

INDIA AS AN ACTOR IN CONVENTIONAL ARMS TRADE AND CONTROL

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India ako aktívny účastník obchodu s konvenčnými zbraňami a ich kontroly

***Abstract:** India has undergone enormous developments in the field of conventional weapons since independence in the mid-twentieth century and is currently one of the leading importers of weapons, and is constantly advancing in the development of modern military technology. Its development as well as the current situation in trade and control of conventional arms transfers is influenced by several historical, strategic, geographical and economic variables. In the first part of the article, the author focuses on the analysis of international legislation on conventional weapons, to which India is a state party, but also which it has not acceded to, stating the reasons for its actions and related problems. The aim of this part is to find out which variables influence involvement in the international legislation. The second part of the article aims to discuss the scale of impact of existing variables and identifies the main characteristics of the country's conventional weapons trade. The third aim of the article is to answer the question, if India shows the characteristics of a developed or developing country in areas related to conventional weapons.*

***Keywords:** Heavy conventional weapons, small arms and light weapons, international legislation on conventional weapons, conventional arms trade, India.*

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1 Introduction

The production, trade and control of conventional arms transfers are phenomena in which almost all states of the international community are involved. They differ mainly in the volumes and types of weapons produced and traded, the tendency to export or import weapons, and the degree of involvement in international legislation in the field of their control. Due to these differences and the impact of conventional arms transfers on international security, it is necessary to examine and highlight the performance of states in this area and analyse emerging problems arising from low levels of involvement in international legislation to control them or the existence of illicit arms smuggling in the country.

A large number of publications are mainly devoted to examining the arms trade as a whole (across the globe) or the countries that are among the primary exporters of conventional arms. The author does not deny the importance by which leading arms exporters influence the international economic, political and security scene and the creation of legislation focused on conventional weapons. However, she considers it important to pay increased attention and link data on arms-importing countries as well, and therefore focuses on analysing India as an actor in the conventional arms market. As this is a very dynamic and rapidly changing issue, it is necessary to constantly examine the topic. The analysis is divided into two main parts. The first part is an analysis of international legislation to which India is a party or has not acceded, giving reasons for its action. In this section, the author also points out the related problems to individual legislative acts. The second part of the analysis is focused on the position of India as a subject of international trade in conventional weapons.

The primary goal of article is to define the main features that are characteristic for the country, while answering the following questions: (1) What influences India's involvement in the international legislation? The individual international legislation is unique, due to its focus, regional coverage, benefits for arms exporters/importers, which has different effects on the interest of countries to become parties. (2) Which variables affect the development of India's arms trade? The territorial and commodity structures of the India's arms trade are analysed, while in the final discussion are set out the variables and the way in which they affect trade. (3) Does India show the characteristics of a developed or developing country in areas related to conventional weapons? This issue

is examined from the perspective of both parts of the analysis, namely the approach to international legislation and the development of the commodity and territorial structure of arms trade.

The author uses quantitative and qualitative data obtained from the official websites of international organizations, treaties and world databases dealing with the monitoring of conventional arms transfers, namely the Stockholm International Peace Research Institute (hereinafter SIPRI) and the United Nations Register of Conventional Arms (hereinafter UNROCA). In addition, she works extensively with the publications of experts dealing with analysis of India's conventional weapons. In particular, the publications of Indian authors are cited, as Western authors focus less on this topic. These experts analyse the topic from several perspectives, for example in the case of Ashok (2020), Siyech (2019) and Biswas (n.d.) in connection with the illegal smuggling of conventional small arms and light weapons (hereinafter SALW) in India and surrounding countries. Jain (2018) and a group of experts working within Oxfam (2006) are examining the reasons for India's non-participation in a major conventional arms trade control treaty, the Arms Trade Treaty. Nepram (2009) discusses the issue of India's non-accession to another convention, the Convention on Cluster Munitions. From older publications, it is necessary to mention the analysis of the Indian defence sector by the author Gupta (1990), which served as one of the inspirations for the author to devote her analysis to the current situation of conventional weapons in India. Solely to the development of naval aviation defense, as a key strategic and security area for India, is dedicated the publication by Sharma (2013). An important variable that affects the defence sector, the deployment of military technology and the trade in conventional weapons is the military strategy, which is addressed in the publication by Tarapore (2020). In addition to the above-mentioned publications, the author relies on many others in the article.

