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## Regional Outlook

A 'RULES-BASED' MARITIME ORDER IN THE  
INDO-PACIFIC: ALIGNING THE BUILDING BLOCKS

Abhijit Singh

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Editor of two books on maritime security — *Indian Ocean Challenges: A Quest for Cooperative Solutions* (2013) and *Geopolitics of the Indo-Pacific* (2014), Abhijit has published papers on India's growing maritime reach, security of sea-lines of communication in the Indo-Pacific region, Indian Ocean governance issues and maritime infrastructure in the Asian littorals.

In 2010, he assisted the late Vice Admiral G. M. Hiranandani (Retd) in the authorship of the third volume of Indian Naval History, *Transition to Guardianship*.

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# 1. Introduction

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A 'rules-based order' constitutes the foundation of a fair and transparent international maritime trading and security system. The subject of growing deliberation and discussion among Asia's strategic elite, rules-based maritime security has come to be regarded by analysts and policymakers as a prerequisite for maritime trade and commerce, and a crucial factor in the formulation of national security policy.

The rules-based system has also gained currency in the official discourse, where it has acquired the salience of a rhetorical touchstone – a conceptual lens through which policy planners view relationships between the principal littoral states in the Indo-Asia-Pacific, popularly referred to as the Indo-Pacific in Indian maritime circles. Increasingly, the template of rules-based security is used to generate a working consensus around clearly defined standards of acceptable behaviour in the regional littorals.<sup>1</sup>

At the heart of these discussions are questions about how Asian countries perceive their stakes in a rules-based international system; how states might like to see rules, norms, and principles emerge in Asia and serve their interests in a contested geopolitical environment. In the twenty-first century, Asian states have come to acquire prominence in the international order and to exert influence in matters of global security and economic development. As Asia assumes greater significance within the international system, it becomes more important for states to exchange views and ideas on how governance systems should be organised. This is especially true as China emerges as a powerful actor, with a maritime posture that appears to violate norms and principles of acceptable behaviour.

For many, however, the usefulness of a principled maritime order in assessing Asia's strategic environment is still an open question. A section of the Asian strategic community is unsure about the motives underlying the push for a rules-based order and its supposed benefits. Others wonder how such an arrangement might be put in place and how it might eventually evolve into a sustainable system. Still others raise questions about the system's effectiveness, demanding more clarity of the role that Asian states might be required to play in its development.

This paper evaluates India's understanding of the concept of rules-based security as it applies in the Indo-Pacific region. It argues that despite accepting common principles of military conduct across maritime Asia, New Delhi views regional rule-making through the prism of strategic autonomy and balance-of-power in South Asia. Consequently, it is hesitant to endorse maritime norms meant to influence the maritime behaviour of particular state actors, even if this might ensure greater security in the maritime commons.

## 2. Conceptual Underpinnings

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By its very definition, a 'rules-based' order denotes a baseline level of predictability, or patterned regularity around reasonable principles of behaviour. It is meant to reduce the possibility of conflict, despite the inherent structural anarchy of the international system composed of independent, sovereign states. More substantively, it implies accord on basic norms and standards that would exercise restraint in state conduct. The concept suggests the existence of not only a 'system' but also a "society" of states whose members share "a sense of common interests in the elementary goals of social life; rules prescribing behavior that sustains these goals; and institutions that help to make these rules effective".<sup>2</sup>

In theory, a rules-based order is an instrument of multilateralism that facilitates a common fight against natural disasters and non-state actors. Its purpose is to establish a certain level of operational cooperation in the maritime commons that would meet the common interests of small and big states in Asia. This involves greater engagement and cooperation in jointly fighting non-traditional challenges. Advocates of a norms-based maritime architecture highlight multinational maritime crisis operations in the aftermath of the 2004 Indian Ocean tsunami, joint relief operations after Typhoon Yolanda, assistance after pirate attacks in the Western Indian Ocean and Southeast Asia, and the search for Malaysian Airlines flight MH370 and Air Asia flight QZ850.<sup>3</sup>

The emphasis on non-traditional challenges, however, does not detract from the fact that a rules-based system is essentially meant to influence state behaviour in the Asian littorals. In practice, much of the Indo-Pacific security order applies to the East and South China Seas, where regional states have apprehensions about a strategic take-over of crucial islands and maritime territory by China. Besides countering Beijing's large-scale land reclamations and assertive incursions in the contested waters, it is also a hedge against the People's Liberation Army's (PLA's) militarisation of islands in the South China Sea.<sup>4</sup> The rules-based system is then a warning to prevent revisionist powers like China from undertaking any unilateral action in the regional commons, or to attempt to permanently alter the marine geography of Southeast Asia.

