

Customised Defence Agreements

Foundation for a Strong Indo-US Defence Partnership

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The defence cooperation between India and the United States has been deepening. This is largely attributed to the signing of four key agreements, namely the General Security of Military Information Agreement (GSOMIA), the Logistics Exchange Memorandum of Agreement (LEMOA), the Communications Compatibility and Security Agreement (COMCASA), and the Basic Exchange and Cooperation Agreement (BECA). Prior to these agreements, arms trade and technology transfers were virtually impossible, as the US Congress had blocked them. Before these deals were inked, India's major procurements from the US were confined to non-lethal systems, like transport aircraft, heavy lifter helicopters, and maritime patrol aircraft.

With the basic agreements in place, there is an increased scope for the US to not only transfer advanced systems and technology to India but also to jointly produce them in India. From the point of view of Washington, this is a major shift, given that earlier not only had US denied its own weapons and advanced technology transfer to India but it also prevented other countries from providing even civilian technology. The belief then was that India could use these technology transfers for its missile development programme, which could possibly prove detrimental to the US' national interests. Cut to present, there has been a considerable degree

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of convergence in terms of security interests, and the above-mentioned agreements are well placed to achieve those objectives.

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India and the US have so far signed four defence agreements to strengthen their defence cooperation, particularly to expand trade in technology and systems. They are namely General Security of Military Information Agreement (GSOMIA) signed in 2002, Logistics Exchange Memorandum of Agreement (LEMOA) signed in 2016, Communications Compatibility and Security Agreement (COMCASA) signed in 2018, and Basic Exchange and Cooperation Agreement (BECA) signed in 2020. Of these, LEMOA and COMCASA have been even customised with their nomenclature differing from the boilerplate General Security of Military Information Agreement (GSOMIA) and Communications and Information Security Memorandum of Agreement (CISMOA) agreements signed with other countries. So far, the US has signed over 100 foundational agreements with its defence partners around the world.¹

The significance of these agreements is that it has elevated India's role in shaping the regional security architecture concerning Asia, now the Indo-Pacific region, where US alone cannot manage the security dynamics to ensure rules-based order in the region. The current bipartisan consensus in the US Congress to deal with India-related legislation is a significant departure from the Congress's Cold War approach. This is the most important development in the post-war history of the US diplomacy regarding India-US relations.

India and the US have also launched negotiation on two transformational deals in 2023—Security of Supply Arrangement (SOSA) and Reciprocal Defense Procurement Agreement (RDPA)—for the benefit of defence industries of both the countries to participate in procurement and services.² The RDPA is expected to allow US businesses to service India's Ministry of Defence (MoD) procurement contracts while the SOSA is set to enable U.S. Department of Defense (DoD) to move Indian orders for US equipment to the front of the line. Both agreements aim to promote long-term supply chain stability. However, negotiations are still on and could take years to fructify.

Indeed, the basic agreements were the culmination of new developments in the Indo-US relations by the dawn of the present century, understanding India's rising strategic profile in the Indo-Pacific security architecture. Realignment of power politics in the international order influenced

perspectives of both countries on each other and the 'estranged' democracies became close partners. During the Cold War, both countries looked at each other with suspicion—India's non-alignment policy was viewed as pro-Soviet by the US, while India considered US partnership as supporting imperialism and feared entanglements.³ This suspicion was most evident in India's nuclear programme and the sale of US arms to India. The US refused to countenance India's request for procuring arms from Washington, citing the technology would reach the hands of the Soviet Union.⁴ The relationship dipped to the lowest point after India's 1974 nuclear test where the US imposed severe sanctions on India for its 'defiance' of non-proliferation regimes. In order to keep the Indo-US ties alive diplomatically, Prime Minister Rajiv Gandhi made three visits to the US, in June 1985, October 1985 and October 1987. However, India still remained on the fringes of the US foreign policy until the beginning of the present century.⁵

When India conducted the second nuclear test in 1998, the US again came up with economic sanctions, and also forced its allies to do so. The rise of China as a predominant military power in Asia and its attempt to reshape the regional order has brought Washington and New Delhi closer. The US considers India an offshore balancer for the US, at least in the Indian Ocean sector in the Indo-Pacific, while India seeks US support to become militarily strong to deter China independently.⁶

Predominantly three factors have influenced the US to embrace India as a 'linchpin' in its Indo-Pacific strategy. First, India's economic resilience in the face of US sanctions in the aftermath of New Delhi's 1998 nuclear test showed that the Indian economy could grow at an even faster rate with market-oriented economic strategy and could presumably be a key partner in a Washington-led world order.

