



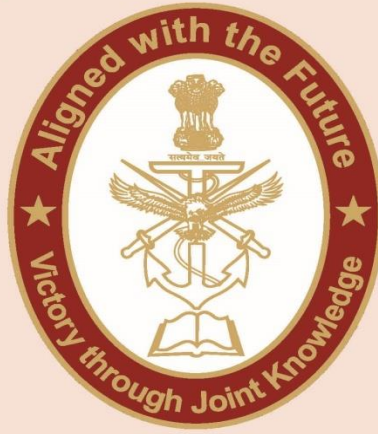
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THE INTERSECTION OF TRAJECTORIES: IMPLICATIONS OF THE SALE OF BRAHMOS TO THE PHILIPPINES ON THE RULES- BASED ORDER

PREM ANSH SINHA

CENTRE FOR JOINT WARFARE STUDIES



CENJOWS

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Mr Prem Ansh Sinha is a Research Intern at CENJOWS, New Delhi.

Introduction

The delivery of the first batch of the BrahMos to the Philippines in April, 2024¹ has sparked debates surrounding the ambiguity of the rules-based order in the Indo-Pacific. This web article aims to study the the intersection of interests between India and the Philippines, the precedent set by it, and its impact on the rules-based order.

Initiating Consensus: The Rules-Based Order

Consensus² precedes stability. Powerful entities walk the talk, and that consensus, often becomes the framework for a rules-based order in the world. Various attempts have been made to formulate consensus post the end of World War-II. The British Prime Minister, Winston Churchill and the President of the United States, Franklin Roosevelt met on August 9th and 10th, 1941 in Placentia Bay to discuss the outline of the world order post the war through their eight points³. Popularly known as the Atlantic Charter, it was a stepping-stone to the formation of the United Nations in 1945, a body that shall later become the meeting place of various trajectories of thoughts and ideas in the world. It becomes necessary to revisit the famous words of Dag Hammarskjöld that “the United Nations was not created in order to bring us to heaven, but in order to

save us from hell"⁴; in a similar excursion, after various precursory laws that proved ineffective, the United Nations Convention on the Law of the Sea (UNCLOS)⁵ came into force in 1994, to bring about a consensus pertaining to maritime definitions in the world. Rules-based order implies the presence of a set of rules that encourage "peaceful, predictable, and cooperative"⁶ behaviour amongst the states that adhere to it. Today, the presence of the words "democratic" and "liberal" remains implicit in the usage. This theoretical concept is used interchangeably with the decisions arising out of legislations at the international negotiations, and sometimes, for the international law as well. Although the international laws have been drafted out of the consent of the member-states of the United Nations, rules-based order is assumed to be born out of principles, conventions, and negotiations. This leads to ambiguous interpretations of the term "rules-based order"⁷. The reach of the global rules-based order has been one of the major impacts of the massive globalisation and unipolarity caused by the fall of the Union of Soviet Socialist Republics (USSR).

The Intersection of Trajectories

For Philippines: Under the nine-dash line doctrine⁸, the PRC lays down its historical claim⁹ through an outline on most of the South China Sea. Through this doctrine, which originally had eleven dashes, the PRC continues to flout the rules-based order. The Philippines and the PRC have had a long history of tussle in the Second Shoal of the Spratly Islands¹⁰. The UNCLOS explicitly states that a habitable island above water at a high tide can generate an Exclusive Economic Zone (EEZ) of two hundred nautical miles. There are reports that say that the PRC has been building artificial islands and rocks amongst other things. The Philippines, in order to seek clarity on the UNCLOS laws pertaining to this issue and challenging the claims of the PRC filed a plea¹¹ in 2013 under the Annex-VII to the UNCLOS.

Much to the dismay of the PRC, the Arbitration Tribunal¹² awarded its response in 2016 in favour of the Philippines. The PRC declared the ruling "null, void, and illegal"¹³; while, India, on the same day issued her support for the "international legal order of the seas and oceans"¹⁴. Despite being a major stakeholder of the rules-based order through its permanent membership in the United Nations Security Council (UNSC), the PRC has not put an end to its cartographical aggressions¹⁵ yet. There have been reports of a recent non-armed collision in the particular region in June, 2024 as well¹⁶.

The non-compliance of the 2016 Award by the PRC propelled the growth in the defence ties between India and the Philippines due to an intersection of trajectories or interests. BrahMos will be placed in the West Coast of the Philippines facing the South China Sea¹⁷. It will cater well the urgent needs of the Philippines. Altogether, a strong anti-ship cruise missile system placed for strategic stability¹⁸ should deter the PRC from taking aggressive measures towards its unwarranted claims in the Second Shoal.

For Russia and the PRC: There has been an accelerated growth in the relationship between Russia¹⁹ and the PRC. It is said to have reached its peak on the 21st of March, 2023, when the two countries released a joint statement titled "Deepening Relations of Comprehensive Partnership and Strategic Interaction Entering a New Era²⁰." The statement opposes the "bloc-politics" in the region, while forwarding a remark that the states must not interfere in the internal politics of the other sovereigns under the pretext of "democracy" and "freedom"²¹.

