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China–Pakistan economic corridor and maritime security collaboration

A growing bilateral interests

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Abstract

Purpose – This study aims to explore why marine development and maritime security in Pakistan are significant and what the Chinese concerns are. Therefore, the objective of this research is to analyse a growing Pak–China bilateral interests, particularly at Gwadar, to achieve the geostrategic objectives of China–Pakistan Economic Corridor (CPEC).

Design/methodology/approach – The study adopts a qualitative means to discuss the significance of China's ambitions towards the CPEC project concerning strategic deep-sea management and maritime regulations in the region, with a particular focus on the Gwadar Port.

Findings – The paper concludes that the Gwadar Port is a critical element for maritime security in the whole region. The study also provides an analysis of national and international, security and legal challenges associated with CPEC.

Originality/value – Most of the potential outcomes have already been discussed in public, though a limited academic discussion is available on the legal aspects. It is particularly so with regard to the development and capacity building in the maritime sector of Pakistan under this project. This study aims to explore why marine development and maritime security in Pakistan is significant and what the Chinese concerns are.

Keywords China–Pakistan Economic Corridor, China2019s interests, Maritime security collaborations, Pakistan2019s marine development

Paper type Case study

1. Introduction

China's gigantic strategy of "Belt and Road Initiative" (hereinafter BRI) interconnects the South East Asia, Eurasia, South Asia and Africa in a way that attracts partners working towards long-term benefits by using its unique design of roadways, railway lines, energy infrastructure and maritime routes. A research report released by Hong Kong and Shanghai Banking Corporation (HSBC) shows that states alongside the BRI comprise 63 per cent of the

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world's population and 29 per cent of the Gross Domestic Product (GDP) (Global Capital, 2015). Two main components of BRI can be regarded as the land-based "Silk Road Economic Belt" (hereinafter SREB) and the oceangoing "21st Century Maritime Silk Road" (hereinafter MSR). The China–Pakistan Economic Corridor (hereinafter CPEC) is that portion of a land-based constituent of BRI strategy which connects its oceanic routes at the point of Gwadar Port in southern Pakistan. It is situated at a strategic location where the 21st Century MSR and SREB connect. Therefore, it may be regarded as a key project of the BRI (MFA, 2015). Some of the international analysts regarded CPEC as a "game changer" for the region. Under this multi-billion project, China has been connected with Pakistan from the western province of Xinjiang, with the northern areas of Pakistan through the Khunjerab Pass that leads to southern Pakistan (Gwadar Port), framing a communication network as well as energy infrastructure of approximately 2,500 miles (Ali, 2016).

It is a pertinent fact that maritime security is connected with the economic development of any state. The importance of maritime trade has always been vital throughout history because the majority of the world trade passes through maritime routes. The commercial phase of this development contributes to additional revenue given the significance of offshore resources as well as coastline tourism. However, this strategic rationale is a noteworthy challenge for Pakistan and China. Since then, Pakistan Navy has initiated its strategic missions such as its Special Task Force-88 (The CPEC Bulletin, 2017). As maritime traffic-flow through the Gwadar Port is anticipated to increase significantly, eventually maritime security is a dependent variable for the success of CPEC project. A multi-dimensional approach necessitates encountering the security challenges to ensure the security of Gwadar Port, including leading security guards, littoral exercises and fetching law enforcement agencies to enhance growing maritime awareness in the region. Human trafficking and piracy issues are the main challenges besides the challenges raised by India's mounting concerns in the Indian Ocean. Consequently, Pakistan Navy, with China's support and cooperation, is working on three key extents: the Gwadar Port security, the security of sea lanes and vessel security (The Value Walk, 2017). Pakistan is expected to advance its independent maritime security doctrine to accomplish all these objectives for the capable functioning of CPEC (Maqsood, 2017).

The developments in the Gwadar Port would carry new hopes for economic and trade growth. Therefore, Pakistan has taken numerous steps to improve ocean governance with the collaboration of China to secure projects under CPEC. Pakistan has conducted a transnational naval exercise in Karachi and the northern Arabian Sea in which 37 states have taken part in a five-day exercise that includes military vessels, aircraft and special marine force teams (The Value Walk, 2017). The war on terror has brought some limitations in the way of foreign aid to Pakistan. Therefore, this CPEC-Gwadar Port joint venture would promote the sustainable image of Pakistan through investments, and it might also be the centre of global debate to capture the world's attention. Eventually, CPEC may be regarded as an emerging architecture of economic development. At the same time, it has various challenges including poverty, the terrorism-security threat for the Chinese labour force in Pakistan, ethnonationalism and growing radicalisation (Qasim, 2016). The Chinese vision for the developments of its friendly neighbour states such as Pakistan through infrastructure developments concerning trade and industry would bring Pakistan in a cable position to face these challenges. Subsequently, international crimes including human trafficking, piracy, maritime terrorism and other cyber-related crimes around the Indian Ocean, which may mess up international commercial transactions leading to economic failure, can be coped with up to sufficient extent. The aforementioned has led Pakistan's priorities to strengthen its maritime security governance to tackle these problems.

CPEC includes a large number of development projects within Pakistan (Bhattacharjee, 2017). Since the official announcement of the mega project of CPEC, China is greatly assisting Pakistan for sustainable usage of its marine resources. China is proposing to approach the Middle East oil resources effectively and safely, which not only reduces the freight charges but also serves to save supply time for China's energy and production requirements. It also reflects the Chinese vision to secure sea lanes in the Indian Ocean starting from the Chinese mainland via the South China Sea that may range up to the Port Sudan, where China would construct commercial ports and shipping amenities (Hamilton, 2004). It advocates Chinese concerns to enhance the maritime capacity building of Pakistan Navy, which can be traced in ongoing and recently completed projects (listed in Section 3).

