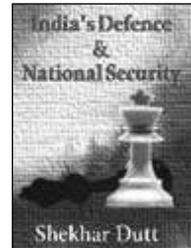

Book Reviews

India's Defence and National Security

Shekhar Dutt

(New Delhi: Har-Anand Publications Pvt. Ltd. 2014)

Rs 495/-



Security as a theme has many inherent constituents. It acknowledges political, economic, environmental, social, cultural, human and, amongst others, military aspects impacting its concept. It is related to the ability of a state to protect its sovereignty and the well-being of its people. Unfortunately, there is a disappointing level of security awareness amongst politicians, bureaucrats, academia, media, business houses and the public at large, in India.

In the book *India's Defence and National Security*, the debate on security has been generated by none other than Shekhar Dutt, who has been an authority in the planning and execution of India's security apparatus. A past Defence Secretary, who had earlier served in the Indian Army, the author has articulated a wide spectrum of security challenges which require diverse and well considered responses. While it is imperative for the Centre and the states to improve their coordination mechanism to deal with these threats, synergy among various security and intelligence organisations also has to be improved.

Being a former Deputy National Security Adviser (NSA), Dutt has underlined the role of the National Security Council System (NSCS), performing a crucial role in overall crisis management. According to

him, the principle of one border one force is now accepted and being implemented. It could further prevent problems of conflict in command and control, and introduce greater accountability in border management.

Raising the issues of complex challenges, the author points out to momentous occasions in India's history when the country is not only confident in dealing with the rest of the world, but its potential is also equally recognised. It includes India's demographic advantage, a vibrant enterprising culture, robust financial and domestic market, stable managerial and democratic system and competitive labour cost advantage. In this context, the global scene is also witnessing stories of the potential growth in India and China.

According to the soldier-scholar, 9/11 became a turning point, when the US needed to strengthen its ties with the major countries of Asia and at the heart of American appreciation was India's role. The region will engage US interest in several critical areas over the next generation, when the two countries will be seen as natural partners.

In the chapter on the Higher Defence Organisation (HDO), the author has raised pertinent issues of civil-military concern. The core of the debate is a basic dilemma in which any assertion of a larger role by the armed forces is carefully watched by any mature democracy. India's HDO has a basic British template of functioning through a set of committees. The author being conversant with various such review committees, brings out the functional inadequacies of, and measures to improve, the higher defence management in India. Interestingly, a corresponding discussion on the higher organisations of institutions such as the Railways, Indian Space Research Organisations (ISROs) or other ministries is missing.

As Director Navy, the author has intimate knowledge of naval and maritime issues. Writing about domain awareness and coastal security schemes, the maritime issues in India, the author claims that there is a wide canvas demanding distinction between legitimate and illegitimate presence at sea. We have over one and a half lakh mechanised fishing and

motorised vessels, with no corresponding AIS (Automatic Identification System). There is a need to institutionalise national and state multi-agency operative centres to ensure that criticalities don't develop. India's vast maritime interests are inexorably linked to its economy. For such inter-operability, the country's maritime strategy has to be regional in reach, oceanic in outlook and proactive in scope.

The author draws a strong link between governance and national security. For instance, if security is not maintained, effective governance cannot be delivered. At the same time, security cannot be safeguarded if the governance is inefficient and corrupt. India's security challenges have become manifold, beyond the traditional concerns of China and Pakistan. To address these, the country needs high end capability which could ensure victory on all fronts. Identifying ethnic and sub-national forces and the surge of pan-Islamic phenomena impacting our security, the author says that there are paradoxical limitations on the available technology hampering inter-operability in the convergence of civil and military resources. Interestingly, while we encourage small and dispersed airports, we choose bigger aircraft. This leaves several airports severely underutilised, thereby impairing jointness.

A sound targeting philosophy is central to the success of any governance for dealing with security threats on the external and domestic fronts. While it requires gaining capability on a triad of weapon systems, it also needs integration of strategic forces, managing the conduct of warfare, achieving jointness, information superiority and strengthening the security, intelligence and information agencies like the National Technical Research Organisation (NTRO).

The author having served as Governor of Chhattisgarh, has also touched on the Red Corridor and the way ahead. He has brought out an integrated strategy of security and development in the Naxalite affected areas. The state has 44 percent of the Scheduled Castes/ Schedule Tribes (SC/ST) population, for which 45 percent of the annual budget is

allocated. Two special development authorities have been constituted, including creation of nine new districts, thereby bridging the gap between the administration and the people. The author has also underlined the strategy of combating the Naxal menace.

