

RULES-BASED MARITIME ORDER IN THE INDO-PACIFIC: CHALLENGES AND WAY AHEAD

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Abstract

The advent of the 21st Century witnessed a mutation in the geopolitical conceptualisation of Indo-Pacific. A 'security' dimension was now added to the erstwhile 'economic' linkage between Indian and Pacific oceans. The current context initially related to a vision of prosperity of the maritime-configured supra-region, enabled by regional cooperation to secure a rules-based order at sea and in the littoral, which has lately expanded to many other forms of collaboration that enable well-being across the region. It refers to China as a predominant factor, though not the only one.

With the “rise of Asia” now replaced by the “rise of the Indo-Pacific”, arguably, it represents the single most important geopolitical development since the end of the Cold War with major consequences for the region and its stakeholders. Alike the developed West that underwent a tumultuous churning before it achieved prosperity, the attainment of the Indo-Pacific vision is not preordained. Although the key players seem to be more aligned since 2017, when the United States articulated its Indo-Pacific strategy in a bellicose and divisive manner, their varied—and even divergent—interests and objectives pose substantive challenges to achieve the vision.

This paper aims to unravel these challenges by examining the perspectives of these players in the context of the geopolitical landscape. The perspectives relate to key concepts: Indo-Pacific *per se*, geostrategic frontiers, holistic security, free, open and rule-based order, inclusiveness and polarisation. The analysis attempts to identify and reconcile the differences, if not the contradictions. The way ahead may lie in the more-aligned players instituting a regional architecture encompassing the multilateral arrangements—old and new—that could enable cooperation at the conceptual, political and functional levels, and guided by a thematic prioritisation. Such partnerships may offer effective—though graduated—responses to the regional insecurities, including those posed by State and non-State entities.

Keywords: Indo-Pacific, geopolitics, geostrategic frontier, holistic maritime security, geo-economics, maritime strategy, maritime law, free and open Indo-Pacific (FOIP), rules-based order (RBO), inclusiveness

Introduction

The 'Indo-Pacific' concept became prevalent in the wake of the August 2007 vision of the “confluence of the two oceans” articulated by Japan’s Prime Minister Shinzo Abe.¹ This vision is known to have been spawned by a couple of antecedents. In 2005, Peter Cozens used Indo-Pacific to denote a new geo-economic linkage between the Indian and Pacific oceans, which led to the East Asia Summit (EAS) (Cozens, 2005). A year later, Indian and Japanese think-tanks, setting aside geo-economics, explored the emerging security connect between the two oceans in context of an altered geopolitical environment, primarily relating to China’s increasing politico-military assertiveness, and the consequent insecurity to international shipping lanes.²

Indo-Pacific has since proliferated, along with the ever-growing plethora of its alphabet-soup elements like FOIP (free and open Indo-Pacific) and RBO (rules-based order), and multilateral forums like the Quad (Quadrilateral Security Dialogue, QSD) and the AUKUS (Australia-United Kingdom-United States alliance). This presents challenges at two levels. The first is the comprehension of Indo-Pacific concept itself, and its accompaniments. The second flows from the differences—and even divergences—among the regional countries and stakeholders (key players) in their approaches to the Indo-Pacific. This paper aims to examine these challenges by unraveling the key concepts, and recommend a way ahead towards achieving the Indo-Pacific vision, as was originally conceived

What is the 'Indo-Pacific'?

For better comprehension, the Indo-Pacific may be de-constructed into three distinct—though interlinked—conceptualisations. The first is Indo-Pacific as a region, and the second is Indo-Pacific as a vision of some key players. A few of these players have transformed the vision into a strategy, which thus becomes the third conceptualisation.

Indo-Pacific as a Region

The rise of Asia has been most conspicuous in its maritime underbelly. However, with the turn of the 21st Century, when new security challenges arose, the existing Asia-Pacific construct was ambiguous and inadequate to address these challenges. This is exemplified by the 2009 statement of the Indian Admiral Arun Prakash, who remarked,

“As an Indian, every time I hear the term Asia-Pacific I feel a sense of exclusion, because it seems to include Northeast Asia, Southeast Asia and the Pacific islands,

¹ “Confluence of the Two Seas”, Speech by H.E. Mr. Shinzo Abe, Prime Minister of Japan at the Parliament of the Republic of India, August 22, 2007, Japan Ministry of Foreign Affairs (MOFA) website [online]. Available at: <<http://www.mofa.go.jp/region/asia-paci/pmv0708/speech-2.html>> [Accessed October 2, 2021].