The significance of the maritime security is vital in a sense that all the economic activities under CPEC are going to be placed through a unique route connecting China to the Arabian Sea, the Middle East and opening it to the Indian Ocean. Therefore, the marine development, as well as maritime security of Pakistan, is the topmost priority for both the Chinese officials and Pakistan Maritime Security Agency (hereinafter PMSA) to ensure the safety of international trade through the Gwadar Port. The challenges include not only human trafficking and piracy issues but also to accord CPEC regulations both at the national and the international levels. It can be said that if fuel is life for the industry and economy, then CPEC along with its strategic exposure to the Middle East as well as the Indian Ocean may be regarded as the blood to Chinese economic growth in the future.

2. The magnitude of this maritime collaboration

2.1 China will approach the Indian Ocean and the Middle East through a unique maritime route under China–Pakistan Economic Corridor project

The Middle East comprises nearly 50 per cent of global oil reserves and 25 per cent of oil production worldwide (OPEC, 2017). China, with growing oil consumption as per its economic development, is likely to be a major oil importer from the Middle Eastern oil enriched states, hence, a key stakeholder of the Gwadar Port. The Gwadar Port, the world's largest deep sea-port situated at a distance of nearly 250 km as of the Persian Gulf, can serve as a gateway and will come out as a strategic location for the forthcoming Chinese interests in the region (Naseem, 2017). Approximately 52 per cent of China's oil demands are being met and imported from the Middle Eastern states. The world top exporters released a report revealing the fact that from its total oil imports of \$134.3bn, China imported US\$69bn from the Middle East during the year 2015 (Figure 1) (Rahman and Shurong, 2017).

The Gwadar Port will link western Chinese province, Xinjiang, to the Indian Ocean over oil and gas pipelines as well as scheduled highways and a network of high-speed railways. That is how China will approach the Middle Eastern oil with a shortcut route. It will take only six days to approach energy supplies to Chinese boundary through CPEC, which is the shortest time frame as compared to its current sea-route in 32 days and 19 days through the suggested Bangladesh-China-India-Myanmar Economic Corridor (BCIMEC) (Shaikh *et al.*, 2016). The Middle Eastern oil reserves will only be around 2,295 miles (of which 545 miles via Oceanic routes and 1,750 miles through roadways) away from China through CEPC route as compared to its present 12,537 miles long distance comprising 9,912 miles through oceanic ways and 2,625 miles via the land-based route (Figure 4). Similarly, the transportation cost (from Abu Dhabi to Shanghai) will also be reduced to US\$200-250 (Figure 2) per 40 feet container with a time frame of two-three days (Figure 3) as compared to its current transportation cost of US\$2,000 which takes a long period of 16 days to reach its destination (The Gulf Today, 2017). Research reports signify the effectiveness of CPEC as declaring it a cost-effective project that will take shortest possible time for transferring

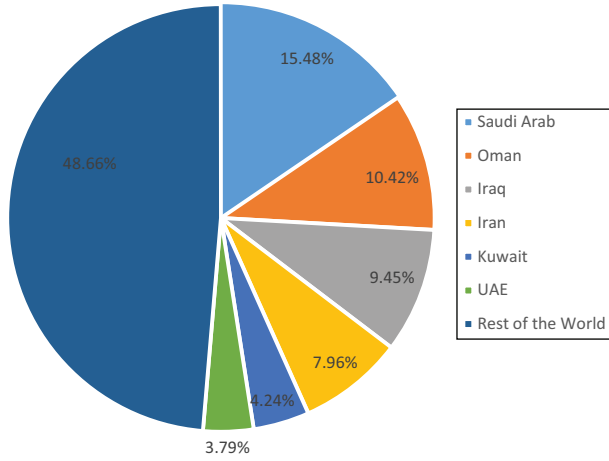


Figure 1.
Chinese oil imports

Source: World's top exports

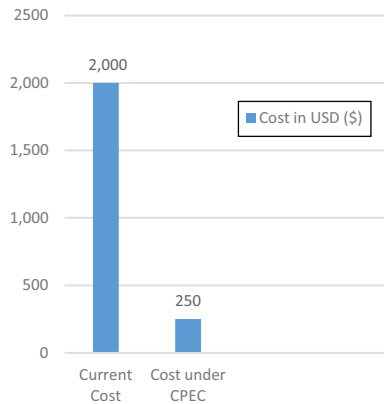


Figure 2.
Proposed transportation cost

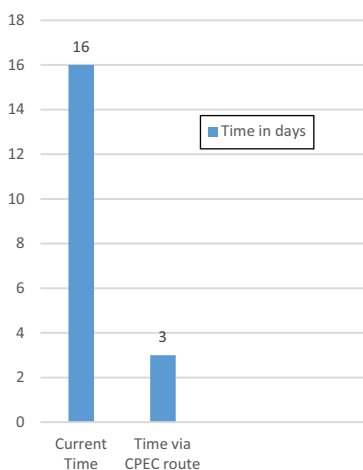
Source: The gulf today

energy supplies to China and environmental friendly at the same time as it will cause less greenhouse gases emission (Collins and Erickson, 2010; Sharan and Thiher, 2011) (Figure 4).