Second, China's rapid rise beyond Washington's expectations as a 21st century military power with Beijing converting its Western-backed economic rise into a military modernisation programme aimed at matching the US military power in East Asia. Washington belatedly realised that the rise of China's military power was going to be a major challenge to the US preponderance in the Indo-Pacific. Washington's Cold War style hub-and-spoke model alliances system would not be sufficient to meet the new challenges posed by China. Instead, it required new partnerships with like-minded countries and found that India would be a major strategic partner in the Indo-Pacific to maintain US interests in the region.

Third, the financial costs incurred due to the war on terror negatively impacted US defence expenditure, making it difficult for Washington to

maintain military strength at the same level in both the Indo-Pacific theatre and the Western Hemisphere. In this regard, it needed offshore balancers in the Indo-Pacific—as the US was already preoccupied in Europe militarily as none of its Western allies could emerge as its offshore balancer. India could be an offshore balancer in the Indian Ocean part of the Indo-Pacific region, which would give more space for the US in the Pacific theatre to counter the Chinese challenge. So, Washington felt that the rise of India as a major maritime power in the Indian Ocean would serve its regional and global interests.⁷

At the same time, the Indo-US civil nuclear deal became a major catalyst in signing the basic agreements because the deal helped India to move beyond its erstwhile international isolation, as Washington was reluctant to share any dual-use or defence technology with India due to India's nuclear weapons programme. The US had alleged that India would integrate such technologies into its nuclear and missile programmes. For instance, Washington blocked the sale of Russian cryogenic engine technology to India in the early 1990s, alleging that India would use the technology for developing long-range ballistic missiles.⁸

THE BASIC AGREEMENTS

GSOMIA

GSOMIA was the first foundational agreement signed between the two countries in 2002 to ensure the protection of classified military information. Under the agreement, military information marked as 'confidential, secret, or top secret' for the US and in the case of India information marked as 'restricted, confidential, secret, or top secret' are classified when they share the military information.⁹

The information may be in oral, visual, electronic, magnetic or documentary form, or in the form of equipment or technology, including technical specifications and models. The deal facilitated more generous intelligence sharing between the two countries.¹⁰ It also addressed the US' concern of its sensitive information reaching into enemy's hands.

For instance, the discussions on the Indian request to purchase F-5G aircraft came to a halt in 1981 due to the American concerns. The apprehensions were related to the leaking of sensitive information about the effectiveness of engines to the Soviet Union, and the use of technologies to advance other areas such as nuclear, space and dual-use technologies by India.¹¹ Even though both countries signed a Memorandum of

Understanding (MoU) on technology transfer in 1984, the US insisted on signing GSOMIA as an additional condition and India kept refusing to sign it until 2002.

LEMOA

The LEMOA signed in 2016 aims to establish ‘basic terms, conditions, procedures for logistic support, supplies, and services between the armed forces of India and the United States’.¹² It also encompasses medical services, training, spare parts, fuel, food, water, transportation, clothing, repair, maintenance and communication services. LEMOA is the first India-customised pact, differing from the text of the Logistic Support Agreement the United States had signed with more than 60 countries.¹³ The LEMOA was culminated after protracted negotiations between the two, as India sought a ‘special treatment’ from the United States—something the US Senate was not able to easily waive—in order to enhance cooperation. Even though the US has few bases in the Indian Ocean but repair and replenishment of modern naval systems could be done in Indian dockyards. Undoubtedly, LEMOA was a major and decisive step in the direction of making India a ‘linchpin’ of the US Indo-Pacific strategy.