² Khurana, Gurpreet S, “Security of Sea Lines: Prospects for India-Japan Cooperation”, *Strategic Analysis*, Vol. 31(1), January/ February 2007, pp. 139-144 [online]. Available at: <https://www.tandfonline.com/doi/abs/10.1080/09700160701355485> For genesis of Indo-Pacific concept, see Khurana, Gurpreet S, “What is the Indo-Pacific? The New Geopolitics of the Asia-Centred Rim Land”, in Axel Berkofski and Sergio Miracola (eds.) *Geopolitics by Other Means. The Indo-Pacific Reality* (ISPI, Ledizioni Ledi Publishing, Milano, Italy: February 2019), pp. 13-32 [online]. Available at: <https://www.ispionline.it/en/publicazione/geopolitics-other-means-indo-pacific-reality-22122> [Both accessed October 11, 2021].

and it terminates at the Melaka Straits, but there is a whole (Asian) world west of the Melaka Straits...”.³

The new geopolitical map of Indo-Pacific—that combined Asia-Pacific with the Indian Ocean—not only resolved India’s dilemma, but was also useful for the other players. Australia, with vital stakes across both the oceans, was the first to formally accept the Indo-Pacific as a region in its May 2013 Defense White Paper.⁴ In the 2012 review of United States’ (US) geostrategy, “Asia-Pacific” was expanded to “Indo-Asia Pacific” to ensure its own inclusiveness in the affairs of a broader Asia. France, with its territorial possessions across both the oceans, was the quickest in Europe to recognise the Indo-Pacific in its May 2018 strategy document.⁵ France was followed by Germany in September 2020⁶ and the Netherlands in November 2020 (Strangio, 2020). Rory Medcalf (2016) avers that the new regional construct may even be useful to China, saying,

“Xi Jinping’s signature international initiative of the 21st Century Maritime Silk Road—a part of China's Belt and Road Initiative (BRI)—while initially a geo-economic project, will almost certainly have a security dimension, that justifies an Indo-Pacific security footprint for China. The flag will follow infrastructure as well as trade.”

Indo-Pacific as a Vision

The 2007 “confluence of the two oceans” articulation by Japan's Shinzo Abe was a vision for India-Japan partnership, meant to achieve shared prosperity in the Afro-Asian rim-land. Although his address to the Indian Parliament was drawn from the 1655 book ‘Confluence of the Two Seas’, authored by a prince from Indian history, his Indo-Pacific vision failed to garner New Delhi’s attention until when the US President Donald Trump repeatedly spoke “Indo-Pacific” during his Asia tour in November 2017.⁷ Meanwhile, in August 2017, during his address in Kenya, Shinzo Abe had qualified the vision as ‘Free and Open Indo-Pacific’.⁸

³ Prakash, Arun, Admiral (Retired), Former Chief of Indian Navy, speaking at the 2009 *Shangri La Dialogue*, Singapore, 29-31 June 2009. Also see, Prakash, Arun, ‘A Moment for India: Shangri-La Dialogue 2009 offered both choice and opportunity’, *Force: National Security and Defence Magazine*, India, July, 2009.

⁴ *Defending Australia and its National Interests*. Defence White Paper, 2013, Department of Defense, Government of Australia [online]. Available at: https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1516/DefendAust/2013 [Accessed October 10, 2021].

⁵ *France’s Indo-Pacific Strategy*. Ministry for Europe and Foreign Affairs, Government of France, May 2018 [online]. Available at: https://au.ambafrance.org/IMG/pdf/en_indopacifique_web_cle0f44b5.pdf?13678/a892c4f93ab0687400274085650d6d72973af817 [Accessed October 10, 2021].

⁶ “Germany – Europe – Asia: Shaping the 21st Century Together, Policy guidelines for the Indo-Pacific region”, The Federal Government, Republic of Germany, 01 September 2020 [online]. Available at: <https://www.auswaertiges-amt.de/blob/2380514/35e5c739e1c9a5c52b6469cfd1ffc72d/200901-indo-pazifik-leitlinien--1--data.pdf> [Accessed October 10, 2021].

⁷ ‘Why Trump keeps saying Indo-Pacific’, *BBC News*, November 9, 2017 [online]. Available at: <https://www.bbc.com/news/av/world-asia-41912990/why-trump-keeps-saying-indo-pacific> [Accessed September 30, 2021].