2.2 Safeguarding sea lanes of communications within the Indian Ocean region

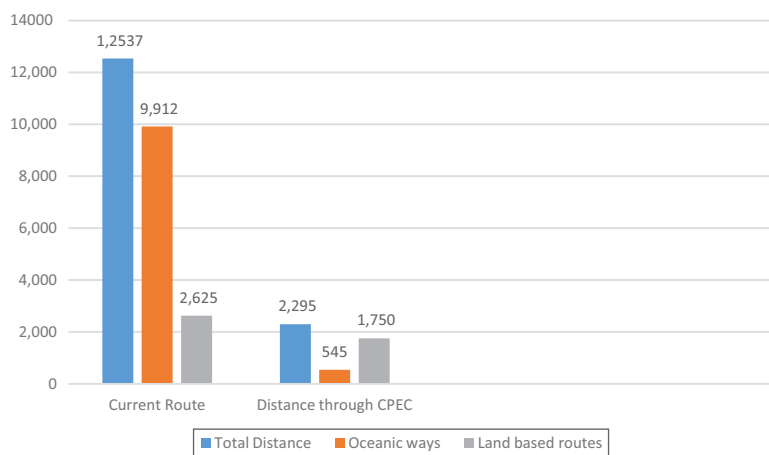
The USA, Japan and India have set their priority to ensure maritime security in the Indian Ocean Region (Wang, 2015). The USA has played a vital role in launching anti-piracy operations in this region securing the international trade, whereas India has already built its naval bases in the Nicobar and Adman Islands. Whereas, China became the world's largest maritime trader even deprived of adding sufficiently to its maritime security of international trade in the region comparatively (The Guardian, 2016). Almost 90 per cent trade of the USA

Maritime security collaboration



Source: The gulf today

Figure 3.
Proposed timeframe to reach the consignment at the destination



Source: The gulf today

Figure 4.
Comparison of mileage between the current route and proposed route under CPEC project (Abu Dhabi to Shanghai; in miles)

and China is being made via oceanic routes which represent about 25 per cent of the trade worldwide. However, it may not be feasible to continue this free ride for a longer time by availing important port amenities under BRI to project Chinese Navy's assets abroad.

As compared to its economic and military strengths, China has embraced quite a narrow and careful attitude to enhance its naval bases outside the country. There is only a naval post in Djibouti where People's Liberation Army Navy (hereinafter PLAN) of China operates anti-piracy activities, collaborating with the Japanese, US and French naval forces (Aljazeera, 2017). Therefore, the Gwadar Port may provide a warm platform to the Chinese

Navy to enhance its maritime security in the Indian Ocean. In 2004, the US Department of Defence reported a notion named as “String of Pearls” concerning China’s apprehensions in the Indian Ocean to build its blue water navy (Hamilton, 2004). This theory hypothesises China’s concerns to strengthen its chain of seaports and naval amenities in the Indian Ocean ranging from the South China Sea to Port Sudan. Safeguarding sea lanes of communications in this region from both traditional and non-traditional threats is vulnerable to China’s future maritime security. In the scenario mentioned above, the Gwadar Port which is situated only 250 km of distance from the Strait of Hormuz, may be a most suitable platform for Chinese naval forces that can open a gate to keep international trading lanes safe and secure (Rahman and Shurong, 2017).

2.3 Sea channel safety

It is important to ensure the sea channel stayed opened instead of cutting off, which is inevitable for smooth implementation of Chinese BRI. Ocean shipping comprises almost 90 per cent of global trade and 60 per cent of oil volume worldwide, whereas the Indian Ocean contributes world’s 50 per cent of container shipments and 70 per cent of the shipping of oil products from the Middle East to the Pacific (Haiquan, 2017). Nearly 40 per cent of world’s trade via the Strait of Malacca and almost 40 per cent of crude oil trade passages via the Hormuz Strait, signify strategic importance of the Indian Ocean routes for international trade (Kaplan, 2009). It is also of huge importance for China because most of the Chinese oceanic oil trade is passing through the Straits of Malacca, the Indian Ocean to North Africa and the Middle East. The channels that connect the Middle East to the Indian Ocean through the Malacca Straits can be regarded as the lifeline for China’s future economic growth that will prove as the blood to the veins of Chinese industry as far as their needs of petroleum products are concerned. Hence, the importance to ensure the safety and security of passage of the Malacca Strait, the Strait of Hormuz and the Mande Strait around the “One Road” is vital. The challenges, however, coming across it can never be ignored, as the USA also has concerns to control over these straits (Haiquan, 2017).

2.4 Why is the maritime security of Pakistan so important?

While advocating the effectiveness of sea power, Admiral Alfred Thayer Mahan stated that control of the sea by maritime trade activities and naval supremacy means predominant influence in the world (Kok Giok, 2013). It suggests that becoming a sea power within a particular region is essential to a nation’s long-term prosperity and its ignorance can put a nation at risk. CPEC has enough potential to transmute Pakistan into a trade hub that would categorically induce some sentiments in the regional enemies and competitors, particularly in India to halt it. Indian experts have been focussing on two imperative political and military ideas since long. The first one is, whoever commands the Indian Ocean will also command entire Asia. Secondly, extra-regional influences should be kept out as Indian Ocean lies around its backyard (The Value Walk, 2017).

