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Emerging Structure of Maritime Security in the Bay of Bengal

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Introduction

In a world of inter-dependence the political centre of gravity has shifted from land to oceans, but the knowledge and understanding of oceans remains fragmented and specialised¹. Thus, a significant number of states and international actors have placed maritime security high on their agenda. Traditionally, security at sea has been theorised and interpreted from rather conservative viewpoints, that are rooted in traditional realist or liberalist theories. In the realist interpretation, the seas are the plains on which superpower, or regional power rivalry, takes place. Recent realist debates have been focused on the rise of Chinese naval power, the US' re-balance to Asia, increasing investments in navies by emerging powers and territorial disputes to consolidate claims on offshore resources. On the other hand, liberal interpretations of security at sea delve in various international governing activities, and suggest that the marine environment be retained as a subject of collective public order and legal regulation². New challenges to human and economic security at sea have also added new dimension to the theory and practice of maritime security and would also have to be factored in to evolve a constitutive regional security structure.

Unlike the Atlantic and Pacific which sweep from north to south, the Indian Ocean is an embayed ocean. The inverted triangle of South Asia forms two great bays. Whilst the Arabian Sea is oriented towards the Middle East, the Bay of Bengal is oriented towards South East Asia. However, the Indian Ocean Region (IOR) is too diverse and too large to be comprehended holistically. Instead smaller tranches of sub-regions like the Bay of Bengal (BoB), with relative homogeneity, are better conceivable as a security community, where littoral states share similar challenges and aspirations. If we step back and take a look at the Indo-Pacific as a whole, the Bay of Bengal (BoB) is seen to be right in the middle. As the western adjunct of the South China Sea, the waters of the BoB connect the Indian and Pacific oceans³. It also lies in the midst of regional structures such as the ASEAN, the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC) and SAARC and is also

surrounded by supra-structures such as the Indian Ocean Rim Association (IORA), the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) and the Indian Ocean Naval Symposium (IONS). The BoB influences China's southern landlocked region and is at the heart of economic emergence of the riparian and landlocked countries of the Bay. Thus, the idea of the BoB as a multilateral, strategic, and economic community has engendered multiple interests and multitude of narratives⁴. This issue brief reflects on the emerging security structure of the BoB, that includes Sri Lanka, Bangladesh, Myanmar, Thailand and India, along with the landlocked nations of Nepal and Bhutan whose economic sustenance largely depends on the BoB.

Historical Perspective

Bay of Bengal was the site for major geopolitical contentions among the Asian and European powers, until it was reduced to a strategic backwater by the British in the early decades of the 19th century⁵. The raids by *SMS Emden* of the Imperial German Navy and the ensuing naval battles during World War I, highlighted the strategic significance of the BoB. Once again, during World War II, the BoB emerged as a sea of churn. This reaffirms the allure and vulnerability of the region to external influences. The BoB was divided horizontally between the British and Dutch, during the colonial era and post WW II it got divided vertically between South Asia and South East Asia. The Bay started to resume its shape as a singular strategic entity only quite recently, after the littoral states were able emerge from their internal consolidation and set their gaze outwards.

Current Perspective

Today oceans and seas have transformed into critical arenas for security, trade, environment and maritime geopolitics and have been at the major crossroads of international relations. Overlapping and intersecting interests undergird the complex strategic environment that is characterised by growth, interdependence, vulnerability and competition⁶. These have been supplemented by layers of non-traditional security (NTS) threats such as piracy and terrorism, as also concerns relating to safety at sea

and sustainable development or the blue economy. Since interdependence entail vulnerabilities, SLOCS represent choke points and exploitation of natural resources pose a risk to the environment. To navigate through this complicated maritime realm, the states around the BoB will have to adopt collaborative strategies on security, environment, trade, transport, resources, safety and climate change⁷. Interestingly, various strategic perspectives are being developed by a multitude of players, mostly external to the BoB region, comprising the US, China and others. This has been prompted by rise of China, increasing trade with countries in the BoB and the geographical centrality of the region to the maritime highway of world trade and energy. These changes have created a security landscape that encompasses both soft and hard power ranging from trade, maritime partnership, Humanitarian Assistance and Disaster Relief (HADR) exercises, to active demonstration of combat power⁸.