⁸ Address by Prime Minister Shinzo Abe at the Opening Session of the Sixth Tokyo International Conference on African Development (TICAD VI), August 27, 2016, Nairobi (Kenya), Ministry of Foreign Affairs of Japan, 27 August 2017 [online]. Available at: https://www.mofa.go.jp/afr/af2/page4e_000496.html [Accessed October 1, 2021].

Indo-Pacific as a Strategy

President Trump's 2017 Indo-Pacific conceptualisation—marked by an emphasis on military security—transformed the (Indo-Pacific) ‘vision’ into a ‘strategy’ to meet the US geopolitical objectives. To implement it, the President sought to build an Indo-Pacific (anti-China) alliance by reviving the earlier Quad (2007) comprising Australia, India, Japan and the US, and ushered the first meeting of Quad 2.0 (Bhattacharjee, 2017). Such a bellicose and divisive approach enhanced the prevailing anxieties among the regional countries. It was thus averred to be a deviation from the originally constructive Indo-Pacific vision (Khurana, 2017). In June 2019, the US Department of Defense formally released America’s new Indo-Pacific Strategy, which mirrored the ‘master’s voice’.⁹

Perspectives of other Key Players

Association for Southeast Asian Nations

Following President Trump’s 2017 articulation, the Association for Southeast Asian Nations (ASEAN) was initially apprehensive of the Indo-Pacific concept. By 2019, however, ASEAN members led by Indonesia realized the original vision was essential to meet their collective interests. In June 2019, therefore, the 34th ASEAN Summit at Bangkok culminated in adoption of the “ASEAN Outlook on the Indo-Pacific” (AOIP), which envisaged the centrality of the ASEAN as the underlying principle for regional cooperation.¹⁰ The AOIP is essentially a road-map, and thus a vision.

China

China opposed ‘Indo-Pacific’ since it first noticed it in 2012 as ‘an idea’. In 2013, Chinese analysts prodded Beijing to integrate itself with the concept to secure its own national interests. In June 2013, Minghao Zhao (2013) wrote,

“...a power game of great significance has unfolded in Indo-Pacific Asia. The US, India, Japan and other players are seeking to collaborate to build an “Indo-Pacific order” that is congenial to their long-term interests. China is not necessarily excluded from this project, and it should seek a seat at the table and help recast the strategic objectives and interaction norms (in China’s favour).”

However, others in China opposed this view. In July 2013, Qinghai (2013) averred that the new Indo-Pacific idea ‘lifts India up’ to China’s detriment. Beijing’s concerns increased rapidly after President Trump’s 2017 ‘Indo-Pacific’ statement. The *People’s Daily* analyzed it as a reincarnation of the US ‘rebalance to Asia’ to “restrict China and weaken its influence in Asia-Pacific”. On Quad, it said,

⁹ *Indo-Pacific Strategy Report: Preparedness, Partnerships, and Promoting a Networked Region*, US Department of Defense, June 1, 2019 [online]. Available at: <https://media.defense.gov/2019/Jul/01/2002152311/-1/-1/1/DEPARTMENT-OF-DEFENSE-INDO-PACIFIC-STRATEGY-REPORT-2019.PDF> [Accessed October 10, 2021].

¹⁰ “ASEAN Outlook on the Indo-Pacific”, Association for Southeast Asian Nations”, June 23, 2021 [online]. Available at: <https://asean.org/speechandstatement/asean-outlook-on-the-indo-pacific/> [Accessed October 10, 2021].

“...the US is actively promoting India's "Act East policy" policy, which is deeply integrated with the "Indo-Pacific" strategy of the US and Japan, and gradually forms the Asian security architecture dominated by the United States, India, Japan and Australia.”¹¹

In 2018, China's foreign minister Wang Yi described the Quad as “...seafoam in the Pacific or the Indian Ocean: they may get some attention, but soon will dissipate”(Emmerson, 2017). By 2020, however, Wang had acknowledged that the Quad was a “security threat” and the Indo-Pacific a “new (Asian) NATO” (Patranobis, 2021). Beijing has since been seeking to shape the perceptions among the regional countries that the Indo-Pacific and Quad are destabilising for the region, whereas China offers more benign alternatives such as the BRI. Beijing has also been trying to avoid the geopolitical pressures of a united opposition by exploiting the differences among the key players and other regional countries.