The Strait of Hormuz is the channel for about one-third of the global oil trade, which makes the role of the Gwadar Port in this region vigorous to ensure energy security for China. The proposed naval base for China in this region would counter the USA’s influence (Waedlich, 2017). The potential of the Gwadar Port is not limited to Pakistan and China, but its scope is wider enough that promises to bid gigantic and potential dividends beyond the instant region. Therefore, the maritime security of Pakistan is identically important but a mere attended matter that needs to be considered with due attention by the policymakers. China and Pakistan are to be placed in an exceptionally advantageous strategic situation with the deep sea Gwadar Port that will also lead a drift of passionate competition among the contending states (Kazmi, 2016). Besides offering an utmost economical path for trade connectivity concerning China,

Pakistan and rest of the world, CPEC along with the Gwadar Port likely to create fruitful opportunity to enhance connectivity to the energy enriched Central Asian Republics. Another edging point of the Gwadar Port with the future perspective of this region is that it may also be used as a hub port for the Gulf states in the future (Khan, 2016a).

The challenges raised under the dominion of maritime security cannot be faced by any state of the world alone owing to the certain nature of contemporary maritime challenges. Therefore, the Pakistan Navy is in continuous collaboration with the Chinese Navy and navies of different states since a time followed by numerous activities in advancing its grip and interoperability over maritime crimes, for instance, joining 2004 USA-led multinational Task Force-150 (Khan, 2016a). Several prominent initiatives have been taken by Pakistan military to guarantee onshore as well as a float security of the Gwadar Port. It includes the security of the Gwadar Port and China's engineers and other workers along with the relevant infrastructure. Besides, a separate force named as "Force Protection Battalion" has been created by the Pakistan Navy solely for the protection and security of the Gwadar Port as well as Chinese people working on CPEC project (Kamran, 2017).

3. Current developments of Pakistan's maritime capacity building

Chinese sustenance for Pakistan's struggles in strengthening its maritime competencies has significantly expanded from the perspective of equipment, logistics and training support as well as technology transfer. During an official visit of the PLAN chief to Pakistan, tremendous concerns towards broadening the scope of present maritime exercises aimed to enhance interoperability have been shown by both the navies (Collin, 2016; The Dawn, 2016a, 2016b). Pakistan and China have entered into a contract to build six patrol vessels for PMSA in June 2015. According to this agreement, out of these six, four were to be built in China and the other two at Karachi's Shipyard and Engineering Works (hereinafter KS and EW) under Transfer of Technology (Haider, 2015). The endorsement by the China Shipbuilding Industry Corporation for its participation in a project with the Pakistan Navy to deliver eight attack submarines symbols yet another milestone in this collaboration (Naval Today, 2016). The acquirement of these new ships is an important phase concerning to the capacity building of PMSA by the government that will definitely improve the agency's operational capabilities, which will on the one side help to defend and safeguard the resources in Pakistan's exclusive economic zone (hereinafter EEZ) and fishery protection and, on the other hand, offer to curb the issues of human trafficking, piracy, maritime terrorism and other cyber-related crimes around the Indian Ocean.

The latest progress and a key landmark of this bilateral arrangement (CPEC) is the construction of a Chinese-built deepwater port at Gwadar on the Arabian Sea, which is situated at an ideal geographical location near to the Iranian border. The six vessels as mentioned earlier will greatly assist Pakistani Navy and prove as a "force multiplier" to safeguard the maritime frontiers of Pakistan. China's growing interests in the Gwadar Port is obvious and justified as it links China to the Arabian Sea and the Middle East resulting in many benefits to the trade and energy requirements of China. The situation above is a contemporary instance of China-Pakistan maritime security collaboration. There are many latest maritime-related projects launched in Pakistan which are building up Pakistan's maritime capacity. Some of these are recently completed, and many are still in progress.

3.1 Recently completed maritime projects by Pakistan Navy

Various maritime projects of Pakistan Navy have been recently completed and are functioning in their full capacity to secure and safeguard the maritime zone of the country. These projects include:

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- 32 Tons Bollard Pull Tug: 34 m of total length with a displacement of 481 tons, having a top speed of 12 knots and bollard pull of 32 tons;
- F22P Frigate (Zulfikar Class Frigate): the frigate transmits Harbin Z-9 helicopter, armed with a 76 mm gun, 30 mm Type 730B close-in weapons systems, FM-90N surface-to-air missiles, C-802 surface-to-surface missiles, ET-52C torpedoes and RDC-32 anti-submarine rockets;
- 10 Tons Bollard Pull Tug: 16.89 m in length and a displacement of 55 ton, divided into five watertight compartments, a modern twin screw tug for inland water, harbour and coastal facilities;
- Fast Attack Craft (Missile) – FAC (M): 63 m in length, having a range of 1,000 nautical miles, with a maximum speed of 30 knots. A 560-ton fast attack craft features surface-to-surface missiles;
- Dredge Tender: 19.11 m in length, 8.46 m in breadth and 2.75 m in depth with a displacement capability of 125 tons with draught aft of 1.7 m;
- Small Tanker cum Utility Ship (STUS): a robust, thick design to administer several roles, including the transfer of workforces to and from coastal ports, which can also perform as an attendant vessel throughout diving operations, towed array transportation, mine laying, mine recovery and torpedo recovery;
- Harbour Utility Vessels: harbour and ocean-going tugs as well as utility vessels in several configurations built to meet the specific needs and requirements;
- Multi-Purpose Auxiliary Craft – Missile (MPAC): constructed with a speed of 32 knots, having a maximum displacement of 250 tons, fitted with state-of-the-art anti-ship missile system;
- Coastal Oil Tanker: an 885 TDW coastal tanker (fuel, water and dry cargo);
- Floating Dock: offers many benefits comprising onboard repair workshops and cranes, with lifting capacity ranging from 1,000 to 5,000 tons.
- Midget Submarines: a very useful submarine having several purposes such as attacking enemy units in the harbour with frogmen/chariots, at sea with torpedoes, at shore installations by commandos, mine laying, a defensive barrier in shallow waters, advance pickets' duties, intelligence gathering, etc.;
- Multipurpose Barge: 30 m in length, furnished with pumps, ventilation system, fire pumps, generator and oily water separators. It is being used to collect compensated water from submarine fuel tanks and remove fuel contents to avoid pollution in the harbour, diesel storage and supply and assist in harbour pollution control; and
- Split Hopper Barges: intended to arrange with cutter suction dredgers. (KS&EW, 2019a, 2019b)

