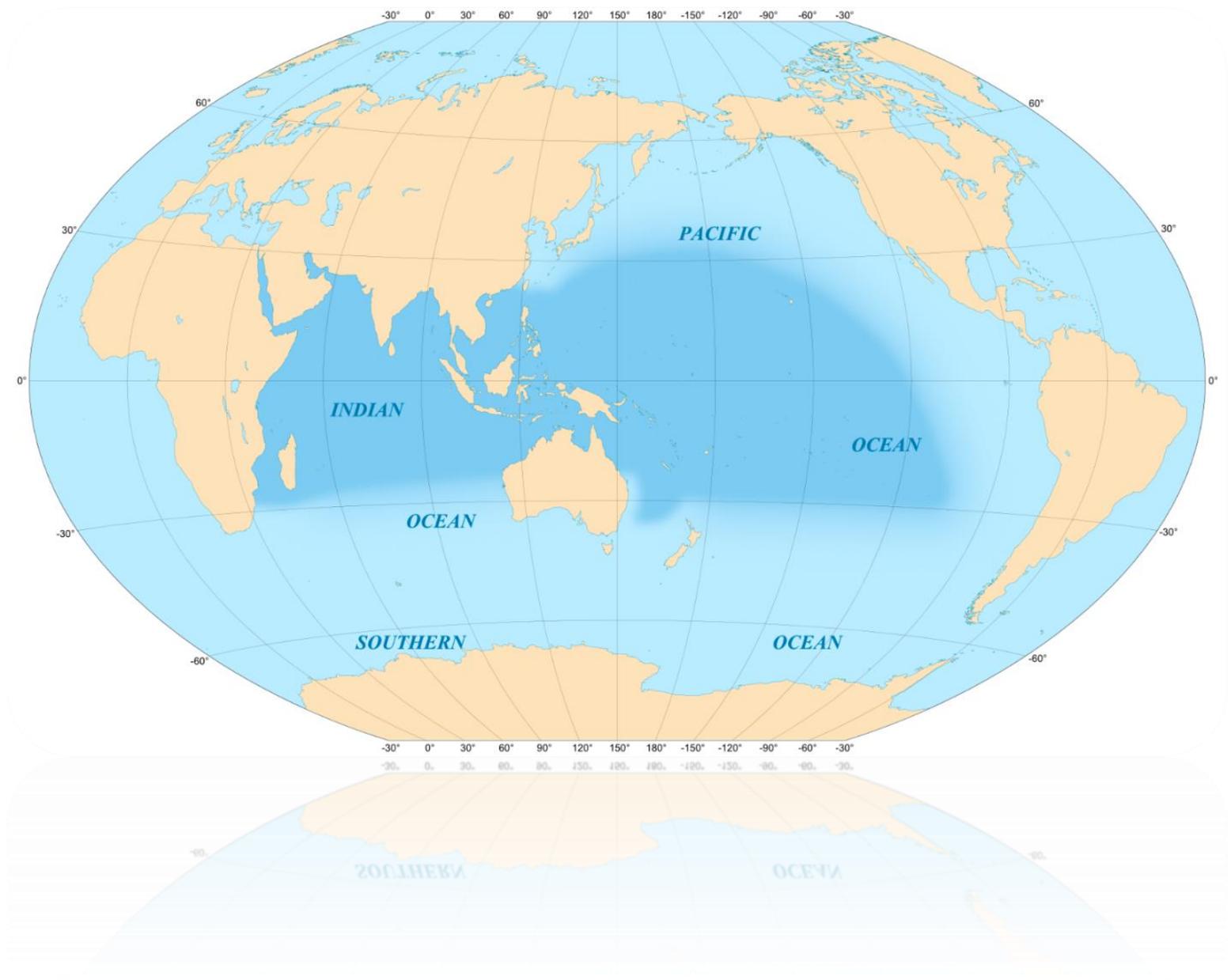




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Case for a Regional Maritime Security Construct for the Indo Pacific