The implicit presence of the western values with United States in the centre of the rules-based order, has led to its rejection and criticism by the Russian Federation and the PRC. This should be a reasonable argument, given that, with bombings in Yugoslavia²², Operation Menu bombings in Cambodia²³ amongst others, the US has gone on to break her rules. But the PRC not having any strong objection to the sale of BrahMos²⁴ could set an appropriate precedent for future defence partnerships in the region for India.

It also becomes interesting to note how despite an increase in the amicable relations with China due to the ongoing Ukraine War²⁵, Russia, being a major partner²⁶ in the production of BrahMos did not have any issue with it. This projects that Russia is not willing to become a junior partner in its partnership with the PRC and that it knows how to navigate through this period of turbulence in the region. This also augurs well for Russia's outreach plans in the ASEAN, given it provides it with an opportunity to present itself as a defence partner independent of any pressure from the PRC.

United States: The Mutual Defence Treaty (MDT)²⁷ of 1951 between the United States and the Philippines was reinforced in May, 2023 through a bilateral dialogue²⁸. With this, the US re-emphasised the rules-based order and that, she will stand with all her might in case of any armed tussle in the Pacific or the South China Sea. This also

renewed the credibility and trust of the US in the eyes of her allies. The Philippines is well aware of how it cannot overpower the naval capabilities of the PRC, hence it has been working on increasing its deterrence potential. With this supply of BrahMos to the Philippines, US finds a major economy in the Global South like India aligning with her allies, something which should not come off as a trouble for her.

Challenges for India

Building Reliability as a Defence Export Partner: Defence corridors are being built in Uttar Pradesh and Karnataka, propelling the *Atmanirbharta* or self-reliance doctrine of the Government of India²⁹. There will also be a special manufacturing hub for the BrahMos in Lucknow that shall push the production of this anti-ship cruise missile in the country. This emphasis on efficient production will help us meet the heavy demands emerging in the Indo-Pacific and the South China Sea. The emerging threats of the territorial aggression from the PRC offer India to come out as a reliable defence export partner in the Association of Southeast Asian Nations (ASEAN) countries.

It becomes worthy to note that despite its several advantages, that can be a "significant upgrade to any country's military capabilities³⁰", this is the first time that the BrahMos is being exported to a country abroad. During the mid-2010s, there were several reports about talks pertaining to the export of BrahMos between India and countries like Vietnam, United Arab Emirates (UAE), but the deals could not be closed³¹. It was long believed in New Delhi that the export of the supersonic cruise missiles to the neighbours of the PRC would "promote aggressiveness and undesirable responses from Beijing³²." When it comes to such reasons, we can only ponder about them because the answers are not in the public domain, but contrary to what several political commentators had to write about it in the mid-2010s, despite recent territorial clashes and differences with India, PRC's response about the deal between India and the Philippines did not seem to be aggressive. PRC issued a statement that as long as the bilateral dealings do not harm a third country³³, they shall not have any trouble with it. Thus, if PRC's response was the core issue, post this deal with Manila, New Delhi now has a vast market ahead for her.

No Consensus in the ASEAN: The ASEAN member-states have been divided³⁴ on their stands pertaining to the disputes in the South China Sea for a long period of time. There have been conferences, joint statements, but they have failed to bring about any

positive consensus for the resolution of the disputes. None of the ASEAN countries voted in favour of the Philippines, asking the PRC to comply with the Award in 2016. ASEAN unity would be net beneficial for India, but this lack of consensus will scatter the foreign policies of India aimed towards the Global South.

Ambiguity in the Rules-based Order: Rules-based order is being interpreted differently by each country. While there is no confirmed definition from each country, their official statements show that India considers it to be the international law, the PRC and the Russian Federation consider it to be the western principles of liberalism, democracy, and freedom, while what the US thinks of it remains a script to decipher, and it would not mind leaving it in the state of ambiguity as well. It could also be said that this ambiguity is an opportunity for India to position her multilateral policies based on varied circumstances, something that would allow her to use the term as per her interests as well.

Conclusion

The sale of BrahMos has the potential to shape the strategic narratives by setting a precedence in the region, for the years to come. Each country follows its own interest while formulating policies. The overlap of interests implies shared interests, whose consequence is often net positive for the region. We have a similar case arising in the Indo-Pacific. The United States has been put to the test. She must protect her credibility as a major defence partner, despite being active at various war fronts, in order to preserve her position as a powerful ally. The Philippines and Japan amongst other countries are facing maritime aggression from the PRC. Although there is an enormous space to do better, with the sale of BrahMos, India seems to have discovered her rightful potential as a defence exporter³⁵ in the Indo-Pacific. Japan, India, the US, and Australia amongst other countries are calling for a rules-based order, while the PRC likes to call it an Asian version of the North Atlantic Treaty Organisation (NATO)³⁶. There are multiple challenges, the most prominent of them being the necessity of a consensus amongst the ASEAN; but there is an alignment of interests that provides the sale of BrahMos with an opportunity to become a significant milestone offering a vital intersection of multiple trajectories of the global order.

DISCLAIMER

The paper is author's individual scholastic articulation and does not necessarily reflect the views of CENJOWS. The author certifies that the article is original in content, unpublished and it has not been submitted for publication/ web upload elsewhere and that the facts and figures quoted are duly referenced, as needed and are believed to be correct.

Endnotes

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