3.2 Series of major ongoing projects

There are some major projects still ongoing underneath of Pakistan Navy, which are very important to ensure the maritime security of oceanic borders. Some of the key ongoing projects are mentioned hereunder:

- *17,000 Tons Fleet Tanker*: The construction of Pakistan Navy Fleet Tanker (PNFT) is propelled by two diesel controlled engines with manageable pitch propeller and can reach a maximum speed of 20 knots at full load, the ship is of double hull

configuration equipped with 4x DGs for electrical power generation with general length of 158.4 m and maximum width of 22.0 m, the ship has scantling displacement of over 17,000 tons. PNFT is the largest ship which is going to be built in the country to date.

- *Fast Attack Craft (Missile)*: A state of the art, multi-mission corvette, 63 m long and having a breadth of 8.8 m. The design draught of the ship is 2.46 m having a displacement of 560 tons with a top speed of 30 knots ranging 1,000 nautical miles. It is an enhanced form of vessels than the previous vessels which can transport an indigenous weapon system. The ship is being constructed underneath the Chinese Classification Society Rules.
- *Maritime Patrol Vessels*: Two Maritime Patrol Vessels (MPVs) are also underway to be constructed for PMSA, which are 600 and 1,500 tons of displacements. The 600 tons MPV is having a length of 68 m and a determined breath of 8.7 m. with a maximum speed of 27 Knots was propelled on 5 December 2017 and it will be brought until April 2018. Whereas the 1,500 tons MPV is 95 m long, having a determined breath of 11m. with the highest speed of 26 knots, scheduled to be constructed before February 2019. It will have the aptitude to function autonomously as well as a part of a combined force in coastal and deep-sea zones. MPVs will be used for many roles comprising patrolling and policing operations against asymmetric threats, pollution control, surveillance of EEZ, disaster relief, intelligence gathering and maritime security operations.
- *32 Tons Bollard Pull Tugs*: A 34 m of general length having a displacement of 481 tons with a top speed of 12 knots, Bollard Pull of 32 tons and fitted with an identically robust fendering preparation.
- *Bridge Erection Boats*: A 22x Boats Bridge Erection, prepared with Aluminium Alloy, driven by Cummins Marine Diesel Engine of 205 HP, capable of impulsing it at a maximum speed of 13 knots. This 5.85-m-long boat has a vigorous design to endure fast river currents. (KS&EW, 2019a, 2019b).

4. Gwadar Port development project and China's commitments

Owing to its proximity to the Strait of Hormuz, Gwadar will turn into a trade hub and key shipping point to connect China, Pakistan, Afghanistan and the other Central Asian states once connected with air, rail and roadways alongside a shortest available route. It will also then serve as an energy corridor between these states. Eventually, these developments will bring much employment opportunities and create significant revenue sources to the national economy, particularly for the local people (Khan, 2017). China Overseas Port Holdings Limited took charge of the Gwadar Port in 2003 (The Express Tribune, 2013). China's interest in Gwadar Port is significant owing to various reasons such as to meet its energy demands more efficiently, addressing the economic issues in western China and its overall unprecedented economic growth. Also, China is planning to build an oil refinery at Gwadar coupled with a long pipeline from Gwadar to Xinjiang for transporting oil from Africa and the Persian Gulf (The News, 2018).

4.1 Military perspectives of Gwadar Port

As Gwadar will open China to the Arabian Sea as well as the Indian Ocean, therefore, it will strategically serve China with numerous military benefits such as monitoring eastern rival Indian nautical operations in the region (Azeemi, 2007). Its geo-strategic location could assist

in monitoring electronic surveillance of the naval operations in the Indian Ocean as well as the Arabian Sea, which will further provide a crucial Maritime base remote from Indian frontiers to Pakistan. On the other hand, China will create a maritime encirclement by engaging with other nearby ports such as Chittagong in Bangladesh, Hambantota in Sri Lanka and Sittwe in Myanmar (Kalim, 2016).

China is upgrading Gwadar Port and will allow heavy ship-docking together with deadweight size, e.g. 70,000. To this end, around 80 per cent of soft loans as well as grants are provided for the development of Gwadar Port and other nearby areas. It is an important fact that the US Navy executes security in the Strait of Malacca and stretches coastal areas of Indonesia and Malaysia (Song, 2007). So, China's existence in the region may work as a matter of political pressure and military strength to balance any possible maritime conflict in the future.