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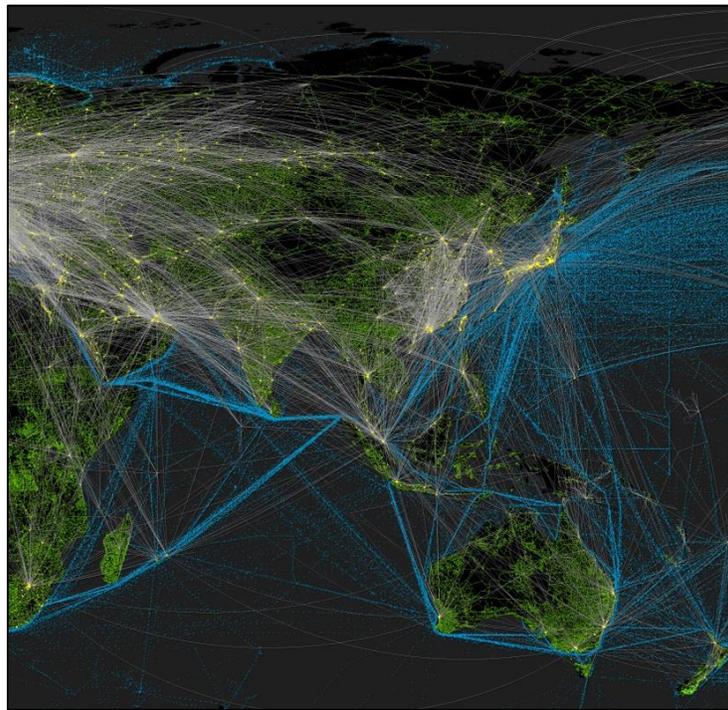
The Indian Ocean has been the hub of major economic activity and global *realpolitik* since the end of the Second World War. It has assumed greater importance since the penultimate decade of the last century and will continue to remain so in the 21st century. The development and progress witnessed in South East Asia, China and India during this period has further extended this geographical construct to the western reaches of the Pacific leading to what some call the great strategic arc of the Indo-Pacific. However, in reality, this is a realisation of the contiguity of the oceans, which has existed since times immemorial, but has come to the limelight because of the growing significance of the Asia-Pacific region during the current day which is sometimes referred to as the 'Asia-Pacific Century'. This contiguity of oceans has however not witnessed convergence, between the littoral states, on issues concerning the security of this vast ocean space which is critical for sustaining its continued economic growth. While the littorals of the Indian Ocean Region (IOR) have achieved a certain degree of convergence on these issues, the Indo-Pacific region, on the other hand, is still in a nascent stage with regard to such cooperation. This essay will attempt to identify the important issues that impinge on pan-regional security of the Indo Pacific, consider the interests of regional powers and look at some of the existent security mechanisms. It will thereafter examine the necessity of a regional security mechanism and make suitable recommendations.

Imperatives for Intra-Regional Security Cooperation

The Indo Pacific region has great political and economic diversity with some of the world's most vibrant economies as also some of the most fragile states. The region will be home to seven of the world's ten leading

economies by 2020. The region also has its share of territorial and maritime disputes which have the potential to disrupt geopolitical stability in the region with the effects being felt in the contiguous areas. Coupled with the inherent ethnic, linguistic and religious differences existent between the states of the region along with their varied levels of development, the construct of the Indo-Pacific will pose a challenge to bolstering regional and multilateral co-operation. Hence new concepts of regional security cooperation¹ may have to be examined by interested parties before arriving at a viable mechanism for implementation.

Flow of Maritime Trade. A glance at the map shows the high density of the world's shipping lanes which flow through the vast expanses of ocean in the Indo-Pacific connecting Europe, the Middle East, the Far East and the Americas.



Source: <http://globaia.org/wp-content/uploads/2013/09/gts1.jpg>

With the opening up of the Arctic and the fabled North West passage in the not too distant future and the continued demand for commodities in the fast growing economies of the region, this traffic can only increase. Disruption of this traffic can have disastrous consequences, not only for

the countries of this region but also for the global economy. Free and uninterrupted flow through these lifelines will require a multilateral approach towards regulation of this traffic, easing of trading restraints, taxes and other efforts to facilitate economic growth.