### 3. India and the Indo-Pacific

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India's strategic elite view the 'global system of rules' in the maritime commons as being inherently tied to the concept of the Indo-Pacific, rooted in a structural power shift underway in the global maritime system.<sup>5</sup> The integrated maritime space rimming the Asian continent emphasises the rise of India and China as principal economic and military actors, with a growing ability to transcend their respective sub-regions amid a worsening geopolitical environment. In this, Indian analysts stress the importance of the Eastern Indian Ocean as a bridge linking together the littoral sub-regions of Asia, a sharp reminder to regional powers that the burdens of development and security in the Indian Ocean must be shared equally.

Even so, reactions to the Indo-Pacific among Indian thinkers have been characterised by a contradictory tenor. Whilst some political watchers wholeheartedly embrace the notion, viewing it as a rejection of outdated notions of non-alignment and strategic autonomy,<sup>6</sup> others regard it with increasing skepticism. The proponents of the Indo-Pacific argue for a proactive approach in the Pacific rim, by injecting greater strategic content into New Delhi's relationships with major East Asian states.<sup>7</sup> Their vision includes a concert of open, liberal, and like-minded democracies (viz. the United States, India, Australia, and Japan) to take the lead in shaping the economic and security architecture of the region.

This might seem surprising because India's strategic thinkers have long argued the need for the 'Asia-Pacific' to be replaced with a more inclusive term – one that would also include parts of the Western and Eastern Indian Ocean. Even so, supporters of the Indo-Pacific construct advocate an Asian maritime framework, which is 'based on mutuality of interests and free of domination by any one power'.<sup>8</sup>

A second strand of maritime thinking is wary of accepting the idea of the Indo-Pacific because of the perception that it involves balancing China. For many, Beijing is an overwhelming power in the Asian region and must be accommodated in the international system. China's exclusion from the Indo-Pacific regional institutions, these thinkers aver, has the potential to stoke regional tensions and weaken the credibility of the global system.<sup>9</sup> India's 'strategic autonomy' continues to be an article of faith with this lot of scholars, who underline its centrality in Indian foreign policymaking.<sup>10</sup> New Delhi's strategic objectives in Asia, the pragmatists aver, are best achieved through engagement with countries in India's extended neighbourhood, not by forging new military partnerships.

There is also a third section of thinkers, who posit that the Indo-Pacific's regionalism serves India's domestic economic needs, without compromising foreign policy goals. Their reasoning is that 'plural, open, and inclusive' security architecture in the Indo-Pacific isn't rhetorical posturing, but an efficient way of sustaining domestic economic prosperity. These thinkers view the Indo-Pacific concept as being compatible with India's traditional policy of non-alignment and 'strategic autonomy'. In their telling, India can contribute to a rules-based order as an independent entity to create a stable regional environment for India's domestic economic development, as long as it recognises India's South Asian sphere of influence.<sup>11</sup>

The differences of opinion over the presumed implications of accepting the Indo-Pacific as a strategic framework in India also find expression in Indian officialdom. A prominent section of India's defence and foreign policy establishment has for long argued that the Indian and Pacific Oceans are two strategically diverse theatres and any conceptual framework that treats them as a single coherent strategic space is fundamentally flawed. India's former National Security Advisor, Shiv Shankar Menon, for instance, has cast

doubts on the validity of the Indo-Pacific formulation by observing that the theatre is 'not one geopolitical unit, although security is indeed linked across the seas and oceans that encircle the Asian landmass'.<sup>12</sup>

The real issue, as some analysts see it, is that the principal non-traditional challenges in the Indian Ocean Region (IOR) have been discounted in the 'rules-based order' proposed by Pacific powers. Such issues, they contend, cannot be dealt with through a law enforcement approach; rather, a process of regionwide consensus building and multilateral collaboration is needed. In the event, the critics of the Indo-Pacific regard the Pacific theatre as a 'strategic swamp' replete with political dissonances and intractable conflict, which must, at all cost, be avoided.

There is, admittedly, some merit in the above argument. Maritime forces in the Indian Ocean have in the recent past grappled with irregular threats such as piracy, maritime terrorism, trafficking, and humanitarian crises. For some time now, the region has not witnessed serious maritime confrontation, leading many to believe that the Indian and Pacific Oceans need variable solutions to their problems.