2 Analysis of participation on international legislation on conventional arms

In order to strengthen security, whether at international or regional level, states conclude multilateral agreements regulating trade in conventional arms, restricting armaments or prohibiting the use of certain types of weapons and ammunition. Multilateral conventions or treaties differ depending on the type of weapons they are targeting, their target region or whether they aim to com-

pletely prevent the use of a certain type of weapon or set the framework for trade in them. Of the nine selected substantial international treaties on conventional arms (Table 1), India is involved in four, indicating a relatively low level of the country’s involvement in international conventional arms legislation compared to developed countries. In the case of other Asian countries, India’s involvement can be described as positive, whereas their involvement in international conventional arms legislation is either at the level of India or they have a lower level of involvement.

Table 1: Participation of India in international conventional arms control legislation

ATT	APMBC	CCW	CCM	CFE	FP	HD	OST	WA
		1.3.1984			5.5.2011	29.7.1950		7.12.2017

Explanatory notes: White (ratification, accession), dark grey (no state party).

ATT – Arms Trade Treaty; APMBC - Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction; CCW - Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects (with Protocols I, II and III); CCM - Convention on Cluster Munitions; CFE – Treaty on Conventional Armed Forces in Europe; FP - Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime; HD – The Hague Declaration; OST – The Open Skies Treaty; WA - Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies.

Source: Author's own processing according to United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific (n.d.)

The first analysed convention to which India acceded, is the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects (hereinafter CCW), including its protocols. India signed the convention on 15 May 1981 and then ratified it three years later on 1 March 1984 (United Nations Treaty Collection, 2020). It also undertook to comply with Protocols I, II and III of CCW. The purpose of the convention is to protect combatants and victims of war from excessive injuries caused by certain types of conventional weapons. Despite India’s commitment to Protocol II concerning landmines, it was one of the countries, together with the Russian Federation, Pakistan, China and Mexico, that directly expressed their opposition to the prohibition of their use.

An important treaty in case of SALW, which India signed on 12 December 2002 and subsequently ratified on 5 May 2011, is the Protocol against the Illi-

cit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (hereinafter FP). As the title suggests, the main purpose of the agreement is to combat the illicit smuggling of SALW and to control their legal transfers. Illicit trafficking of SALW is a major problem in India, linked in particular to the existence of armed conflicts in neighbouring countries, border disputes and the involvement of several drug gangs (such as the 'Golden Triangle' and the 'Golden Crescent'). "According to the National Crime Records Bureau, in the year 2018, a total of 74,877 firearms were seized, out of which 3,742 arms were licensed/factory made, while 71,135 arms were unlicensed/improvised made (Ashok, 2020)." Weapons are mostly smuggled into the country across the borders with Myanmar, Thailand and Bangladesh. The existence of rebel groups in India also contributes to the proliferation of illegally transferred weapons, especially in the north-eastern part, where the United Liberation Front of Assam (ULFA), the National Socialists Council of Nagaland (NSCN) and the National Democratic Front of Bodoland (NDFB) operate. These groups are directly linked to Pakistan's ISI and the Afghan Mujahideen, from which they receive weapons and military training (Biswas, n.d., p. 15).

In 1950, India acceded to the Hague Declaration, which aims to prevent use of "bullets which expand or flatten easily in the human body such as bullets with a hard envelope which does not entirely cover the core or is pierced with incisions (Coupland and Loye, 2003, p. 1)." In the case of India, this declaration applies to the so-called Dum Dum bullets (or Mark III), which were initially used as improvised ammunition on its north-western frontier in 1897–1898 during the Tirah campaign. They were named according to the fact that the factory for their production was located in the area of Dum Dum near Calcutta. The reason for preventing their use was the excessive suffering they caused in the human body.