4.2 Development projects in Gwadar and their progress

CPEC project can also be regarded as another significant extension to the Chinese BRI and the game changer in this region. However, the success of CPEC is mainly based upon the development and successful running of the Gwadar Port, which is a mix-up of Chinese Government Concessional Loans and Grants as well as loans from the domestic financiers. The details of numerous projects at Gwadar with their updated progress are mentioned hereunder (MPDR, 2019) (Table I):

5. Discussion and analysis

5.1 Legal issues on China–Pakistan Economic Corridor, Chinese Silk Road Economic Belt and 21st Century Maritime Silk Road vision

The 21st Century MSR is adjunct to the Chinese SREB programme following up the BRI. Later on 28 March 2015, China's National Development and Reform Commission issued an action plan for the BRI, in collaboration with China's Commerce Ministry and Foreign Ministry that indicated Chinese concerns in the Indian Ocean connecting the Persian Gulf with the Mediterranean Sea through Central and West Asia (NDRC, 2015). However, some fundamental legal questions about international economic law's perspective rise with this arrangement that deserves to be addressed by or to the stakeholders. This development approach of Chinese vision is envisioned as a new model of global cooperation and universal governance. Therefore, the nature of this additional development model demands some analysis (IAB&R, 2016). Secondly, the governing principles of the BRI, as well as CPEC, are the point of significance that serve to shed more light on the nature of the Chinese Vision. Thirdly, to formulate and accord the overall regulations of the project with national and international laws. Finally, the legal nature of the underlying apparatus within which CPEC is framed is important to notify the legitimate privileges and responsibilities of the concerned parties.

5.2 National and international law issues

Article 14 of the 1969 Vienna Convention on the Law of Treaties states that any agreement governed by international law between the countries those intend to commit themselves qualifies as an enforceable treaty when it is expressed in writing (Vienna Convention on the Law of Treaties, Article 14). It means memorandums of understating signed between China and Pakistan, for the sake of arguments, are supposed to be enforceable agreements under the definition of the Vienna Convention. Furthermore, it also needs to be incorporated by the domestic legal system through national legislation.

Name of the project	Estimated cost (US\$ in millions)	Project progress update
Gwadar East-Bay Expressway	140.60	Minutes under the Economic Affairs Division (EAD) with the Ministry of Foreign Trade and Commerce (hereinafter MOFCOM) have been signed
New Gwadar International Airport	230.00	Minutes of EAD-MOFCOM have been signed
Construction of Breakwaters	123	The Chinese side has also proceeded with the grant request The Chinese company named China Overseas Port Holding Company Limited (hereinafter COPHCL) has provided the draft business plan Under review by Gwadar Port Authority (hereinafter GPA) and Ministry of Ports and Shipping (MoP and S), Government of Pakistan
Dredging of berthing areas and channels	27	Concerned ministries have prepared and duly scrutinised the draft MoU for joint technical and commercial feasibility
Development of Free Zone	32	COPHCL has provided the draft business plan Under review by GPA and MoP and S Finance Bill 2016 notification included the tax exemptions for port and Free Zone Groundbreaking has been done by the prime minister of Pakistan
Necessary facilities regarding fresh water treatment, water supply and distribution	130.00	The investment inside the free zone is 100% private and to be operated by COPHCL Significant progress has attracted and responded to a large number of investors Gwadar Free Zone investment guideline is published to assist all the stakeholders Legal assistance may be sought keeping in view the aforementioned official documents
Pak-China Friendship Hospital	100	PC-I for five MGD RO plants for Gwadar has been cleared by the Central Development Working Party Draft Framework Agreement shared with the Chinese side and likely to be signed soon
Technical and Vocational Institute at Gwadar	10.00	Grant request sent by EAD to MOFCOM The Chinese team has completed a feasibility study to add 100 beds from the existing 50 for the following extension leads to 300 beds
Gwadar Smart Port City Master Plan	4	A visit by a Chinese technical team expected soon to conduct a feasibility study MoU in this regard is also likely to be signed soon MoU was signed in November 2015 Letter of Exchange was signed in August 2016
Bao Steel Park, petrochemicals, stainless steel and other industries in Gwadar		EAD has provided the name of one consultant in this regard. The case has been processed on the fast track, making sure its completion before/within 12 months positively
Development of Gwadar University under Social Sector Development Program		The essential approval procedure would be completed at the earliest for inclusion as new CPEC project under Gwadar – Joint Working Group
Upgradation and development of fishing, boat making and maintenance services to protect and promote livelihoods of the local population		A leading Chinese university will be identified by the Chinese side for collaboration with the University of Gwadar on marine and maritime-related subjects, along with other disciplines Effective measures would be taken by COPHCL for social sector development in Gwadar

Source: www.cpec.gov.pk/gwadar; last visited on 28 November 2018

Table I.
Gwadar Port and city
development projects
under CPEC

Pakistan has signed around 50 bilateral investment agreements with China, Japan, South Korea and some European as well as other states of the world ([Investment Policy Hub, 2019](#)). Apart from this, Pakistan has countersigned Pakistan–USA Trade and Investment Framework Agreement (2003), EC-Cooperation Agreement (2004) and the China–Pakistan Free Trade Agreement (FTA 2007) ([IPH-Pakistan, 2019](#)). The agreements with the USA and EC do not comprise enough to be regarded legally significant whereas, the China–Pakistan FTA is relatively an elaborative FTA which also include rules about international investment as a complete chapter ([IAB&R, 2016](#)).

The normative regimes that CPEC and its execution comprise various soft and hard nature of disciplines. The primary disciplines include: Pakistani major law and its Constitution, the MoUs signed between China and Pakistan along with different organs of the Chinese and Pakistani states, bilateral investment agreements signed between Pakistan and third states as well as between China and Pakistan, WTO Agreements, international environmental law, IMF disciplines that also includes any conditions under Pakistan's IMF Extended Fund Facility, international law on territories and the law governing the investment arrangements between Pakistan and Chinese investors ([Shapiee and Idrees, 2017](#)). In the case of national laws, an obvious point to be noted is that the implementation of CPEC project necessitates conforming numerous pertinent domestic laws of Pakistan, for instance, the Pakistan Environmental Protection Act, 1997.