## 4. The Indo-Pacific and Economics

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It is in the economic realm that India's political leadership unconditionally accepts the logic of the Indo-Pacific. Prime Minister Narendra Modi has often referred to India's Indo-Pacific stakes as a way of underlining his government's developmental tasks. At the Raisina dialogue in New Delhi, Modi stressed his Security and Growth for All in the Region (SAGAR) principles.<sup>13</sup> The arc of influence in the Indian Ocean, he noted, extended well beyond its littoral limits, making SAGAR relevant not only for the safeguarding of India's mainland and islands, but also in deepening economic and security cooperation, as well as the strengthening of maritime relationships. This 'convergence, cooperation, and collective action', he observed, has the potential to advance economic activity and peace in South and Southeast Asia.<sup>14</sup>

While the primary responsibility for peace, prosperity, and security in the Indian Ocean rests with those who live in the region, Modi stressed the need to bring countries together on the basis of respect for international law. Freedom of navigation and the adherence to international norms, he observed, is 'essential for peace and economic growth in the ... inter-linked marine geography of the Indo-Pacific'.<sup>15</sup>

In some ways, this reveals a willingness to acknowledge the logic of regional connectivity and prosperity, more than the rationale of security. As India seeks to overcome barriers in its relationships in West and Central Asia, and eastwards to Asia-Pacific, connectivity and economic prosperity loom large in New Delhi's strategic imagination. Not surprisingly, much energy and attention is focused on developing the Iranian port of Chabahar, the International North-South Transport Corridor, a multimodal transportation system in Myanmar, and oil interests off the coast of Vietnam. New Delhi's 'neighbourhood-first' approach then represents an aspiration for a thriving, well-connected, and integrated South Asia.

## 5. A Geopolitical Dilemma

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The difference in the texture of security in the Indian Ocean and the Western Pacific further complicates matters for India, which sits at the near-intersection of the two diverse strategic theatres. Long dominated by Western concepts of security based on alliances, military power, and balance of power politics, the Pacific has never really figured hugely in India's strategic mind-space. But even in a relatively less conflict-ridden security environment than the Pacific's, India's maritime analysts find common geopolitical threads running across the Asian littorals. With rising material stakes in the South China Sea, Chinese maritime assertion is no longer limited to Southeast Asia. Since 2013, PLA Navy submarines have visited the IOR regularly, carrying out prolonged operations in the South Asian littorals.<sup>16</sup> Meanwhile, incidents of piracy, terrorism, drug and human trafficking, and overfishing, have been growing across South and Southeast Asia, emphasising the importance of maritime security operations in the combined littorals.

The real threat for India is the potential spillover of hostilities from the South China Sea into the Indian Ocean. Stoked by an intense nationalism, China's maritime manoeuvres in its near-seas could become the trigger for a strategic surge in the Bay of Bengal. In the long term, Indian observers believe, China's strengthening grip over the South China Sea could have grave implications for security in the Indian Ocean.

The vulnerability of South Asian littorals – particularly the Bay of Bengal – to Chinese maritime influence and naval power projection points to the need for a rules-based order, which would allow regional states to synergise efforts and fortify themselves against any external interference. For a start, India would need to take a stronger stand on freedom of navigation and over-flight in the South China Sea. As a Chinese naval presence in South Asia becomes a reality, New Delhi will feel compelled to accept a comprehensive notion of regional rules-based security, involving universally acceptable standards of maritime behaviour in littoral Asia.

## 6. Structural Impediments

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The experience of Pacific states in implementing a rules-based order provides an instructive lesson for Indian observers. The 'rules–norms–principles' framework was originally meant as a hedge against the coercion or unilateral actions to prevent any alteration of the status quo in the contested seas where some Southeast Asian states have overlapping claims. It seemed driven by a desire to avoid a flare-up at sea, and sought to be implemented through closer communication and maritime coordination between friendly navies and coastguards. These fears were not exaggerated, but still did not prevent China's assertive posturing in the regional commons. Vietnam, the Philippines, Indonesia, and Japan were pushed to resort to robust counter-manoevres to fend off Chinese aggression. Not surprisingly, Asia-Pacific states have been keen for India to join the rules-based maritime order, to apply pressure on China to scale back its maritime assertion.<sup>17</sup>