Whilst the BoB falls within the jurisdiction of the US PACOM, China too has been adroitly balancing cooperation and competition. Other external players too have been engaging with the region. China's recent gambit may further impact the geopolitics of the BoB. President Xi Jinping's sweeping Belt and Road Initiative (BRI) attempts to subsume the BoB in its wake. China's plans are not only limited to infrastructure, it has also intensified security and military cooperation in the BoB. The sale of military hardware, including submarines, to India's close neighbours is unsettling the traditional peace and status quo in the region. Despite these power plays, the region has hitherto been strategically stable, due to its relative isolation and lack of development. But the recent unbridled strategic interventions by external players reveal that the BoB is yet to coalesce as a security community.

Consequent to the political transformation and economic rise of countries in the region, new opportunities to reintegrate the region are opening up. States not only wish to revive their old pre-colonial maritime ties, but establish new ones through infrastructure, connectivity and sustainable development. However, in the urge for speedy development, many states have been lured by the BRI project. According to McKinsey & Company, countries that create rigorous, transparent and fact based processes for infrastructure development, are better placed to eliminate non-economic

projects and ensure sustainable development⁹. This ensures protection against the pitfalls of wasted infrastructure (like Hambantota) and unintended leases (like Piraeus, Hambantota, Gwadar etc.). However, the growing interdependence within and the influence of extra-regional engagements are creating strategic tensions between the centripetal and centrifugal forces in the region. These tensions could manifest themselves as competition and conflicts at sea in future. As a case in point, after nearly two and half decades of coherence within South East Asia, the ASEAN's cohesiveness has been unravelled by the South China Sea incident. This backdrop raises some intriguing questions about the viability of the BoB as a security community: What should be the scope of maritime security in the BoB? What are capabilities necessary for net maritime security? And what should be the security framework for a robust maritime security structure in the BoB?

Scope of Maritime Security in the BoB

Historically maritime concerns stemmed from geopolitical fragility, internal political upheaval, sea-lane security, interstate tensions and insurgency¹⁰. The increasing flows of people, ideas, goods and resources have given rise to a new set of security challenges that spawn from asymmetric risks of non-traditional threats (NTT) such as human and drug trafficking, piracy and armed robbery; environmental degradation due to resource depletion and pollution; climate change; natural disaster; and internecine conflicts. According to Christian Bueger, maritime security has emerged as another international buzzword, which is often being construed as the absence of threats such as: illegal fishing, piracy, arms proliferation, maritime inter-state disputes, maritime terrorism, drugs trafficking, people and illicit goods, environmental crimes, or maritime accidents and disasters¹¹. This 'laundry list' approach suffers from the infirmities of syllogizing threats, inability in prioritisation and inadequacies in establishing linkages. Thus it creates an enduring puzzles with regard to the threats that should be included or excluded. Should climate change and disasters at sea, be clubbed under maritime security? Should inter-state maritime disputes be treated as national security issue, or dealt within the realms of maritime security¹²? Vice Admiral Anil Chopra (NSAB) has argued that current trends of aca-

democratic discourse, treat the coinage of 'maritime security' as fungible with governance, administration and good order at sea¹³.

Since the prospects of arriving at an agreed definition on maritime security is limited, a framework would prove more appropriate for comprehending the concept. Maritime security can firstly be understood as a matrix of its relationship between the marine safety, sea power, blue economy and human security. Secondly, a framework enables one to comprehend the political interests and ideologies that underline the maritime threats. Thirdly, it helps conceptualise how actors would implement their strategies to enhance maritime security. Today the concept of maritime security has evolved itself into a complex web of relations between multitude of issues that has displaced or subsumed some of the older ones and infused the environment with new and emerging challenges. Thus maritime security has to be understood as a mosaic that continues to be shaped by the dynamics interaction of four elements: sea power; marine safety; blue economy; and human security. Each of these elements individually merit consideration as dimensions of maritime security, but together they form a more comprehensive montage as illustrated in Figure 1 below¹⁴.

Seapower: The naval doctrine (NSP1.1) states that sea power is about employment of combat power at and from the sea. It unites naval actions in peacetime to safeguard country's maritime interests¹⁵ like protection of the sea lines of communication (SLOC) by the means of deterrence, surveillance and if required interdiction. It also acts as an extension of national policy during war, or threat of war.

Marine Safety: Marine safety focuses on Standard Operating Procedures (SOPs), eventualities and contingencies on a wide range of activities concerning navigation, shipbuilding, fire-fighting and damage control, equipment handling, life-saving, flying operations, environment protection etcetera. It relates to safety regulations and standards during construction of vessels, installation of equipment, control of operations, handling domestic appliances and even stowage of cargo. The International Maritime Organisation (IMO) is one of the principle institution for coordination safety standards required for sea.