5.3 Security challenges: regional and internal

Regional and internal security is one of the biggest challenges to CPEC ([Small, 2015](#)). In spite of various military operations, Pakistan is still facing some security constraints in certain areas such as militants and extremist groups target government officials, religious or ethnic minority groups, security forces, gas pipelines and power pylons and in some cases, Chinese workers and engineers have been kidnapped and killed, which has caused significant economic as well as human damage to the country ([Shah, 2013](#); [Syed et al., 2016](#); [Arifeen, 2017](#)).

The security agencies in Pakistan have taken pertinent measures and rendered a great job to ensure the better security conditions in these areas. To this end, a Special Security Division including 12,000 troops has been established by the Pakistan Army to safeguard and look after the security issues in CPEC projects ([Gishkori, 2015](#); [Khan, 2016b](#)). The various military operations have significantly brought down the violence in Pakistan ([Human Rights Watch, 2018](#)). Also, Chinese and Pakistan's Navy ships will jointly protect and safeguard the maritime corridor. The Pakistan Navy has launched a special task force "TF-88" in December 2016, which makes sure the security measures for maritime trade; China will provide four ships to PMSA for this purpose ([Gady, 2017](#)).

5.4 Political concerns in China–Pakistan Economic Corridor routes

There are some political challenges over CPEC projects concerning the competing demands and claims by the provinces of Pakistan ([Ramay, 2016](#)). According to a study by [Zhaoli \(2013\)](#), security concerns are linked with political bias, which may lead to change any route within Pakistan. In 2015, the Chinese Government showed their concerns to the political parties in Pakistan as well as Pakistan Army to bringing various stakeholders at one page over this project ([Lain and Pantucci, 2016](#)). A former official from China's Foreign Ministry, Victor Gao has observed uncertainty concerning the claim over the ownership of this mega project by either the government or the military ([Bokhari et al., 2016](#)). There is no doubt that the Pakistan Army is the guarantor for the security of CPEC routes due to its extraordinary diplomatic interdependency with Chinese officials ([Wolf, 2016](#)).

In addition to local or regional politics, some international political norms are also involved and need to be addressed through this venture such as the collection of hydrographic intelligence in foreign EEZs (Rehman, 2017). Some Chinese legal experts stated that US intelligence is violating the “peaceful purpose cause” clause of the United Nations Convention on the Law of the Sea (UNCLOS) and conducting illegal operations in foreign EEZs (Dutton, 2010). Although, maritime rivalries in the Indian Ocean may be a premature signal for the great competition or power politics at the international level (Sweijts *et al.*, 2010). However, PLAN along with PMSA will have to consider these provisions while conducting various operations concerning maritime security and intelligence gathering in the Arabians Sea or the Indian Ocean through Gwadar Port in the future (Mizokami, 2016; Gupta, 2016).

5.5 Disputes concerning exclusive economic zones

China has dispute particularly with the USA concerning the right to regulate foreign military operations within EEZs under the arena of international law. To this end, the USA’s position is that UNCLOS establishes and gives a right to the coastal states to regulate economic activities, e.g. oil exploration and fishing, as part of their EEZs but not to constrain foreign military operations within EEZs (Marex, 2014). Whereas, China’s and some other state’s stances is that UNCLOS interprets the rights including economic activities as well as foreign military operations in their EEZs at the same time (Geng, 2012).

Some observed numbers have been provided in a research that highlights the number of coastal states taking position to exercise right for economic as well as foreign military activities in EEZ under UNCLOS; 18 coastal states seek to regulate activities by foreign military in their EEZs, and three states, including North Korea, Peru and China, have regulated foreign military operations in EEZs (O’Rourke, 2018). Keeping in view the scenario, it is important to consider and address how China will conduct and actively participate in maritime operations under CPEC and avoid any EEZ-related dispute in future.

5.6 Pakistan Maritime Security Agency and China–Pakistan Economic Corridor: ensuring maritime security

Since launching the BRI, the protection of Pakistan’s maritime zones has become a major priority for both China and Pakistan (Saleem, 2017). CPEC is regarded as the flagship venture of BRI, and both states are functioning amicably to guarantee its smooth execution. The PMSA was established in 1987 under the provisions of 1982 UNCLOS (UNCLOS, 1998) to protect its maritime interests. The major tasks assigned to the agency under PMSA Act 1994 include to: assist as well as coordinate in Search and Rescue of the vessels, secure property and lives in distress at sea, implement national as well as international laws including agreements and conventions in the maritime zones, provide required help and cooperate with other departments and agencies at sea to perform their duties and functions, protect the fishing vessels and crew against any possible threat within the maritime zones, execute such other operations as may be assigned by the government to protect the maritime interests of the country. (PMSA, 2019)

China, under an agreement signed in 2015, has already supplied Pakistan with a third 600-ton maritime patrol ship. Pakistan’s Ministry of Defence Production (MoDP) signed an agreement with China Shipbuilding and Trading Company, which included construction of four 600 tons and two 1,500 tons patrol ships for the PMSA. These ships

have been attained to improve PMSA's capacity to safeguard Pakistan's maritime resources in its EEZ and to carry out operations against drug trafficking and illegal immigration under the international maritime law (Haider, 2015). The collaboration between both states on the developments of these ships witnesses their mutual strategic interests reflecting long-term benefits. Consequently, Pakistan's capabilities to safeguard its maritime security and economic interests are significantly bolstered with China's helping hand to PMSA that would also support for accelerating Chinese determinations in the region.