We are living in a time, writes the author, wherein the security responses are getting redefined the world over, characterised by non-state actors. In this evil hybrid situation supplemented by the P3C4 factors (Population, Poverty, Pollution, Corruption, Communism, Casteism and Criminalisation), the emerging battlefield milieu offers a complex transition demanding the participation of the people and the state agencies for a secure and safe nation.

The author has highlighted the necessity of technological development and the need for greater participation of the technical wings of the three Services. There is a need for setting up a centre of excellence for defence technologies. We must employ our rich pool of human resource to use the defence offsets to reduce our dependence on others. We lack the knowledge to design, as well as the technology of, some critical systems to become self-reliant. The defence offsets should be used to bridge such gaps. China used offsets to attain self-sufficiency while they enabled Israel to emerge as a technological leader. Our Ordnance Factories Boards, Defence Public Sector Undertakings and Defence Research and Development Organisation (OFBs, DPSUs and DRDO) have a larger role to play in such realisation.

To ensure a secure future for the country, the author has finally dwelt on the role of the leadership. There is a distinct leadership crisis all over the world and the actual challenge lies in guiding and shaping our future. Whereas leadership traits, according to the author, remain the same, the skills need to be broadened and the methods/means demand more sharpness and specificity, including acquisition of development of bifocal issues. The guiding denominator should be effectiveness at all levels of decision and execution. Only with a change in mindset can we move from kinetics to an effect-based system.

The book is an incisive compilation on security matters, providing valuable insights to the strategic analysts, experts, policy-makers, researchers and academicians involved in the understanding of national security and its domain areas.

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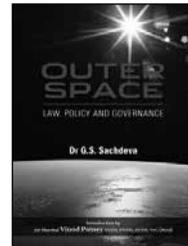
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Outer Space: Law, Policy and Governance

GS Sachdeva

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Rs 820/-



Access to outer space provided innumerable opportunities for its exploitation for strategic purposes and both superpowers of the time scrambled to exploit this freedom to operate and pursue technological advancements in space without inhibitions through regulation. There were other aspects related to the domain that stimulated more agreements in the next two decades that, while drawing from existing regimes related to other global commons, also tried to cater to the unique characteristics of space. These were endorsed by most nations for which space was then a distant dream and once the few leading nations had achieved a certain level of comfort, further legal initiatives dried up. Progress in the domain in the last couple of decades, in terms of technology advances and its proliferation has rekindled the debate on the adequacy of the existing space laws to address the contemporary environment and its challenges.

GS Sachdeva, at the very outset in his book, observes that there are gaps within the existing space laws, some inadvertent, due to lack of vision, and some deliberate, due to lack of consensus or because half-baked concepts remained pending till the achievement of a better understanding of space phenomena or development of supportive technology. A lawyer by profession, he has taken a welcome deviation from the more common discussions that are centred on weaponisation and space debris by highlighting some fundamental issues of space law and also the legal challenges to futuristic exploration in space. Rather than a comprehensive narrative, the book comes across as a compilation of seven essays by the author on diverse subjects (the first two chapters being enlarged versions of articles that have previously been published in the *Asian Journal of Air & Space Law*), which, as the title suggests, seek to cover law, policy and governance.

The very first chapter seeks to highlight aspects that could form the *jus cogens* of space law. *Jus cogens* refers to the body of peremptory principles or norms from which no derogation is permitted. These include norms that are recognised by the international community as a whole as being fundamental to the maintenance of an international order, with most of them relating to safeguarding of peace, humanitarian norms and other such issues. It is an interesting presentation of the relevant aspects of the concept – though a little high on legalese – and its evidence in the current space regime. In his appraisal, the author lists out four precepts of the international space law that could be elevated as *jus cogens* of space law and, with support from the Vienna Convention, could form the basis for dispensing justice according to what is the right of, and good for, mankind. His analysis is rather exhaustive and he has been able to present a rather convincing case in support of his proposal which the legal luminaries related to the domain must have already taken note of. He has also introduced the concept of international cooperation as a cardinal principle in space in this chapter and he takes it further in Chapter Five.

The second chapter deals with the issue of the status of envoys being accorded to astronauts in the Outer Space Treaty (OST). He stresses that this was prompted by the belief that the activities of astronauts in scientific exploration and other peaceful uses of outer space shall be for the benefit of mankind as a whole. However, this lacked a clear legal standing and was beset with practical difficulties that included the variance in the very term as used by different states and their definitions. Sachdeva then goes on to cover a legal appraisal of the designation of astronauts as envoys of mankind in outer space, questioning this status at many levels, including the recent advent of the space traveller and of *robonauts* in the future. He does, however, accept the necessity of an honourable status for astronauts while they are engaged in space operations and goes on to propose a universal definition along with the criteria to earn this designation. He further recommends a procedure for the nomination of an astronaut as an envoy of mankind in space by name or designation to avoid confusion. After a long gap, manned missions to space and other planets are once again finding favour and sooner or later, their status would need to be debated, for which these recommendations would assume significance.