Under the LEMOA, the US Navy has signed Master Shipyard Repair Agreement (MSRA) with three Indian shipyards—one private and two state-run shipyards, which are Larsen and Toubro (L&T) shipyard in Kattupalli, Chennai; Cochin Shipyard Limited (CSL); and Mazagon Dock Shipbuilders, Mumbai.¹⁴ The MSRA is a non-financial agreement to facilitate the repair of US naval vessels in India, and the agreement is to be reviewed every five years, or as required. Reports suggest that the US Navy is vying for two more dockyards—Goa Shipyard Ltd and Kolkata Port Trust—for the ship repair facilities.¹⁵ The US wanted to use aviation logistic facilities in India’s Andaman and Nicobar Islands, a group of islands at the mouth of strategic Malacca Strait in the Bay of Bengal, where India has its first and only strategic tri-service command, but India could not accept this, because certain important strategic locations cannot be exposed to foreign militaries.¹⁶ But that doesn’t prevent the US Navy from using the Andamans’ facilities during a ‘needed’ situation, as New Delhi allowed the US Navy’s long-range anti-submarine warfare and maritime surveillance aircraft, P-8 Poseidon, to refuel from the Andamans during the India–China Galwan stalemate in 2020, and will continue to do so on case-to-case basis.¹⁷

For the US, accessing dockyards in the Indian Ocean region for repair and other facilities of advanced US naval vessels is a strategic imperative.

Currently, the US Navy's surface warship maintenance is done by two private shipyards—General Dynamics National Steel and Shipbuilding Company, and BAE Systems Ship Repair. Both are private shipyards and 'if one of these suppliers decided to exit the market, the Navy would need time to find alternate providers', as per a RAND Corporation report.¹⁸

Incidentally, both the ship repair facilities are located in San Diego, on the eastern coast of the US, built during the Cold War period in a safe location. However, they are now within striking range of Chinese forces from its shore. While there are other facilities in Hawaii and the Continental United States, these are not readily available for forward-deployed assets.¹⁹ Similarly, the US Navy could use Japanese or Australian ports for repair and replenishment, but that would also be risky during a crisis. On the other hand, Indian ports are much safer and can repair advanced naval systems too—a great strategic advantage for the US against China in the Indo-Pacific theatre.

Following the 2022 US–India 2+2 Ministerial Dialogue—in which the US delegation expressed its intention to use Indian ports for repairing service—*USNS Charles Drew* (T-AKE-10) was docked in August at L&T shipyard in Kattupalli, Chennai. It marked the first time a US vessel was maintained and repaired in an Indian shipyard.²⁰ After that, two more US vessels, *USNS Matthew Perry* (T-AKE-9) in March 2023 and *USNS Salvor* (T-ARS 52) in July 2023, docked in L&T's Kattupalli shipyard for maintenance and repairs.²¹ Earlier, allowing US naval ships at Indian ports was a domestic problem for the Indian government, as the Left parties of the country had traditionally opposed any meaningful strategic cooperation with the US. The importance of the Left parties has now been waning in Indian politics, and the Congress party, which had a love-hate relationship with the US during the Cold War, has changed its approach towards the US ever since the Indo-US nuclear deal of 2005. The nuclear deal is a watershed moment in India–US strategic relationship as well as the Congress party's worldview towards the US. Now, both the leading national political parties of India—the ruling Bharatiya Janata Party (BJP) and the principal opposition party Indian National Congress (INC)—are on the same page and consider strategic cooperation with the US as of paramount importance to India's foreign policy.

COMCASA

The COMCASA is an India-specific version of the CISMOA, and was signed on the sidelines of the inaugural 2+2 defence and foreign ministerial dialogue between the two countries in 2018.²² The CISMOA facilitates technology

transfer and seamless communication between the US military and its partners. The US has some 750 American military facilities remaining open in 80 nations and territories around the world after the Afghan war,²³ and around 103 countries use US military systems.²⁴ The US' main concern regarding the use of American arms by other nations has been whether these systems or parts or equipment or the technology will reach hands of its enemies or non-state actors.

The CISMOA provides 'the legal mechanism to exchange command, control, communications, computer intelligence, surveillance and reconnaissance (C4ISR) data to a foreign country, establish secure communications channels, and exchange communications supplies and services'.²⁵ Under CISMOA, the U.S. Department of Defense (DoD) remains the principal authority for supervising the exchange of telecommunications supplies and services of equivalent value.²⁶ Fundamentally, under CISMOA, a country (US) can 'piggyback' on the telecommunications systems of other country, including landline and satellite access.