European Union

Alike ASEAN, the European Union (EU) was initially circumspect of President Trump's 2017 “Indo-Pacific” statement. In January 2018, a German analyst said, “A strategic alignment of the Indo-Pacific “Quad” is tempting (but) involves a quasi-military alliance, which would run counter to the EU’s approach of strengthening regional solutions and cooperation”(Kuo, 2018). In September 2021, however, the EU promulgated its own Indo-Pacific strategy. It reiterates the need for the EU to “reinforce its strategic focus, presence and actions in the Indo-Pacific” through multifaceted partnerships with the Asian countries. The document is implicitly centered upon China's behavior, and expresses concern over the “intense geopolitical competition...” across all areas ranging from economic connectivity to security and human rights, which “directly impact upon on the EU’s interests”.¹² Concurrently, the EU announced its intent to launch “Global Gateway”, a European economic-connectivity plan meant to counter China's BRI, in a manner that it would create “links”, rather than “dependencies” (Lau, & Cokelaere, 2021).

Russia

Though a relevant stakeholder in the affairs of the Indo-Pacific region, Russia has been critical of the Indo-Pacific and Quad as a “revisionist agenda” of the West against Moscow and Beijing.¹³ A proponent of a multilateral world order, Moscow considers the regional states—particularly ASEAN—to hold the key to constructive regional multilateralism. Since this is consonant with India’s own Indo-Pacific vision premised on inclusiveness and

¹¹ “不谈“亚太”谈“印太” 特朗普访华前在暗示什么” (Don't talk about "Asia-Pacific" and talk about "Indo-Pacific": What Trump is implying before his visit to China?), 人民日报海外版-海外网 (*People's Daily Overseas Edition*), 分享 1,116 评论 2017 年 11 月 06 日, November 6, 2017 [online]. Available at: <http://news.sina.com.cn/w/zx/2017-11-06/doc-ifynmnae2345205.shtml> [Accessed January 23, 2018].

¹² “Questions and Answers: EU Strategy for Cooperation in the Indo-Pacific”, European Commission, September 16, 2021 [online]. Available at: https://ec.europa.eu/commission/presscorner/detail/en/QANDA_21_4709 and “EU Strategy for cooperation in the Indo-Pacific - Council conclusions”, General Secretariat, Council of the European Union, Brussels, Document No. 7914/21, 16 April 2021 [online]. Available at: <https://data.consilium.europa.eu/doc/document/ST-7914-2021-INIT/en/pdf> [Both accessed October 11, 2021].

¹³ “Russia Doubles Down on Indo-Pacific Criticism, Raises Fear of 'Divisiveness’”, *The Wire*, January 17, 2020 [online]. Available at: <https://thewire.in/diplomacy/russia-indo-pacific-criticism-double-down> [Accessed October 11, 2021].

ASEAN's centrality, New Delhi has been seeking to integrate Moscow into its own Indo-Pacific conceptualisation. In September 2019, during the Indian Prime Minister's visit to Moscow, a joint statement was signed, which recognises an overlap of in the two countries' geo-strategic frontiers in the "regions of the Indian and Pacific Oceans".¹⁴ Russia, nonetheless, continues to be wary of the Indo-Pacific construct.

South Korea

South Korea—another relevant player—is being impacted strongly by the geo-political power play in the region, and forced to make a hard choice between the US Indo-Pacific strategy and China's BRI. It has been apprehensive of endorsing the Indo-Pacific, even as a vision, due to fears of antagonising Beijing, which wields substantial strategic leverage over Seoul, particularly in terms of economic dependence and Beijing's alliance with Pyongyang. On the other hand, *sans* its strategic alliance with America, South Korea cannot achieve its national security aims, particularly in terms of maintaining peace in the Korean peninsula and its eventual reunification. Therefore, notwithstanding its New Southern Policy, Seoul continues to face, what an analyst has described, a "*Hamlet-like dilemma*" (Chinoy, 2020).

The Challenges

Geographic Scope of Indo-Pacific

The geographic scope of the Indo-Pacific construct is not necessarily the same for the various key players.¹⁵ For the EU, Indo-Pacific stretches "from the east coast of Africa to the Pacific Island States"¹⁶; whereas for India (and Japan), it extends "from the shores of Africa to that of the Americas".¹⁷ For Australia, it extends "from the eastern Indian Ocean to the Pacific Ocean connected by Southeast Asia, including India, North Asia and the United States".¹⁸ The scope varies since each player conceives its own geo-strategic frontiers as a function of the spatial extent of its geopolitical interests, wherein it must be able to influence the outcome of events to preserve those interests. The US is, of course, a distinct case. Although its geo-strategic frontiers span the globe, the scope of its Indo-Pacific conceptualisation conforms to the area of responsibility of its Indo-Pacific Command (INDO-PACOM), which extends "from the US west coast to the western border of India, and from Antarctica to the North Pole". This disparity among the key players is indeed a hurdle for pan-region collaboration.