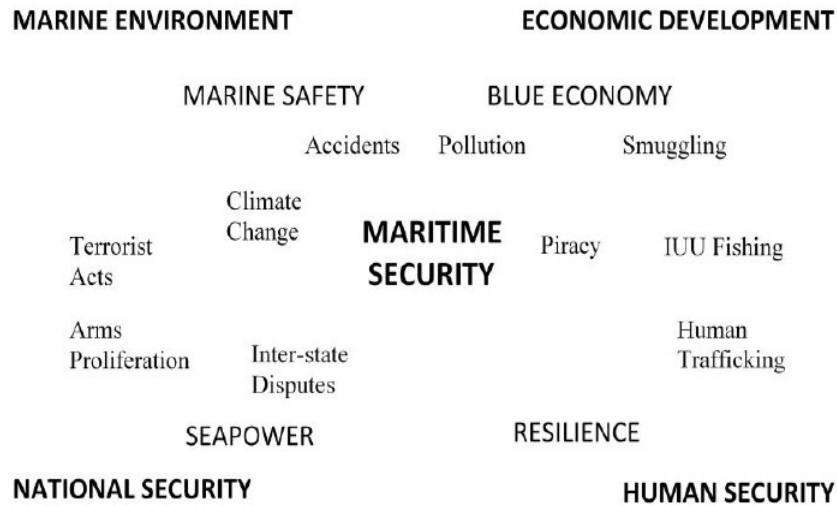


Figure 1: Matrix of maritime security (Christian Bueger, 'What is Maritime Security'? *Marine Policy*, 2015)

Blue Economy: Maritime security is also linked to economic development. Both global shipping and fisheries have developed into multi-billion dollar industries and the commercial value of the oceans encompasses the economic potential of offshore resources, fossil energy, seabed mining and the economic promise of coastal tourism. The concept of the 'blue economy' is being linked to maritime security because it requires monitoring and enforcement by government or appointed agencies and in accordance with promulgated guidelines, laws and regulations for supporting sustainable management.

Human Security: Human security is the core dimension in all the above securities and needs to be considered for understanding its symbiotic relation with maritime security. Proposed originally by the United Nations Development Programme, the concept is designed to centre security considerations on the needs of people, rather than states. The core dimensions of human security include food, shelter, sustainable livelihoods, protection, safe employment etc. As a case in point, fisheries is a vital source of food and employment, especially in the least developed countries. Hence Illegal, Unreported and Unregulated (IUU) fishing is a major problem impacting human security. Human security has several other maritime dimensions, which includes the security of seafarers, livelihood and vulnerability of coastal populations to maritime threats, natural calamities and marine pollution¹⁶.

Resources for Net Maritime Security in the BoB

All states in the BoB seek economic, environmental and political stability. To that end, countries of the BoB need to proactively involve themselves in capacity building and regional cooperation. Whilst capacity building is ensured through financial aid, asset provision, military training and education; regional cooperation is enhanced through exercises, HADR, hydrography and information sharing¹⁷.

The Bay occupies an area of 2172000 sq km¹⁸. Given the scope of maritime security discussed above, the maritime forces of the BoB region would have to be involved in military, constabulary, economic and humanitarian roles. The force structure available (as of 2017) for the above roles is summarised below.

	Patrol crafts/	Frigates/ De-	% of Total
Bangladesh	32	6	5.7
Myanmar	43	5	7.25
India	162	25	28.24
Thailand	39	8	7.0
Sri Lanka	190	0	28.7
Total	609	53	-

Source: www.globalfirepower.com (2017)

The above force strength is not an accurate reflection of the capabilities of a state. Whilst the Sri Lankan Navy has almost the similar force levels as the Indian Navy, the former's naval forces are primarily coastal and that of latter, mostly blue water. In addition, countries such as Thailand and India have forces divided along two or more water fronts. Despite these infirmities in the data, the above table provides an assessment of naval forces available to the regional countries. The surface ships are complemented by maritime patrol aircraft and UAVs for Maritime Domain Awareness (MDA), satellite based communication, coastal radar stations and Information Sharing Centres (ISCs). The coastguard ships are additionally equipped for firefighting and pollution control.