On the other hand, COMCASA is a tweaked version of CISMOA that allows India to be a 'technology enabler' for the US and provides the transfer of high-tech avionics, encrypted communication, and electronic systems to India as well as ensuring the secrecy of its C4ISR (Command, Control, Communications, Computers, Intelligence, Surveillance and Reconnaissance) systems.²⁷ Some analysts raised concerns about COMCASA that it will 'facilitate vertical and horizontal penetration by the US of India's most sensitive government and military communications grids, including the nuclear Strategic Forces Command' and argued that armed services were against signing it.²⁸ For them, the foundational agreements are intended to bring India closer to the US policy framework towards the Indo-Pacific along with other treaty partners, which will lead to losing India's strategic autonomy.

For India, COMCASA pact was necessary to modernise its armed forces, particularly in the context of increasing Chinese naval presence in the Indian Ocean, and now in the Himalayas. When the Indian Navy bought the P-8I Maritime Patrol Aircraft (MPA) in 2009, Boeing supplied it without CISMOA-safeguarded voice and data channels—called Data Link-11 and Link-16—while all other COMCASA-signed countries were given all configurations that the MPA needed.²⁹ These Data Links are critical for the Indian Navy with which the P-8I alerts the Navy about enemy submarines. Also, India was seeking Sea Guardian drones for the Navy and unmanned aerial vehicles (UAVs) like the MQ-9 Reaper and Predator for the Air Force

from the United States.³⁰ Without a customised agreement between the US and India, US Congress can block sharing of advanced defence systems and technology for New Delhi.

During the visit of Indian Prime Minister Narendra Modi to the US in June 2023, India proposed to buy MQ-9B Sky Guardian drones, nearly worth US\$ 4 billion through Foreign Military Sales. The US government in February 2024 officially announced the sale of 31 MQ-9B drones, of which the Navy will get 15 Sea Guardian drones, while the Army and the Indian Air Force will get eight each of the land version—Sky Guardian.³¹ Acquiring such drones will help India monitor the activities of the Chinese forces at the Line of Actual Control (LAC) as well as the Pakistan army's activities close to the border, as they are remotely piloted aircraft and human casualties can be avoided. Similarly, in 2016, India signed an agreement to purchase additional four P-8I maritime patrol aircraft (MPAs) from Boeing with all technical features like a CISMOA member country. In November 2019, India evinced interest to buy six more P-8I MPAs at an estimated cost of US\$ 2.42 billion and the US State Department approved a possible Foreign Military Sale of six P-8I Neptune MPA and related equipment in May 2021.³²

Boeing helped India in developing several complex and mission critical P-8I components such as the radar fingerprinting system, IFF (I/T) and datalink, speech secrecy system, mobile satcom system and wire harnesses indigenously under the 'Make in India' programme.³³ Besides, Boeing has helped in the construction of the Training Support & Data Handling Centre at INS Rajali, Arakkonam, in Tamil Nadu, and a secondary centre at the Naval Institute of Aeronautical Technology, Kochi, as part of a training-and-support package contract signed in 2019.³⁴ The ground-based training will allow the Indian Navy crew to increase mission proficiency in a shorter time while reducing the on-aircraft training time resulting in increased aircraft availability for mission tasking.³⁵

With the COMCASA in place, an aerospace unit of General Electric signed an agreement with India's state-owned Hindustan Aeronautics Limited (HAL) in June 2023, to make 99 (GE) F414 engines for Tejas Mark II—India's indigenously developed fighter aircraft by the HAL—in India.³⁶ The deal involves an 80 per cent transfer of technology (ToT) from the US to India, which is estimated to be worth around US\$ 1 billion, and will also result in the new fighter jet having an indigenous content of around 75 per cent.³⁷ The GE engine deal will not only enhance the firepower of the Indian Air Force but will contribute to the technological upgradation of defence-related Small and Medium Enterprises (SMEs) ecosystem in India.