¹⁴ India - Russia Joint Statement during visit of Prime Minister to Vladivostok, Ministry of External affairs, Government of India, September 05, 2019 [online]. Available at: https://www.mea.gov.in/bilateral-documents.htm?dtl/31795/India_Russia_Joint_Statement_during_visit_of_Prime_Minister_to_Vladivostok and Sharanya, Rajiv, "India and Russia: Connecting Eurasia and the Indo-Pacific", *The Moscow Times*, September 10, 2019 [online]. Available at: <https://www.themoscowtimes.com/2019/09/10/india-and-russia-connecting-eurasia-and-the-indo-pacific-a67220> [Both accessed October 11, 2021].

¹⁵ "Indian Ocean Region nations should build a common vision for Indo-Pacific: Jaishankar", *The Hindu*, December 14, 2019 [online]. Available at: <https://www.thehindu.com/news/national/indian-ocean-region-nations-should-build-a-common-vision-for-indo-pacific-jaishankar/article30307459.ece> [Accessed October 6, 2021].

¹⁶ "EU Strategy for cooperation in the Indo-Pacific - Council conclusions", General Secretariat, Council of the European Union, Brussels, Document No. 7914/21, 16 April 2021 [online]. Available at: <https://data.consilium.europa.eu/doc/document/ST-7914-2021-INIT/en/pdf> [Accessed October 6, 2021].

¹⁷ *Text of Prime Minister's Keynote Address at Shangri La Dialogue, Press Information Bureau (PIB), Government of India, Prime Minister's Office, 01 June 2018* [online]. Available at: <http://pib.nic.in/newsite/PrintRelease.aspx?relid=179711> [Accessed October 6, 2021].

¹⁸ 2017 Foreign Policy White Paper, Department of Foreign Affairs and Trade (DFAT), Australian Government, November 2017, p. 1 [online]. Available at: <https://www.dfat.gov.au/sites/default/files/2017-foreign-policy-white-paper.pdf> [Accessed October 12, 2021].

“Free and Open” Indo-Pacific

The proponents of the Indo-Pacific concept consider the “free and open” conceptualisation essential to counter the challenge posed by actors—primarily China—to international law and established norms of conduct in the maritime domain. Whereas none have formally defined the terms “Free” and “Open”, in the context of the predominantly maritime-configured Indo-Pacific region, “free” refers to traditional freedom of navigation on the high seas—also enshrined in the *United Nations Convention on the Law of the Sea, 1982 (UNCLOS)*—and the freedom from coercive threats in and from the sea. The inter-related term “open” stands for an environment that facilitates sea-going economic and other forms of enterprise enabled by inclusiveness of stakeholders that seek to meet their objectives through the fairness of such enterprise.¹⁹ If so, the emphasis on “free and open” may be a conceptual aberration with China propagating the narrative that as a major stakeholder and maritime power in the Indo-Pacific region, it also seeks a fair sea-borne economic enterprise, freedom of navigation, and freedom from US coercion in the western Pacific.

Furthermore, the thoughts of the key players may not be consonant on the concept of ‘free’. Political convergence does not necessarily overcome functional divergences (Khurana, 2020). With the US interpretation of UNCLOS centered on military mobility, it has traditionally ignored the security concerns of the Indo-Pacific littoral States, and thus their assertions that the consent of coastal States is necessary for foreign navies to conduct military activities in their exclusive economic zones (EEZ). Furthermore, whereas the US has not ratified the UNCLOS itself, the US Navy has been conducting freedom of navigation operations (FONOPS) against many of these States, including China and India.²⁰ Beijing has thus often claimed that India’s position on international law is more congruent with that of China, rather than the US (Bo, 2021). Such disparities in interpretation of the Law provide an *alibi* to China to exploit the fault-lines among the key players.

Rules-Based Order (RBO): Whose Rules?