Even in the absence of a formal security structure, the region has witnessed noteworthy coordination whilst responding to contingencies such as HADR. However, similar coordination has been largely lacking against NTS threats and for enforcing sustainable development. However, initiatives undertaken for capacity building and regional cooperation in the recent past are indicators of the growing regional cohesion. Some of these are enumerated below.

Capacity Building

It was indeed a proud moment for India when the two AOPVs *SLNS Sayurala* (August 17) and *SLNS Sindurala* (March 2018), built by M/s Goa Shipyard Limited, were delivered ahead of schedule to the Sri Lankan Navy in quick succession. Similarly, India has inducted a large fleet of Fast Interceptor Craft from Sri Lanka. Such mutual support represents the growing confidence in the region. India has more than two dozen public and private shipyards that have the expertise for building frontline ships and submarines for the Indian Navy. These capacities could be augmented for ensuring the maritime security of the region¹⁹. To maintain strategic advantage in the region, an edge would have to be maintained over MDA. India has taken significant steps, within budgetary and political constraints, to enhance its abilities to monitor the Indian Ocean²⁰ in general and the BoB in particular.

Regional Cooperation²¹

MILAN: MILAN is a multilateral exercise conducted biennially in the Andaman Sea. MILAN 2018 took place in March 2018. It provides an opportunity to the navies to nurture stronger ties. MILAN made a modest beginning more than two decades ago, when it was first held in 1995. The first edition saw participation by four littoral navies. The event achieved quick success during the ensuing years owing to the high standard of the professional content of the event. The growing participation over the years, bears testimony to the success of this multilateral initiative., MILAN has grown from a sub- regional event to a prestigious international event that brings together maritime forces from not only from the adjacent regions of Bay of Bengal and South East Asia but from larger Indian Ocean Region (IOR).

To introduce naval officers of the IOR littoral nations to Blue Water operations, the Indian Navy held 'Exercise SAMBANDH' in October 2017, which was attended by 'Observers' from 18 friendly foreign countries including all BoB countries. The Indian Ocean Naval Symposium (IONS) too has emerged as an important forum which presently has 23 member countries and includes all countries of the BoB. Bangladesh is the current 'chair' of IONS. The IONS Multilateral Maritime Search and Rescue Exercise (IMMSAREX) was conducted at Cox's Bazar, in November 2017. The Indian Navy has also held 'Staff Talks' with 11 countries in 2017, which included the navies of Bangladesh and Myanmar from the region. Operational interactions, cooperation in hydrography, training and sharing of white shipping information are some of the common issues discussed during the 'Staff Talks'. Bilateral exercises and Passage Exercise (PASSEX) have also been a regular feature in order to enhance interoperability and evolve common SOPs.

HADR²²: During the Rakhine refugee crisis Indian amphibious ship *INS Gharial*, landed 777 tons of relief material in September 2017. An IN Ship was deployed in advance, in the northern Bay of Bengal to provide immediate assistance in the aftermath of Cyclone 'Mora'. During this deployment in June 2017, the ship rescued 33 fishermen and also recovered one body. In addition, it provided relief material to Myanmar. In an exceptional example of coordination at the functional level, after just one call from the Defence Attaché in Colombo assistance was rendered to rescue *MV MSC Daniela* (a Panama flagged container vessel) that had reported a fire on board in April 2017. A helicopter was deployed for locating the seat of the fire and directing firefighting efforts which were undertaken by a coast guard ship. The fire was brought under control and all crew were taken to safety. In a significant step towards synergising the BoB's HADR efforts the Indian Navy invited 'Observers' from Sri Lanka, Maldives, Bangladesh and Myanmar, to participate in the 'Annual Tri-Service HADR Exercise' in May 2017.

Hydrography²³ is an essential element for safe navigation in the BoB. The Indian Navy deployed two ships in 2017 for a total of 115 days for conducting hydrographic surveys of Sri Lanka.

Information Sharing: The BoB region is enveloped within the information sharing mechanism of the ReCAAP, with its geographic coverage of the Indo-Pacific, for curbing incidents of piracy and armed robbery. The ReCAAP information sharing centres (ISC) manage a network of information sharing with the Focal Points of Contracting Parties on a 24/7 basis. The Information Sharing Centers (ISCs) of ReCAAP issue warnings and alerts to the shipping industry and facilitate the response of the law enforcement agencies of littoral states. ReCAAP ISCs also conducts capacity building activities for the State based Focal Points to strengthen their effectiveness and facilitates cooperation between the Focal Points and other governmental agencies and shipping industries²⁴. Bangladesh, Myanmar, Sri Lanka, Thailand and India already have focal points that collate maritime information in the BoB on piracy and armed robbery.