The last agreement to which India has committed itself is the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies (hereinafter WA). India became the 42nd member of this export control regime in December 2017 following the annual meeting in Vienna, committing itself to exchange information and increase transparency in the conventional arms trade. India's accession to the WA was mainly supported by the US and France. It is expected that the accession to WA is going to strengthen discussions and allow entry into another export regime, the Nuc-

lear Suppliers Group (The Diplomat, 2017). An important reason for India's integration into international legislation in the field of control and transfer of conventional weapons is the effort to open up its arms industry and promote trade in its production.

The most important up-to-date treaty regulating conventional arms trade is the Arms Trade Treaty (hereinafter ATT), to which India has not yet acceded, but has been heavily involved in negotiations during its creation. India praised in particular the potential of the treaty to help reduce the rate of arms smuggling into the hands of terrorist organizations and non-state actors, which is a huge problem for the country. Ultimately, the final text of the ATT did not meet India's expectations, not only in the area of arms smuggling, but also in the position of exporters and importers of conventional weapons. The second point played an important prerequisite for India, as a leader among conventional arms importers, for inclusion among the state parties. The refusal to accede to the ATT was justified by Ambassador Sujata Mehta, Permanent Representative of India to the Conference on Disarmament in Geneva, following the 2013 meeting of UN General Assembly, as follows: *"India cannot accept that the Treaty be used as an instrument in the hands of exporting states to take unilateral force majeure measures against importing states parties without consequences. The relevant provisions in the final text do not meet our requirements (Ministry of External Affairs – Government of India, 2013)."* Asia as a region ranks among the continents with the lowest levels of ATT involvement, along with African countries. In his publication, Jain (2018) examines arguments for joining the ATT or remaining in the status quo in the case of India, and leans towards the second option. Among the arguments in favour of India's accession to the ATT, he includes the so-called reputational dividend, diplomatic leverage (possibility to more easily influence the direction of treaty development), building trust and potentially improving defense cooperation. On the contrary, the disadvantages of entry include the already mentioned disadvantaged position of arms importers, for example in the form of refusal of arms exporters to supply weapons under Article 7 of the ATT or the lack of a sanction system and the low binding nature of the treaty.

A fairly debated issue in relation to India's conventional weapons is the manufacture and use of cluster munitions. India is one of the countries that has not acceded to the Convention on Cluster Munitions (hereinafter CCM), an agreement aimed at preventing the production, trade and use of this type of ammunition. Although aware of the humanitarian implications of the deploy-

ment of cluster munitions, India has not taken any steps to access the CCM and is not participating in its meetings. It is even one of the few countries that produce cluster munitions within its defence industry, such as within the State-owned India Ordnance Factories or the Defense Research and Development Organization that belongs under the India's Ministry of Defence (The Landmine and Cluster Munition Monitor, 2019). The trading partners from which India imports cluster munitions include, in particular, the United States and the Russian Federation, and have in the past transferred technology for its production from Israel.