Economic Necessities. The economic landscape of the Asia-Pacific is rapidly changing with the continued rise of Asia as a global economic powerhouse. Asia is expected to account for almost 45% of the world's GDP, a third of the world's trade and a fourth of the world's military expenditure by 2020. The US 'Pivot/Re-balance to Asia' is only a sign of things to come. The Asia-Pacific region will exert increasing influence on global politico-economic scenario in the not too distant future. Decisions at recent conferences of the WTO, GATT and the World Economic Forum are witness to the rising economic might of Asia. The Trans Pacific Partnership (TPP) agreement, which was inked in October 2015, also promises to further increase the Asian economic footprint. The search for resources to fuel further growth in avenues which are opening up in the future can lead to friction between various players of the region. It would be therefore in our interest to ensure a conducive environment for a lasting peaceful order in this region. A cooperative rather than a competitive approach, with likeminded powers, to this issue will avoid potential conflict and serve to encourage economic activity.

Piracy. Piracy, both local and transnational, poses severe challenges to the maritime security of this vast region. An analysis of the International Maritime Bureau (IMB) report on piracy for the period 01 Jan – 31 Dec 14 indicates the continuing threat in this region². Though the report shows a decrease in hijackings in the Gulf of Aden and off Somalia since 2011, piracy continues to present a debilitating threat to commerce in this area. The report also indicates a very high level of piracy off the coasts of Indonesia, Malaysia and Philippines which is a nuisance affecting the local region. Combating piracy will require a collective initiative since it is a malaise which warrants more than military action. The current multilateral effort under the aegis of the UN to combat piracy can be deliberated upon for application in the larger region of the Indo-Pacific. However, some of the issues will require action at the local level

since the global template may be ineffective considering the peculiarities of the region. In such cases multilateral engagements with representation of the stake holder nations could be a way forward. The Indian Navy and the US Navy have had extensive engagements in this sphere of maritime policing which can be extended to include other regional navies like the Japanese maritime Self Defence Force (JMSDF) and the Royal Australian Navy (RAN).

The Rise of China. No discussion on the Indo-Pacific can be complete without a discussion on the elephant in the room, China. China's rise on the world stage is one of the main reasons for the increased focus on the Asia Pacific. It is the dominant economic power in the Asia-Pacific and hence should shoulder a large part of the responsibility for ensuring stability in this part of the world. However, Chinese actions, at times, have caused a rise in tensions as is presently being witnessed in the South China Sea. The unilateral actions of the Chinese in constructing infrastructure on disputed territory by claiming sovereignty³ and imposition of restrictions on international maritime traffic in the global commons does not bode well for the continued stability of the region. The expanding Chinese Navy and its acquisition of a base at Djibouti⁴, access facilities in Malaysia⁵ or the 'surreptitious' base at Gwadar, albeit for justifiable logistic reasons, are causing nations to adjust their security calculus. The Maritime Silk Road announced by the Chinese President in 2013 is also viewed by many as a 'disguise for China's military ambitions'⁶. The opacity of Chinese policy and less than comfortable assurances on contentious issues has resulted in a trust deficit between China and states of the region. Consequently, there is a need to bridge this gap and provide greater clarity on issues concerning common interests of states of the region. Dealing with the rise of China, will therefore be a challenge to the region in the foreseeable future which has to be addressed collaboratively.

South China Sea. The maritime and territorial disputes in the region, as mentioned earlier, have the potential of causing global ripples. The South China Sea has been an area of friction for the last couple of decades with regular flare ups between states that ring this area due to competing

territorial and sovereignty claims. The intractable positions adopted unilaterally by some states in these disputes have only served to exacerbate the tensions in the area. These positions are understandable considering the deep political, historical and ethnic differences which underline these conflicts and define the various security paradigms. Recent times have also witnessed the simultaneous emergence of several powers which has built pressure for a new equilibrium and balance. Moreover, rapid economic growth in the last few decades has given several states in the region the means to militarily strengthen themselves. Increasing Chinese assertiveness backed by a perceptible military enforcement, on occasion, has further added to the tensions in the area. The Chinese have also been imposing restrictions on the freedom of navigation of vessels in the vicinity of their claims. Freedom of navigation and overflight is an inviolable right guaranteed by international law and India has always supported measures to uphold such freedom. Confidence Building Mechanisms for cooperative engagement which seek common ground with likeminded partner countries is the need of the hour.