5.7 Pakistan Maritime Security Agency–People's Liberation Army Navy cooperation in maritime security

Gwadar stands as a hub of CPEC projects. Therefore, Seaward and Sea lanes security are of much significance. The history of this area is replete with some illegal incidents concerning maritime terrorism, piracy, gun running and drug trafficking, which increase the economic risks and threats to seafarers at the same time (Azmi, 2017). It demands teamwork in the area of maritime security of the region. For this purpose, Pakistan Navy has been actively participating in maritime operations with the collaboration of international navies, e.g. the Annual International Maritime Conference, the AMAN series of biennial multinational naval exercise, the Joint Maritime Information Coordination Centre and institutionalisation of Coastal Command are some examples (Wilk, 2014). However, the proposed future scenario of increased commercial activities in this region will demand additional measures. To this end, Pakistan Navy, PMSA and PLAN are working on the joint venture in this regard.

The Chinese naval support to Pakistan Navy has been significantly increased in the recent years. PLAN and Pakistan Navy along with PMSA have endorsed to enhance the scope of bilateral cooperation in the dominium of maritime security such as exercises, joint shipbuilding projects, port calls, maritime security dialogues, training visits or courses, agreement regarding Yuan-class submarines, Azmat and Jalalat class fast attack craft (missile) and construction of the F-22P frigate for the Pakistan Navy (The Dawn, 2016a). Pakistan Navy became the first foreign navy which has conducted a naval exercise with PLAN in 2003. In 2007, PLAN also participated in AMAN Exercise Maritime Operation with Pakistan Navy; PLAN's first participation in a transnational maritime operation (Kaufman, 2009). The concept of joint ventures would offer the basis of maritime cooperation in the Indian Ocean concerning maritime safety and security for the shared interests of the regional stakeholders (Saeed, 2016).

5.8 Chinese naval interests in the Indian Ocean

China's naval interests together with maritime trade are growing across the Indian Ocean, which also indicates to establish a naval presence at various ports in the Indian Ocean including an increased number of maritime security cooperation in Indo-pacific region. All these facts may make China a resident power in the Indian Ocean in future (Palgrave Studies, 2018). Chinese companies have been engaging in the expansion, construction and operation of various commercial port facilities in the region since the turn of this century, which include Gwadar (Pakistan), Bagamoyo (Tanzania), Lamu (Kenya), Kyaukpyu (Myanmar) and Colombo and Hambantota (Sri Lanka) (Suri, 2017). Besides, Chinese state-owned companies have acquired key stakes in the ports of Djibouti, Hambantota, Suez, Lome, Chittagong, Piraeus, Zeebrugge, Antwerp, Kyaukpyu, Karachi, Colombo, Gwadar, Karachi, Colombo and Singapore (The New Masters and Commanders, 2013). The extensive naval acquisition of Chinese Navy around the Indian

Ocean will strengthen its maritime security scope and also make China one of the key players in the maritime domain of the Indian Ocean. Eventually, China might come up with a regional power having a strong grip over four sides of the Oceanic sphere in the region.

5.9 China's second overseas naval base

Chinese strategic designs regarding Baluchistan have lately been in the news, and it was reported that China was eyeing the nearby "Jiwani" port as a military base (located between Gwadar and Chabahar port in Iran) and had been in secret talks with Baloch separatists for stabilising the region (Gupta, 2018). According to a report by Marex in early 2018, PLAN is going to set up a second Chinese overseas naval base after Djibouti, around the Chinese-built Gwadar Port of Pakistan (Marex, 2018). Retired US Army Col. Lawrence Sellin has also endorsed the news that Chinese officials are in negotiations to build a naval base at a small fishing port of "Jiwani" on a peninsula west of Gwadar (Chan, 2018). Another academic evidence for this initiative may be a research study conducted by Roshan Khanijo, in which he stated that acquisition of Gwadar Port by China might also be regarded as to construct a base facility at "Jiwani" (Khanijo, 2018). In addition to its own naval bases, building another foreign naval base at Jiwani will have a significant impact on the sphere of maritime security of this region. This Sino-Pak maritime security collaboration will not only serve China with international energy sources at the next door but also strengthen its naval capacity more strategically.

6. Conclusion

Maritime security collaboration between China and Pakistan is important not only for regional peace and political stability but even beyond. Given these objectives, China's intention of building a partnership through the "China Pakistan Economic Corridor" demonstrates achieving its larger goal of securing its foothold in maritime and economic growth at large. To this end, building ports and coastal facilities is an important step forward to extend China's maritime approach across the Indian Ocean via the Suez Canal, into the Mediterranean basin. The core objectives include securing its sea lanes of communications, which carry almost 90 per cent of trade and energy supplies for China. More importantly, a secured maritime position will not only result in strong regional power and a prosperous economy but also strengthen Chinese naval military motivations in the region coupled with increased territorial coverage opening it to the Arabian Sea as well as the Indian Ocean.

The capacity enhancement of PMSA is pertinent to secure the area of Gwadar owing to enhanced responsibilities under CPEC project. The Pakistan Navy and PMSA have already established a comprehensive apparatus to ensure the security of the Gwadar Port and surrounding sea areas. Pakistan's collaboration with China on the developments of these projects serves as a testimony of combined strategic interests of both states. One thing is quite obvious that the success of CPEC and the Gwadar Port project is linked to a safe and secure maritime environment in the Indian Ocean region and the Arabian Sea, which merits PLAN-PMSA cooperation to understand and encounter the foremost maritime security challenges with due care to get the maximum out of this long-lasting economic as well as a diplomatic initiative to capture the regional powers in hands.

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