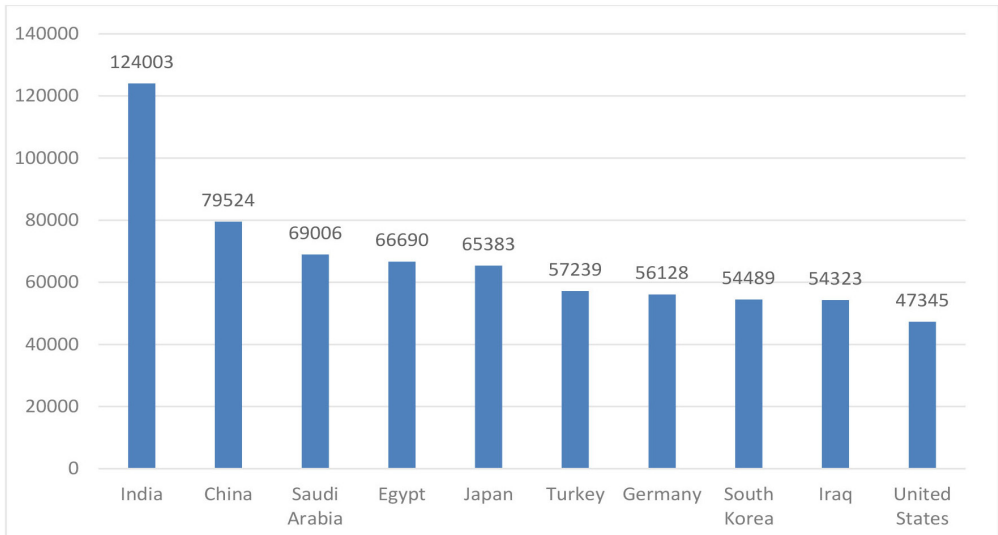
In addition to Protocol II to the CCW, the most important anti-personnel mine legislation is the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and their Destruction (hereinafter APMBC), which, unlike the CCW, India has not acceded to. India acts as an observer to the APMBC and has repeatedly stated in its statement to the meeting of the state parties that it supports the vision of the world free of anti-personnel mines. India often refers in statements to other initiatives that demonstrate its support for the fulfillment of the APMBC objective, such as the multi-national Exercise on Humanitarian Mine Action, the provision of training for demining operations and organising of International Conference on the CCW in New Delhi, which also addressed anti-personnel mines (Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, 2017). Despite India's statements, the country is one of the few countries that produces and uses anti-personnel mines. The largest deployment of anti-personnel mines took place between 2001 and 2002, when *“the Indian Army deployed an estimated two million mines along its northern and western borders with Pakistan in Operation Parakram (Landmine & Cluster Munition Monitor, 2018).”* The government of India claims that it controls the production and authorization of anti-personnel mines in the country, and that the production of complete mines is exclusively concentrated in the state-owned company Indian Ordnance Factories.

The last two chosen legislations, that India has not acceded to, are Treaty on Conventional Armed Forces in Europe and The Open Skies Treaty. As both treaties focus on the North Atlantic region and have been acceded exclusively by the countries of this region, it is natural that India is not a party to the agreements. For this reason, the author does not further analyse the attitude and involvement of India.

3 Analysis of conventional arms trade and defence industry of India

Based on the data available in the SIPRI database, the author ranks India among the most important importers of conventional weapons. Cumulatively, India achieved the highest value of imported conventional weapons in the period 1950–2019, namely 124,003 million TIV² (Chart 1), which is almost 35% more than China, the second largest importer. Leading exporters Germany and the US achieved less than one half of arms imports values, in case of US the amount of imports is almost one third of the India’s arms imports. From a commodity point of view, the highest values of imports were reported in the SIPRI database for combat aircraft (61,712 million TIV), armoured combat vehicles (17,619 million TIV) and warships (16,395 million TIV). In terms of exports, India ranks 45th in the total for the period of 1950–2019. The highest values were achieved, as in the case of imports only in a different order, by exports of warships, armored combat vehicles and combat aircraft. Inaccuracies in the data may occur due to insufficient reporting of exports and imports of several countries, in particular from Africa and Asia.