Potential Arms Race. The existing tensions and likely conflicts have appeared to spur the purchase of major arms and combat platforms in the region. Vietnam is acquiring *Gepard* class frigates and *Kilo* class submarines from Russia. Philippines is modernizing its military with American and Japanese aid. Indonesia is also embarking on a programme to replace its submarines as also modernize other platforms like fighter jets. Australia is already in the process of shortlisting contractors for making its next generation of submarines. Taiwan. China's ongoing naval modernisation and its perceived aggressiveness can only exacerbate tensions in the region in the absence of adequate mechanisms to address existing disputes. It would be naïve to expect that states in the region would not utilize their newly acquired arms and capabilities for furtherance of their interests in these disputes which could lead up to a potential conflict. Superimposed upon these regional rivalries is the tussle between the United States and China as the latter seeks to extend its maritime power beyond the Second Island Chain.

Maritime Terrorism. The Region has not witnessed any cases of maritime terrorism but it cannot be ruled out especially considering the proximity of the strategic Straits of Hormuz to current areas of instability like Yemen. The 2002 attack against the French tanker, Limburg, clearly demonstrated the debilitating effects of such maritime terrorism wherein the oil prices rose immediately and Yemeni port revenues were severely hit as international shipping decreased. The attack was believed to have been the work of Al-Qaeda operatives in Yemen and represented the group's first attack against a maritime target.

Trafficking. The region is home to two notorious drug production regions, the Golden Crescent and the Golden Triangle⁷. In addition, human trafficking, especially in the northern reaches of the Indian Ocean, is also rampant. Arms smuggling in the proximity of the Horn of Africa and Indonesia is another source of concern.

Illegal Fishing. Illegal, unreported and unregulated (IUU) fishing is a major international problem. In fact, some authors cite IUU fishing as the cause and justification for Somali piracy. The region has a number of foreign flagged operators resorting to this activity in the littoral of relatively weaker countries who are unable to enforce regulations. Many countries lack the wherewithal to even patrol their own waters and thereby suffer severe economic losses and consequent debilitating social effects.

Interests of Regional Powers

'Re-balance' to Asia. The US 'rebalance' to Asia is a recognition of the Asian predominance in world affairs and the world economy. The shift of the centre of gravity of global economy and politics to Asia and hence the concept of Indo-Pacific is a natural corollary to India's modern version of 'Look East Policy'. This has contributed to the expansion and deepening of India's traditional relations with Southeast and East Asia and beyond, and increasing the country's interests and presence beyond the Malacca Straits.

India. India enunciated its 'Look East' policy in 1991 which has since evolved from its nascence into our strategic vision of 'Act East'. The Prime Minister had succinctly put this policy in perspective when he said "the centre of gravity of global opportunities and challenges are shifting to the Pacific and Indian Ocean Region"⁸. This is a view which has been supported and endorsed by others, both in the region as also beyond. India's relations with China have expanded multi-fold, making the country India's largest trade partner in merchandise goods. Relations with Japan and Republic of Korea have deepened with Comprehensive Economic Partnership Agreements (CEPA) being established with both countries. These economic relationships have acquired a deeper significance with the establishment of strategic partnerships. India has a robust maritime affairs dialogue with Japan and continuing military-to-military contact at various levels. These contacts have in the past graduated to trilateral and multilateral exercises involving the US. The Malabar 2015 exercise between the three nations is a case in point. India has a strategic partnership with Australia which has seen vibrant cooperation between the two countries in different spheres like civil nuclear, defence and industry. India has been also cooperating with many nations of the Indo-Pacific as also other powers towards ensuring a lasting peaceful order in the region. Prime Minister Modi announced a slew of measures at the summit of the Forum for India-Pacific Islands Cooperation (FIPIC) in September 2015 aimed at capacity building of Pacific Island nations⁹. India, being a stakeholder in this globally strategic area, has remained committed to the overall growth of the Indo-Pacific region. India has been a partner in the continuing fight against piracy in the entire Indian Ocean Region. India has also established mechanisms for cooperation between law enforcement agencies and disaster relief and promoted dialogue on maritime security and cyber security with key partners. It has also stepped up exchanges in science and technology and provided assistance on space applications leading to meaningful cooperation in cutting edge and popular technologies.