BECA

BECA was the last in the series of foundational agreements that the US required for fruitful defence cooperation between India and the US. The purpose of the agreement is to enhance mutual trust and long-term military and strategic cooperation, amid the increasing threat both countries face from an aggressive and expansionist China. This will help facilitate information-sharing between the security, military and intelligence agencies of the two countries.³⁸ The BECA will help India get crucial intelligence information from the US of high-end satellite images, telephone intercepts, and data on Chinese troops and weapons deployment along the Line of Actual Control (LAC).³⁹ Advanced information about the movement and nature of force deployment by the People's Liberation Army (PLA) along the LAC is crucial for India's deterrence preparations, given the context of the June 2020 Galwan clash in Ladakh. This will also enable increased interoperability of forces between the two in unfriendly territory. BECA had been under negotiations for over a decade as the United Progressive Alliance (UPA) government under Dr Manmohan Singh was concerned about whether it would impact India's national security even though he was instrumental in strengthening the India-US defence partnership with two landmark agreements—India-US nuclear deal and the *New Framework for the India-US Defense Relationship* agreement of 2005.

Under the deal, the following information will be shared:

- Maps, charts, commercial and other unclassified imagery.
- Geodetic, geophysical, geomagnetic and gravity data.
- Related products, publications and materials, in printed or digital formats.
- Mutual technical assistance and technology information exchanges.⁴⁰

Ever since the Galwan crisis, the PLA has been strengthening infrastructure close to the LAC, with new roads and bridges, developing new airfields, and strengthening the existing ones.⁴¹ India has already used at least five American platforms at the LAC—C-17 Globemaster III for military transport, Boeing's Chinook CH-47 as heavy-lift helicopters, Boeing's Apache as tank-killers, P-8I Poseidon for overland reconnaissance, and Lockheed Martin's C-130J for airlifting troops.⁴² Undoubtedly, the geospatial information shared under the BECA framework will enhance the fighter power of the Indian Air Force in the Himalayan border areas and will significantly improve the accuracy of ballistic missiles targeting China's military installations along the border areas.

Each customised defence agreement has different objectives. LEMOA means one partner trusts the other enough to expose its valuable assets; COMCASA means one is confident that it can rely on encrypted systems to connect the two militaries; while BECA means the countries can share highly classified information in real time without fear of being compromised.⁴³ As India moves closer to the US to deter China in the Indo-Pacific, the foundational agreements will strengthen India's deterrence capability as well as sharpen its offensive preparedness.

CONCLUSION

India–US defence cooperation has been growing by leaps and bounds. Customised agreements of GSOMIA, LEMOA, COMCASA and BECA are indispensable for trade in technology and systems, without which no defence cooperation will progress. The purchase of Boeing's P-8I in 2009 is a case in point that without the basic agreements, the US will not share crucial military information and advanced defence technology and systems. Prior to the basic agreements, major defence procurements that India got from the US were mostly non-lethal systems such as transport aircraft including Boeing's military transport aircraft C-17 Globemaster III, Boeing's heavy-lift helicopters Chinook CH-47, Lockheed Martin's C-130J for airlifting troops, and MPA P8I.

However, after the agreements, the US offered F-18 naval fighter jets to be used in India's first indigenous aircraft carrier *INS Virat*,⁴⁴ Lockheed Martin's F21 fighter aircraft to be built in India in partnership with the Tatas,⁴⁵ Boeing's F-15 Eagles,⁴⁶ and the MoU for GE F414 jet engines. The deal for jet engines is very important because it not only powers the home-grown Tejas aircraft but also brings advanced technology from the US to India, ensuring technology upgradation in India's SMEs which are the backbone of the 'Make in India' programme.

Washington is considering India a 'key pillar' of the US Indo-Pacific strategy and wants to see a 'leading India' in the security architecture in the Indo-Pacific region.⁴⁷ For, India, a strong defence partnership with the US is crucial to deter China both in the Himalayas and in the Indian Ocean. The US technology and systems will enhance the offensive capabilities of Indian armed forces. As China has set 2035 as the period for dominating the three oceans—Western Pacific, South Pacific and Indian Ocean—a strong Indo-US defence partnership will ensure the protection of Indian interests not just in the Indian Ocean but in the entire Indo-Pacific region. Ultimately,

the agreements indicate that without strong defence cooperation with India, US' Indo-Pacific strategy will not succeed in its fullest sense.

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