Despite welcoming rules-based engagement, Asia's governing elite see three interconnected problems in the application of universal principles in the Indo-Pacific region.<sup>18</sup> The first issue is that of legitimacy. For a system based on rules to be effectively implemented, the individual rules must be seen to be observed by all sides – particularly those that are powerful advocates of the rules-based system. Unfortunately, the record of big Pacific democracies is perceived by many Asians as less than exemplary. Scholars of international relations say Washington's record of unilateralism on the world stage (Iraq, Afghanistan, and so on) inspires little confidence in the US ability to be the principal mover of a rules-based international system.<sup>19</sup> Similarly, Japan's refusal to stop its whale-hunting in the Southern Pacific and Australia's treatment of refugees seeking asylum, is seen by many as evidence that the rules do not uniformly apply to all sides. Hard as they try to explain their position, Pacific democracies remain vulnerable to the accusation that they are selective in observing international norms.

Yet raising questions about the legitimacy of Pacific democracies in implementing a rules-based order encourages recalcitrant actors to pursue a 'might is right' approach. Russia's annexation of Crimea and China's maritime aggression in the Western Pacific are examples of such a muscular approach.<sup>20</sup> This also evokes a 'spheres-of-influence' mindset about which the international community feels uncomfortable. Such an approach to maritime security results in revisionist states like China turning their contested claims over island territories into a *fait accompli*. As a consequence, smaller powers are forced to pick sides, leading to a greater polarisation of opinion – a phenomenon in clear evidence in the South China Sea.

The second related problem is the question of equity. Political analysts and policymakers agree that a rules-based order must work to the advantage of the majority stakeholders. In the current international system, however, any assessment of fairness and effectiveness of global rules has often been a matter of perspective. There is a perception in Asia that despite a reduction of US military power in Asia, America's dominance over the political and commercial establishments in many regional states continues. The regime of maritime access – characterised by the free movement of trade, investment, and people – whilst stimulating economic growth, is unresponsive to needs of human security and development.<sup>21</sup> At a minimum, it does not recognise the challenges of poverty, the lack of infrastructure and unemployment, and the vast destruction of maritime habitat in many second and third world Asian littoral states. The critics argue that for a rules-based order to be successful, member states must be convinced it is not a ploy to maximise geopolitical equities, but a fair arrangement to help states and their people meet national developmental aspirations.

A final disability of the rules-based order is its lack of enforcement ability, leading to a type of cooperation that involves the mere provisioning of lower-order security goods. Since there is no transcendental impartial authority that can enforce rules in a fair and consistent fashion, states know they must rely only on themselves for their own security.<sup>22</sup> This awareness leads states to look for ways in which they can work with each other for purely law-enforcement purposes. This also advances the view that the current system of tactical maritime engagement is the natural order of things, and that as long as all sides can come together to prevent crimes and flare-ups at sea, all conflict can be effectively resolved.

## 7. The Indian Navy and the Rules-Based Order

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For the Indian Navy, the rules-based order represents a conundrum. As the principal security provider in the central Indian Ocean, the navy has never really faced a challenger in its littoral seas. The lack of a strategic dialectic in its sphere of maritime influence has allowed the Indian Navy the luxury of focusing on humanitarian relief and irregular threats. But times are changing and the Indian Ocean's security environment is undergoing a rapid shift. With China's economic interests in the region growing rapidly, however, it seems only a matter of time before the PLA Navy begins to dominate the affairs of the IOR.<sup>23</sup> China's growing nexus with Pakistan in the Western Indian Ocean already worries Indian observers, as does Chinese infrastructure building in Sri Lanka, Bangladesh, and Myanmar, each of which appear to have a strong military maritime component.<sup>24</sup> In time, India's naval leadership knows it will be confronted by an acute security dilemma: cooperate with China on Beijing's terms, or prepare to take on its superior naval might in the Indian Ocean region.

The maritime silk route, which Beijing is actively promoting, heralds the beginning of a strategic shift in the IOR. From developing maritime infrastructure in Gwadar, Hambantota, and Chittagong in South Asia, to building and revitalising port facilities in Mombasa, Dar es Salaam, and Bagamoyo on the east coast of Africa, Beijing has made clear its intentions to establish a Chinese-dominated trade corridor in the Indian Ocean.<sup>25</sup> In the long-term it could culminate in the setting up of exclusive Chinese maritime enclaves along the busy IOR sea-lanes. An incident sparked by the overlapping interests of the PLA Navy and the Indian Navy in the Indian Ocean might become the trigger for a fuller embrace of 'rules-based security' by New Delhi.

