac.lk/dss/wp-content/uploads/2021/08/Publication-no-10.pdf> (last visited Aug 16, 2023).

<sup>30</sup> *Id.*

<sup>31</sup> International Maritime Disputes Of India, *supra* note 26.

<sup>32</sup> A Secure Indian Ocean, DRISHTI IAS, <https://www.drishtiiias.com/daily-news-analysis/a-secure-indian-ocean> (last visited Aug 15, 2023).

military, as providing historical support for their claims to the South China Sea<sup>33</sup>.

The regions of contention are the Spratly Island, the Paracel Island, maritime boundaries in the Gulf of Tonkin and other places. Waters near the Indonesian Natuna Islands are also disputed. The reason why these areas are disputed and of interest to the concerned nations is the acquisition of fishing areas around the two archipelagos; suspected crude oil and natural gas in different parts of the South China Sea; and the control of strategically important shipping lanes<sup>34</sup>.

There is a need to review the operational effectiveness of the UNCLOS<sup>35</sup>. Especially regarding the enforcement of its provisions on freedom of navigation, the sustainable exploitation of maritime resources, and the peaceful resolution of disputes.<sup>36</sup>

## Conclusion

For a continued implementation of SAGAR initiative or any other maritime endeavour which involves a steady economy growth and prosperity as a prerequisite. A slowed down economy will create hindrance in the initiative and bring all the efforts of the government to a grinding halt. This symbolises India's maritime resurgence, as maritime issues are now centre of India's foreign policy<sup>37</sup>

With effective implementation of all these policies, India can act as an enabler to create a positive environment in the Indian Ocean Region.

For a putative regional power, India must first tweak the importance of maritime diplomacy in the corridors of power in Delhi and start giving the shape to all its projects under the SAGAR Initiative that will involve help in developing and modernising the maritime infrastructure of neighbouring countries including seaports, explore the opportunities and strengthen the blue economy, be a dynamic player in the Indo-Pacific region's geo-political matrix. This is all part of the strategic expenditure that though may not give tangible results to the government forthwith

---

<sup>33</sup> South China Sea Dispute - Countries Involved, Causes, Effects & Resolution, SOUTH ASIAN STUDY CENTER, <https://southasianstudiescenter.com/south-china-sea-dispute/> (last visited Aug 16, 2023).

<sup>34</sup> *Id.*

<sup>35</sup> United Nations Convention on Law of Seas, 1982, [https://www.un.org/depts/los/convention\\_agreements/texts/unclos/unclos\\_e.pdf](https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf) (last visited Aug 15, 2023).

<sup>36</sup> A Secure Indian Ocean, *supra* note 32.

<sup>37</sup> Gujjar, *supra* note 11.

but the returns to India per se will be much higher in the future<sup>38</sup>.

The Sustainable Development Goals therefore can be achieved by taking Maritime Diplomacy and India's Maritime Diplomacy as being a means, as key indicators are suggest for holistic security and growth for all in the region, the Indian Ocean Region, aiming to resolve maritime disputes through international cooperation and application of rule of law, as grounded in Customary International Law, enumerated under the United Nations Convention on Law of Sea<sup>39</sup>. The elements of SAGAR constitute the IOR policy of India and substantial measures have been undertaken on each of these constituent elements. It would be helpful if these would be articulated through a government document. Central to the Indian effort will be continued growth of its economy and economic prosperity. Any slowdown in its economy will bring all its efforts to a grinding halt<sup>40</sup>.

The 2019 Global Sustainable Development Report included an analysis of SDG interlinkages. 1856 The findings highlighted that most SDGs are synergistic, stressing that both social and 1857 environmental Goals have systemic impacts that drive overall SDG progress. Since 2019, the 1858 literature on SDG interlinkages has grown rapidly<sup>41</sup>.

---

<sup>38</sup> Sharma, *supra* note 12.

<sup>39</sup> *supra* note 35.

<sup>40</sup> Sarangi, *supra* note 19.

<sup>41</sup> Advance unedited GSDR (14 June 2023), <https://sdgs.un.org/sites/default/files/2023-06/Advance%20unedited%20GSDR%2014June2023.pdf> (last visited Aug 16, 2023).