India as a Net Security Provider

Unlike the South China Sea (SCS), BoB does not have territorial conflicts because international laws are observed by all in the region under the overarching rubric of the UNCLOS. India's acquiescence to the Permanent Court of Arbitration on International Maritime Boundary Line (IMBL) with Bangladesh, has indeed been a positive development for the region. This has been further backed by India's robust policy initiatives like SAGAR, an acronym for Safety and Growth for All in the Region. To a large extent the safety component of SAGAR has been quite effective. However, the growth component of SAGAR requires more coordination at the regional level. Thus, it could be construed that, India has been a provider of 'net security' in the BoB region, in HADR role. However, coordination is yet to mature with regard to constabulary role against NTS threats and the enforcement of the blue economy (Goal 14 of SDG in accordance with Agenda 2030).

Emerging Maritime Security Structure in the BoB

Historically, in international relations, nation states are motivated by pursuit of national interest and seldom by the desire for collective international good. The reciprocal effects of interdependence revolve around the question of who gets what.

Individual states try to effect outcomes that are in keeping with their own sensitivities and vulnerabilities. The complex web of interdependence is thus influenced by what gets securitised, who is the securitising actor and who are the functional actors²⁵. Thus, regional maritime security cooperation in the BoB would have to overcome the opacity of intent and uncertainties.

The internationalisation of supply chains and networks has already shifted the balance of power and influence towards Asia. What goes hand in hand with these trends, is a multi-polar and multi-functional world where states are being joined by non-state actors from corporations, NGOs and foundations. This is indeed posing a challenge to traditional governance and international institutions such as the United Nations, World Bank, International Monetary Fund etc. The seas too have been no exception to these trends²⁶. Under these circumstances concepts such as maritime security or maritime order become difficult to operationalise. Formulating common policies for the region would necessitate a consensus among stakeholders such as governments, industry, coastal people and institutions. It will also require coalescing existing initiatives with innovative frameworks such as the SAGAR.

Policy coordination in the future requires nation states to act on the basis of long term, rather than short term goals. If nation states are willing to exercise 'multiple leadership' and accept special obligations, only then can a way be paved for regional order²⁷. In this regard, the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC) is an existing forum that not only conforms geographically to the BoB region, but has also demonstrated its political willingness for regional cooperation. Thus, BIMSTEC could provide the foundation for theoretical and practical constructivism in the BoB, that could eventually evolve into a security regime for the region. The success of this security cooperation would also depend on the perception of equality. Hence BoB countries would have to be sensitive to each other's concerns in order to build confidence and ensure a prompt response for building a robust security structure.

BIMSTEC

BIMSTEC as a regional organisation came into being on June 06, 1997 through the Bangkok Declaration. It consists of seven member states: five from South Asia i.e. Bangladesh, Bhutan, India, Nepal, Sri Lanka; and two from South East Asia namely, Myanmar and Thailand. Initially, the economic bloc was formed with four member states with the acronym 'BIST-EC' (Bangladesh, India, Sri Lanka and Thailand Economic Cooperation). Upon inclusion of Myanmar on December 22, 1997 the Group was renamed 'BIMST-EC' (Bangladesh, India, Myanmar, Sri Lanka and Thailand Economic Cooperation). Thereafter, with the admission of Nepal and Bhutan in February 2004, the name of the grouping was changed to 'Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation' (BIMSTEC)²⁸.

BIMSTEC has 14 sectors of cooperation, of which some are directly or indirectly linked to the maritime domain. India is the lead country for transport and communication, under which 167 projects have been identified. Multimodal transport, logistics, infrastructure development, maritime transport all are part of this sector. India is the lead country for environment and disaster management as well. The first BIMSTEC Annual Disaster Management Exercise was held in New Delhi in October 2017. The counter-terrorism and transnational crime (CTTC) sector is also being led by India. This sector conducts its business through six Joint Working Group (JWG). These are the: Sub-Group on Narcotic Drugs, Psychotropic Substances and Precursor Chemicals (SGNDPSPC); Sub-Group on Intelligence Sharing (SGIS); Sub-Group on Legal and Law Enforcement Issues (SGLLEI); Sub-Group on Anti- Money Laundering and Combating the Financing of Terrorism (SGAML-CFT); Sub-Group on Human Trafficking and Illegal Migration and Sub-Group on the Cooperation on Countering Radicalisation and Terrorism²⁹ (SGCCRT). The fisheries sector is led by Thailand. Awareness building for expansion of aquaculture and appropriate technologies and new cultivable species for aquaculture are being exchanged under this sector. The climate change sector is led by Bangladesh. An analysis of these sectors reveals that maritime sectors like the fisheries have a technical orientation and are deficient in terms of a security approach³⁰.