In the next two chapters, the focus shifts to India, its space policy and its potential to be a vendor of space utilities to the developing countries. Here the narrative tends to get a little dated with the usual coverage of the history of India's space programme, its advances and envisaged future developments, its relevance to national security and the bemoaning of the lack of a national space policy. The international aspects find coverage in both chapters managing to emphasise India's prowess in space and its competitive advantage not only in terms of costs but also because of its proven record of having no hegemonic intentions. Here, he warns against the occasional insensitivity that India has shown in the past towards the developing countries. While the objections on the viability of the missions might have been correct, he admits, such steps could encourage these countries to look at China to meet their aspirations, thereby having geo-

strategic ramifications for India. He rightly advises wider consultations among various ministries and departments and an integrated approach to help leverage India's leadership position in space applications and satellite launch capabilities for maximum geo-political gains. The pragmatism of this approach has been acknowledged by the Prime Minister of India himself, who has talked of a South Asian Association for Regional Cooperation (SAARC) satellite on a number of recent occasions, thus, reigniting discussions on a topic that had been shelved in 1998.

Sachdeva regains his sheen as he shifts from policy to law again in the fifth chapter, discussing "International Cooperation as a Core Concept of Space Law". He has an interesting take on the formulation of the initial space laws when he hypothesises that they came to be defined by a couple of treaties, a few agreements and a lot of guidelines and in-principle statements because they evolved from international law that, at that time, was practised among civilised states, enabling regulation by mutual pacts and relatively soft law. This is in variance to most analyses and commentaries on the subject which claim that the few established and dominant space-faring nations favoured the weak mechanisms and soft laws as these helped them maintain their superiority and freedom of action in space. He thereafter provides a comprehensive analytical account of how international cooperation has been instrumental in providing a sound foundation for the international space regime and how this principle still finds its takers in the international community. He ends the chapter by espousing the primacy of international cooperation in future initiatives in space, while hoping that this idealistic school of thought would find acceptance during arduous international negotiations that otherwise are increasingly becoming hostage to national and regional interests.

The subject of the next chapter is the fascinating futuristic application of asteroid mining, the economics of which is ever more appealing in this era of depleting terrestrial resources. The author commences by discussing the promising technologies and possibilities related to celestial

material harvesting. He follows up by flagging the shortcomings of the existing relevant space mechanisms, the OST and the Moon Agreement, neither of which he says is comprehensive enough to address this futuristic technology. He goes on to lucidly present the dilemma between the existing socialistic provisions in the treaties that designate outer space as the common heritage of mankind and one which cannot be appropriated by any nation, and the requirement of providing the requisite incentives to nations and private entities to undertake this task that would require huge investments and is prone to high risk during both development and operational phases. To add to the confusion, these treaties do not even discuss private players, as at the time of their inception, “it was near impossible to imagine that private companies could muster such vast capital funds to invest in space activities and compete with the budgets of states.” He forecasts a serious debate on ownership of space property and realty rights in the near future. He is optimistic that the clauses in the Moon Treaty that admit to a need for additional regulatory provisions to cater to technological advances will be heeded and the provision for review of the Moon Treaty after a period of ten years is exploited to undertake reforms in space law in consonance with technological vision and to satisfy the growing needs of humanity. He also advocates establishment of an appropriate organisation, with the requisite organisation and authority under the aegis of the United Nations, akin to the International Civil Aviation Organisation (ICAO), to implement the legal and regulatory framework. Such an authority has been mooted earlier by others and demands serious consideration.

In the final chapter, he discusses the International Code of Conduct (ICoC), something that has already been debated and written about extensively. Having duly listed out the positives, he joins the critics in lamenting the repetition of provisions figuring in the existing space laws in the code and the lack of any novel provisions to cater to the evolving dynamics in space. Some other shortcomings of the code brought out

are the absence of definitions, its non-binding nature and it not being futuristic or innovative. He does, however, warn that the solution is not to have multiple codes, each catering to partisan interests, under discussion, but universal participation in the ICoC, with systematic inclusion of varied perspectives. The chapter itself follows the prevailing narrative, hardly providing any novel insights to the issue, except for the addition of legal flair. It would have surely gained from more extensive and detailed research to provide more varied perceptions and value additions.

In current times, when issues related to space are once again gaining centre-stage, the book makes a positive contribution to the legal discourse through its exhaustive analysis, interspersed with suitable examples and the author's objective insight. Some minor factual errors and contradictions do not in any way slight a very well researched and presented work that brings out valid and contentious issues requiring due international consideration.

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