Chart 1: Largest conventional arms importers in million TIV in period 1950-2019



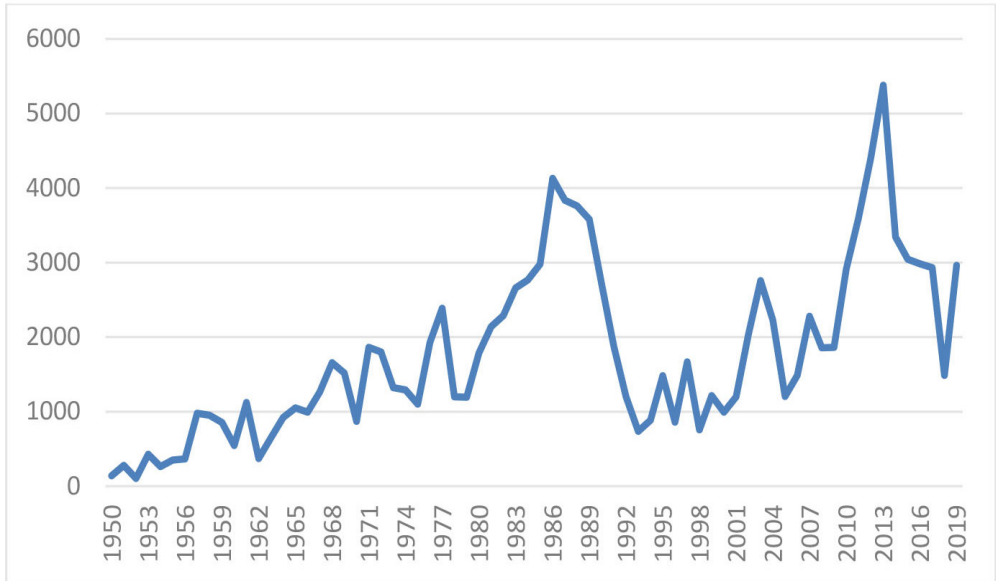
Source: Author’s own processing according to Stockholm International Peace Research Institute (2020b).

² The TIV is based on the known unit production costs of a core set of weapons and is intended to represent the transfer of military resources rather than the financial value of the transfer. TIV figures do not represent sales prices for arms transfers (definition of TIV by SIPRI).

In terms of time development, the country's imports of conventional weapons have a growing trend, as the starting value of imports has grown more than fifteen-fold since 1950 in comparison to the current period (Chart 2). The highest values of imports, above 2,500 million TIV, were achieved by the country in the period 1986–1989, 2003, 2010–2017 and in 2019, followed by enormous declines in the country's imports, especially in the early 1990s. The reason for the fall in arms imports in recent years is also the amount of the country's defence budget, which is *“now equal to just 1.5% of gross domestic product, the lowest proportion since the war with China in 1962 (NIKKEI Asian Review, 2020).”* Another important variable, which has been affecting the development of the country's import performance not only in the past, but until now, is the existence of tensions between India and its neighbouring states Pakistan (Kashmir) and China (province of Arunachal Pradesh). Tarapore (2020) and Khatak (2019) analyse in their publications the military doctrine of India, agreeing on the country's aggressive offensive policy, as a result of which India seeks to resolve its border conflicts by directly deploying troops and procuring highly advanced defence systems and weapons to balance military arsenal of neighbouring countries. Another variable is the effort to catch up with the developed countries in the military technological field and the resulting increase in India's competitiveness on the world market.

The impact on the further development of conventional arms imports may also be influenced by the establishment of the Department of Military Affairs within the Ministry of Defense (MoD) in 2020 and the election of India's first Chief of Defence Staff General Bipin Rawat. After taking office, General B. Rawat expressed plans to create an Air Defence Command (ADC), which construction began in the same year. Successful launch of the ADC requires several steps and the deployment of monitoring equipment (sensors, satellites, etc.), and air defence technologies (e.g. combat aircraft equipped with air-to-air missiles, surface-to-air guided weapons, etc.), which will increase not only domestic production, but also the import of military equipment (Khera, 2020).