Indo-US Relations. India and the US are the world's two largest democracies that bridge the Asia-Pacific and Indian Ocean region. The 2015 agreement between the United States and India which resulted in a

Joint Strategic Vision for the region, is indispensable to promoting peace, prosperity and stability in those regions¹⁰. Some of the cardinal issues, with pan-regional applicability, highlighted in this vision are outlined below.

- (a) Support sustainable, inclusive development, and increased regional connectivity by collaborating with other interested partners to address poverty and support broad-based prosperity.
- (b) Support regional economic integration.
- (c) Safeguarding maritime security and ensuring freedom of navigation and over flight throughout the region, especially in the South China Sea.
- (d) Impressing on all parties to avoid the threat or use of force and pursue resolution of territorial and maritime disputes through all peaceful means.
- (e) Oppose terrorism, piracy, and the proliferation of weapons of mass destruction within or from the region.

Japan. Japan has been a major economic power in the region whose continued pre-eminence depends on the security and stability of the Indo-Pacific Region. The Japanese national security strategy promulgated in 2013 highlights this linkage and states that “especially in the Asia-Pacific region, it is essential that Japan, as a maritime state, strengthens the free trade regime for accomplishing economic development through free trade and competition, and realizes an international environment that offers stability, transparency and predictability”¹¹. An important objective of Japan’s National Security Strategy is to improve the security environment of the Asia-Pacific. This was re-affirmed in the joint statement issued by Japan and India on the occasion of the visit of Prime Minister Abe to India in December 2015 where the two countries stated that “peace, stability and development in the Indo-Pacific region is indispensable to their national security and prosperity”¹².

Australia. Australia’s location at the confluence of the Indian and Pacific Oceans has placed it in a unique position to foster regional cooperation. Australia has been deeply involved in the security calculus of the Indo-

Pacific through its involvement in the ongoing anti-piracy efforts and its legacy commitments like the Five Powers Defence Agreement (FPDA). It also has a strategic alliance with the United States which is one of the pillars of its national security mechanism wherein it “cooperates on shared strategic and regional security interests including through the Australia–Japan–United States Trilateral Strategic Dialogue”¹³. Australia recognises the importance of the Indo-Pacific and “emphasises the growing significance of this geographic corridor and of India, with Australia increasingly considering its interests through this lens”¹⁴. The confluence of these Australian interests in the region with that of India is visible in the joint statement issued on the occasion of Prime minister Modi’s visit to Australia in November 2014 wherein both countries are “working together more closely to build a safe and prosperous region”¹⁵

Existent Mechanisms for Regional Maritime Security

Maritime security and cooperation amongst the states of the region are the underlying principles for fostering a lasting peaceful order in the region. The region already has a host of arrangements in this sphere which are either restricted to countries or sub-regions. A glance at these arrangements will provide the reader with an indicative overview of their capabilities as also their shortfalls.

Indian Ocean Rim Association (IORA). The IORA was launched in 1997 for promoting intra-regional economic cooperation and development. However, the Charter of the IORA is a less-than-treaty level document and is therefore not legally binding on the signatories. The IORA now has six priority areas to promote the sustained growth and balanced development of the region out of which maritime safety and security is the first priority. The IORA had also indicated that it was important that IORA’s work on maritime security and safety and disaster management should be aligned with and complement possible IONS (Indian Ocean Naval Symposium) initiatives in these areas. However, not much seems to have been done in these important areas. The IORA does not have a working group to deliberate on these issues or an institutional link with IONS.