For the moment, India has demurred from countervailing China's maritime power in the Indo-Pacific. New Delhi neither has the naval operational capability, nor the political capital to resist China's broader nautical endeavours in maritime Asia. This may be one reason why Indian policymakers remain wary about forming a maritime 'quadrilateral' with Australia, the US, and Japan in the Indo-Pacific region.<sup>26</sup> India's foreign policy establishment cannot bring itself to form a de facto alliance with Pacific democracies to openly challenge China.

New Delhi's strategic predicament, however, remains. Despite a growing national and regional developmental imperative, the Indian Navy must defend national stakes in the larger contest for regional dominance. In this it must remedy power asymmetries that undermine regional stability. Ultimately it will need to make a determination of where its interests lie and what it must do to protect its equities in the littoral seas.

## 8. A Collaborative Security Regime in Maritime Asia

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For maritime forces, the business end of a rules-based order is the provisioning of hard maritime security, achievable only through greater interoperability, communications, and maritime domain awareness. Cooperation in these areas has the potential to transform regional maritime operations by implementing a plan for the provisioning of lower and higher order goods. The best way to achieve strategic collaboration is to raise the complexity of naval exercises, and keep under active surveillance the littoral spaces of the Indo-Pacific region. Multinational exercises in the region presently suffer from a number of distinct drawbacks.<sup>27</sup> Apart from the political sensitivities of individual states, there are problems of equipment incompatibility, and diverse operational and communications procedures, all of which limit the effectiveness of maritime military drills. In contrast, bilateral settings seem better suited to developing specific skills and sophistication of operations, but do not prepare navies' multilateral operations in complex security settings.

An ideal approach would be to have both bilateral and multilateral training by simply doing more of both types of exercises. Maritime forces need to continue devoting resources to maintenance, national training objectives, and multilateral operations in the face of growing threats in their respective neighbourhoods. The idea is to be more effective and efficient with fewer resources.

For India, the importance of joint operational drills in the Eastern Indian Ocean and the Western Pacific cannot be overstated. Combat exercises in sensitive theatres can train naval personnel to respond appropriately in high-pressure situations. As US Pacific Commander Admiral Harry Harris pointed out at the Raisina dialogue in New Delhi recently: 'India and the US (and other partner states) needed to sharpen their "axes" together in order to uphold the rules-based international order'.<sup>28</sup> It is an apt metaphor for preparing together to face a contingency in the regional seas, not least because it emphasises joint expertise in defending the global maritime order. As Admiral Harris suggested, any side that does not appreciate the importance of enforcing principles, does not get to enjoy the fruits of a collaborative rules-based system.

Equally important as issues of sovereignty in the contested seas, are matters of maritime governance, particularly the management of fish stock, protection of the maritime environment, and food and water security. In emphasising traditional security issues, the rules-based order must not detract from other larger irregular threats for which there should be specific norms of conduct. Needless to say, a maritime operational plan must also cater to the need to tackle non-traditional threats in the Indian Ocean.

For India, the maritime imperative has never been clearer. Accepting a 'rules-based' model of maritime security would entail greater operational engagement in maritime Asia. India's 'neighbourhood-first' and 'act east' policies will need to expand their focus beyond the marginal confines of the South Asian commons. As a vital 'building block' of the rules-based order in Asia, the Indian Navy will need to align its priorities with partner navies and expand its strategic presence across the Indo-Pacific space. It will need to operate at the higher end of the operational spectrum, gain institutionalised access to refuelling and resupply facilities in the Pacific littorals, and conform to a principled model of maritime engagement.<sup>29</sup>

Logistical arrangements with friendly Southeast Asian states and new littoral warfare assets will provide the navy with the vital tools it needs to undertake strategic missions.

Most importantly, the Indian Navy will need a new doctrinal framework that would give the military–security function as much emphasis as the benign and constabulary role, presently soaking up most of its operational energies. The key would be to enhance its strategic capabilities to enable a credible distant–seas presence.

A network of maritime partnerships in the Indo-Pacific has the potential to provide substantive security in the regional littorals. The rules-based architecture will provide the Indian Navy with the opportunity and the tools to redefine its strategic posture in the Indo-Pacific and to maintain a favourable balance of power in Asia.

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