Chart 2: Conventional arms imports of India in million TIV

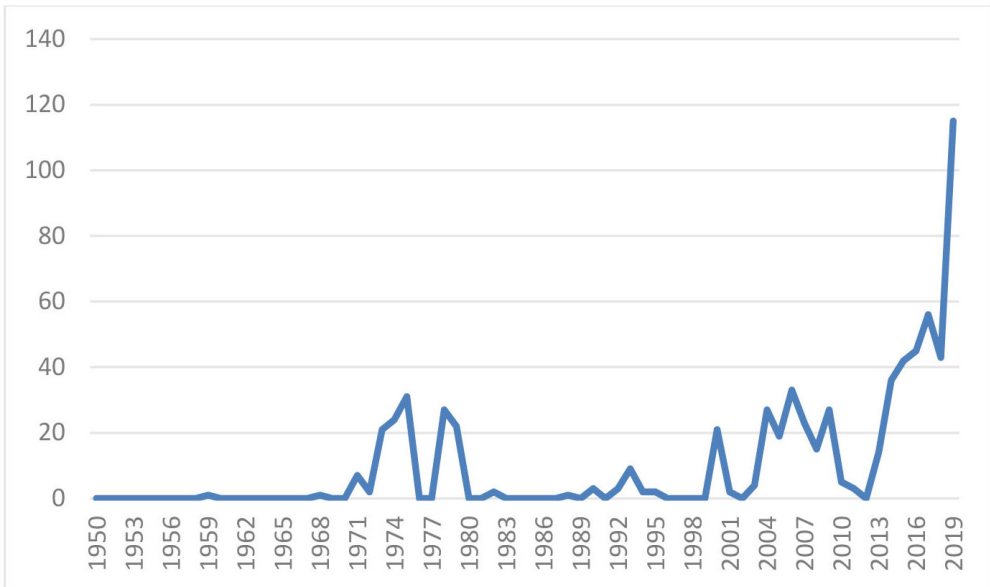


Source: Author’s own processing according to Stockholm International Peace Research Institute (2020a).

In the case of the analysis of conventional arms exports of India, the author encountered an insufficient reporting rate within the SIPRI and UNROCA databases, both for heavy conventional arms and SALW. Based on data in Chart 3, the country’s export performance did increase more significantly at beginning of the 21st century, but the country’s exports according to the SIPRI database never exceeded the lowest value of its imports in 1950. Until the beginning of the 21st century, the author observed more markable arms exports only in 1973–1975 and 1978–1979. The highest values were reported by the country in 2019, in the form of 115 million TIV. The trend of growing arms exports of the country is expected to continue in the future, also due to the statement of Indian Prime Minister Narendra Modi during the Defence Expo in Lucknow in February 2020. According to him, “*now our aim is to increase defense exports to 5 billion dollars. Those who know about defense and economy surely know that India is not just a market (DW, 2020).*” In his speech, the Prime Minister highlighted the technological base of the Indian defence industry and its ambitious goals for the future in the form of reducing arms imports and, conversely, increasing their exports.

Like India's conventional arms imports, country's conventional arms exports are affected by China's geopolitical power and interests in the region. In the case of exports, it is mainly a matter of balancing China's interests in the Indian Ocean. India's export partner countries are the small island states in its vicinity, Mauritius and the Seyshelles, with which India has signed a memorandum of cooperation. These memoranda focus, among other things, on improvement of dual-used air and sea facilities that will enable India to have more advantageous commercial and military infrastructure (Ghosh, 2020).

Chart 3: Conventional arms exports of India in million TIV



Source: Author's own processing according to Stockholm International Peace Research Institute (2020a).

The territorial structure of India's arms trade is influenced by a number of variables, namely historical ties, geographical proximity and the technological sophistication of trading partners. The most important exporter of heavy conventional weapons to India is the Russian Federation, which has replaced since 1993 the Soviet Union as the most important partner. According to the UNROCA database (2020), exports of missiles and missile launchers, and large-caliber artillery systems, predominated among the countries, with the highest numbers of Smerch Rocket Projectiles, Konkurs Missiles and RVV – AE missiles exported. Another important exporter of weapons to India, resulting

from historical development, is the United Kingdom, whose exports, however, have a declining trend over the period under review. In an effort to increase the competitiveness of weapons and their technological level, India also trades to a large extent with developed countries known for their strong position in the arms industry on the world market. Author includes the US, the leading EU economies (Germany, France, the Netherlands, and Italy), Israel and the Republic of South Africa in this group of trading countries. In the case of the last two countries mentioned, there can be seen an increase in exports (SIPRI, 2020), especially since the beginning of the 21st century, despite the fact that Israel has been a trading partner in the supply of conventional weapons since independence of India. Strengthening exports from Israel since the beginning of the 21st century “*signifies healthy relations between both governments as well as Israel’s suitability to create its niche in the ‘Make-in-India’ oriented defence sector (Pant, 2019).*” The reason for the strengthening of trade relations in conventional weapons between the US and India is the effort of the US to balance the growing defence sector and the military arsenal of China. Their last business cooperation was focused on the purchase of new combat helicopters and an integrated air defence weapon system (Reuters, 2020). The trade relations between India and the Russian Federation in the purchase of conventional weapons are perceived by the US as a problem. An example was the Senate’s disagreement with India’s consent to the terms governing the sale of the Russian S-400 ‘Triumph’ long-range ground-to-air missile system, when the US warned India that it was necessary to refrain from arms trade, while sanctions imposed to the Russian Federation are in force (Elbracht and Bolmer, 2019).