Indian Ocean Naval Symposium (IONS). The Indian Ocean Naval Symposium (IONS) is a voluntary initiative formed in 2008 that seeks to increase maritime co-operation among navies of the littoral states of the Indian Ocean Region. The IONS also aims to establish a variety of multinational maritime cooperative mechanisms designed to mitigate maritime security-concerns among members. However, this is a purely naval initiative and is therefore hampered by an absence of official sanction from other government agencies in the signatory countries. Moreover, there is no governmental obligation to adhere to the Charter of the IONS.

Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP). The ReCAAP is a regional government-to-government agreement, brought into force in September 2006 to promote and enhance cooperation against piracy and armed robbery in Asia. It is a multilateral agreement between 20 countries in Asia, namely Australia, the People's Republic of Bangladesh, Brunei Darussalam, the Kingdom of Cambodia, the People's Republic of China, the Kingdom of Denmark, the Republic of India, Japan, the Republic of Korea, the Lao People's Democratic Republic, the Republic of the Union of Myanmar, the Kingdom of the Netherlands, the Kingdom of Norway, the Republic of the Philippines, the Republic of Singapore, the Democratic Socialist Republic of Sri Lanka, the Kingdom of Thailand, the United Kingdom, the United States of America and the Socialist Republic of Vietnam. It includes the ReCAAP Information Sharing Centre (ISC), an initiative for facilitating the dissemination of piracy-related information. As can be seen, the ReCAAP does not have a mandate to initiate direct action nor is it incumbent on the signatories to take action for enhancing maritime security.

ASEAN Regional Forum (ARF). The objectives of the ASEAN Regional Forum are to foster dialogue and consultation on political and security issues of common interest and make efforts towards confidence-building and preventive diplomacy in the Asia-Pacific region. There has been a reasonable degree of success in these two main objectives though the

same degree of success has not been seen in the efforts of ASEAN with China since China has largely stayed away from multilateral resolution of disputes.

Establishment of a Collaborative Maritime Security Mechanism

Necessity for a Security Mechanism. As can be seen, the region does not have a pan-regional maritime security structure wherein all the major stakeholders are involved. Anti-piracy efforts have been largely US-led and consequently have a restricted appeal with even India not being part of the Coalition Maritime forces (CMF) currently deployed in the Gulf of Aden. ASEAN-based regimes have also not proved effective beyond the immediate sub-region. Consequently, issues requiring a common approach tend to get neglected which in turn affect the environment. Enhanced engagement utilising both bilateral and multilateral approaches, at the regional and sub-regional levels are the way forward. Common linkages between the various actors like trade, ethnicity, and shared economic interests will enhance cooperation. Differences on account of territory, boundaries, conflicting aspirations and the like could be set aside for resolution at a suitable stage later. Security challenges especially the threats of piracy and terrorism are common meeting ground for states. The development of a comprehensive mechanism and requisite security infrastructure which are inclusive, efficient and adequately representative is the requirement of the hour.

Recommendation. The diversity of the region and the geographical expanse precludes development of an all-encompassing security architecture. Moreover, the security imperatives for the various sub-regions are also at variance. It will therefore be appropriate if the regional leaders take the mantle, for sub-regions, in addressing common security imperatives of the region would infuse the required impetus towards generating a regional security construct. These regional leaders can then interface with other regional leaders for the entire Indo Pacific on common issues concerning the region at large. The various sub-regions of the larger Indo-Pacific have also historically had larger nations like India, Australia and Japan taking the lead in sub-regional development.

The United States with its military, financial and political clout in the region will continue to remain the *primus inter pares* in the region, at least in the foreseeable future. The four countries also have a comprehensive security dialogue amongst them, albeit bilaterally. Expanding this dialogue and leveraging the already existing linkages to the larger context of the Indo-Pacific would be a logical step towards developing a common security framework to address the various maritime security concerns affecting the entire region.

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