In its current format, BIMSTEC as a region lacks the structure to address constabulary functions, sustainable development and territorial threats. For the first time, the National Security Advisors (NSAs) of BIMSTEC met on the side lines of the BIMSTEC meet in New Delhi in March 2017. There was a consensus that member states face common security challenges. The meeting also underscored the importance of recognising the Bay of Bengal as common security space and agreed to work out collective strategies for common responses. It was also recognised that there was a need for urgent measures to counter and prevent the spread of terrorism, violent extremism and radicalisation and the members decided to take concrete measures to enhance cooperation and coordination between their law enforcement, intelligence and security organisations, in addition to enhancing capacities. The importance of maritime security was emphasised in view of the significance of the Bay of Bengal for the well-being, prosperity, security and socio-economic development of the BIMSTEC member states³¹. The second meeting of NSAs was held in Dhaka on March 28, 2018.

For the BIMSTEC security agenda to succeed, the framework has to cater to the vagaries of maritime security that is characterised by interconnections between challenges, linkages with land, the states' capacities to deal with challenges and legal jurisdictions. For example, the Rakhine refugee crisis is connected with terrorism, illegal migration and human trafficking through the sea. The crisis also has links with the events on land in Myanmar which stem from ethnic discrimination against the minority community. The crisis is believed to have led to the migration of over one million people into neighbouring states, especially Bangladesh. No single state has the capacity to cope with such a large scale refugee crisis on its own and it thus needs a regional approach. The related cross linkages of legal jurisdiction are even more complex. This raises questions as to how refugees should be managed, who will try the crimes being committed by these refugees and where should they be incarcerated. All these need regional agreement. Most importantly, it is a humanitarian crisis where refugees and criminals are both equal victims of political, social and economic isolation. Thus, a regional maritime security has to be guided not only by homogenous

top-down international legal frameworks and norms under the UNCLOS, IMO etc., but also need to be coupled with a heterogeneous bottom-up approach customised in keeping with local regulations, environments and sensitivities.

Conclusion

The BoB has begun to resume its shape as a singular entity quite recently, after the states were able to set their gaze outward, post internal consolidation. Varying strategic perspectives are being developed by a multitude of players, mostly external to the BoB region, including the US, China and others. China's plans are not limited to infrastructure. It has also intensified security and military cooperation in the BoB with the sale of military hardware including submarines. Despite these power plays however, the region has been strategically stable largely because of its relative isolation and lack of development. Thus, the BoB is yet to coalesce as a security community. The growing interdependence within and the influences of extra-regional engagements are creating tensions between the centripetal and centrifugal forces. The fallout of these tensions could manifest as competition and conflicts at sea.

Maritime security needs to be understood as a matrix of the relationship between marine safety, sea power, the blue economy and human security. Unlike the South China Sea (SCS), the BoB does not have territorial conflicts because of the observance of international laws by all in the region, under the overarching rubric of the UNCLOS. This has been further backed by robust policy initiatives that are sensitive to the others' concerns as well as the prompt response by India to meet contingencies in the BoB. In other words, India has been a net security provider for the BoB region in the HADR role. However, regional security coordination is yet to evolve for constabulary role against NTS threats and enforcement of Blue economy (Goal 14 of SDG in accordance with Agenda 2030).

Formulating common policies for BoB would necessitate coalescing existing initiatives with innovative frameworks like the SAGAR. In this regard the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC) is an existing forum that conforms geographically to the BoB region and could be the engine

for evolving a security regime. The BIMSTEC has 14 sectors of cooperation, of which some are directly or indirectly linked to the maritime domain.

In March 2017, the National Security Advisors (NSAs) of BIMSTEC had met for the first time and agreed to formulate a common security regime for the BoB. The second meeting of NSAs was held at Dhaka on March 28, 2018. In order to succeed as a regional maritime security structure BIMSTEC would have to be guided not only by homogenous top-down international legal frameworks but also by a heterogeneous bottom-up approach customised to local regulations, environments and sensitivities.

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