In the territorial structure of trade with SALW, the Russian Federation is no longer among the important exporting countries. The interesting thing about these data available in UNROCA (2020) is their reporting only by the arms exporter, while they are never confirmed by India. The most exported types of small arms are submachine guns and assault rifles, of light weapons are mainly hand-held underbarrel and mounted grenade launchers and in lower numbers heavy machine guns. Significant trading partners with SALW include, in particular, countries on the European continent such as the United Kingdom, Switzerland, Germany, Bulgaria, Austria, Italy, and Poland, as well as the US in the exports of revolvers and selfloading pistols. When it comes to the SALW exports from India, only transfers to three European countries, the Slovak Republic, Italy and France, were recorded, in the category of carbines, submachine guns and rifles.

4 Conclusion and Discussion

The data collected on India's trade and control of conventional arms points to its important position among the states and the need for constant research of the topic. The results of the work, achieved on the basis of linking data from world databases, expert publications and international organizations are divided into two areas.

In the first part of the analysis, the author deals with the involvement of India in international legislation, discussing both types of agreements, namely those to which India has acceded and, conversely, those to which it has decided not to become a party. Comparing India's involvement in selected international legislation with leading economies (it means developed countries), India with four treaties out of nine monitored achieves weak involvement. However, if India is compared with other developing countries and emerging markets, we can speak of a relatively favourable involvement. A feature that defines India in the choice of legislation to participate is its advantage for the country. India is one of the countries that has no problem with openly opposing the insufficient or unfavourable wording of the treaty and not becoming a party, despite the possibility of damaging its international reputation. This feature can be observed, for example, in ATT, CCW and CCM contracts. Although the country openly expressed disagreement at various stages of creation of the contracts, it ultimately decided to join the CCW and, in the case of ATT, continues to participate as an observer in its meetings. Another important feature defining India's involvement in international law is the focus of the treaty. India positively assesses mainly the agreement's focus on tackling illicit arms transfers and their acquisition by terrorist groups, which is an enormous problem for the country. India's involvement in international legislation is also affected by its commodity production structure, resulting in non-accession to the CCM and APMBC, as the country is one of the few to produce anti-personnel mines and cluster munitions, and has used them actively in the past.

In the second part of the analysis, focusing on the country's performance in the international trade in conventional arms, the author came up with several features that define India as an actor. The first feature is the existence of a growing trend in both imports and exports of conventional weapons in the long run, despite the occurrence of certain fluctuations in development. This feature is influenced in particular by the country's efforts to become one of the leading players in the arms market, which India seeks to achieve by suppor-

ting “Make-in-India” policy, organizing expo fairs and constantly improving the technological level of manufactured weapons through bilateral agreements and memoranda of understanding. Another feature is the relatively stable structure of the most important partner countries in the conventional arms trade, which is influenced by geographical (Russian Federation), strategic (USA, EU countries), historical (United Kingdom) and technological variables (EU countries, Israel). One of the negative features that needs to be mentioned, is the low reporting rate for conventional weapons imports in SIPRI and arms exports in both SIPRI and UNROCA arms databases. This feature distinguishes a country from a group of developed countries and, conversely, is characteristic of developing countries.

The above-mentioned analysed features indicate that India, as one of the actors in the field of conventional weapons, cannot be clearly classified, as it has the characteristics of both developed countries and developing countries. While this is a dynamic topic, and as a result of state policies and activities, the number and types of traits change, which consequently puts pressure on the need to examine actors in trade and control of conventional weapons. The author tried to contribute to the debate through the analysis of India.

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