Initially, ‘Rules-based order’ (RBO) was not an element of Indo-Pacific vision. However, through its politico-military aggressiveness, China began to diminish the importance of RBO, setting a dangerous precedent of ‘might is right’. More specifically, China’s claim to its South China Sea (SCS) “historic” sovereignty claim within the “nine-dash line”, its rejection of the 2016 verdict by the international court in the China-Philippines case²¹, and its new domestic law that requires foreign vessels to give notice before entering “Chinese territorial waters”²²,

¹⁹“Remarks by the US Secretary of State Michael R. Pompeo on America’s Indo-Pacific Economic Vision”, U.S. Embassy in Malaysia website, July 30, 2018 [online]. Available at: <https://my.usembassy.gov/remarks-on-america-s-indo-pacific-economic-vision-080618/> and “Free and Open Indo-Pacific”, Japan Ministry of Foreign Affairs [online]. Available at: <https://www.mofa.go.jp/files/000430632.pdf> [Both accessed September 10, 2021].

²⁰ Annual Freedom of Navigation Reports, Under Secretary of Defense for Policy, (US) Department of Defense, Washington, D.C. [online]. Available at: <https://policy.defense.gov/ousdp-offices/fon/> [Accessed October 13, 2021].

²¹ PCA Press Release: The South China Sea Arbitration (The Republic of the Philippines v. The People’s Republic of China)”, Permanent Court of Arbitration, 12 July 2016 [online]. Available at: <https://pca-cpa.org/en/news/pca-press-release-the-south-china-sea-arbitration-the-republic-of-the-philippines-v-the-peoples-republic-of-china/> [Accessed October 14, 2021].

²² “Maritime Traffic Safety Law of the People’s Republic of China (2021 Revision)”, Order No 79 of the People’s Republic of China, April 29, 2021 (Effective date: September 1, 2021) [online]. Available at:

all represent a major challenge to the UNCLOS. Hence, RBO has lately become an important enabler of the Indo-Pacific vision.

However, with RBO premised on the US stewardship of global institutions and attendant norms and practices since the end of the second World War, Caitlin Byrne postulates that it aimed at preserving the entrenched western interests, and Beijing seeking to construct its own structures and narratives. For instance, China first began to subvert this *status quo* in 2016 through the establishment of the Asian Investment and Infrastructure Bank (AIIB) to propagate the BRI (Byrne, 2020). This has now led Beijing to begin asking a daunting question: RBO is based on whose rules? According to it, RBO refers to “*universally* applied rules of international law” rather than “imposed international law of one single state”. This was the essence of the talk by a retired PLA Navy Captain at an international conference at Singapore in May 2019. Seeking to propagate a new narrative, the Captain added that the UNCLOS is based on the erstwhile ‘western’ legal system, and is, therefore, an unfair imposition upon “Asian values”.²³ To this, the author—who was also participating in the conference—commented,

“India too represents “Asian values”, but upholds the Law (UNCLOS). New Delhi accepted the adverse verdict of the international court against Bangladesh.”²⁴

Inclusiveness and Polarisation

Inclusiveness refers to the involvement of all players willing to cooperate to realise the Indo-Pacific vision. Among these, ASEAN has been the central player, hitherto incorporated into all multilateral institutions in the Indo-Pacific, like the EAS, the ASEAN Regional Forum (ARF), the ASEAN Defence Ministers’ Meeting-Plus (ADMM+) and the Expanded ASEAN Maritime Forum (EAFM). The relevant ASEAN States are also members of the IORA. This is premised on ASEAN’s key role in regional stability due to various reasons like the geo-strategic centrality of Southeast Asia, and ASEAN processes involving norm-building, dialogue and inclusiveness. The “ASEAN Outlook on the Indo-Pacific” (AOIP) seeks to use these traditional principles to drive the region in the midst of global uncertainty and major powers’ rivalry.²⁵ Therefore, it is not yet clear how the emergence of new multilateral groupings devoid of ASEAN—like the Quad and AUKUS—will impact regional stability.

<http://lawinfochina.com/display.aspx?lib=law&id=35408> [Accessed October 14, 2021].

²³ Captain (Retired) Tian Shichen, PLA Navy, Research Fellow, Collaborative Innovation Center of South China Sea Studies, Nanjing University, was speaking at the International Maritime Security Conference, 2019 (IMSC-2019), Singapore was co-organised by S. Rajaratnam School of International Studies (RSIS), and Republic of Singapore Navy (RSN) at Singapore. The Conference theme was “Safe and Secure Seas: Fostering Mutual Security in Our Maritime Commons”. 6th IMSC Session 1: Panel Discussion [online]. Available at: <https://www.youtube.com/watch?v=hTESVrQMgFc&feature=youtu.be> [Accessed October 12, 2021].

²⁴ The reference was to the Bay of Bengal Maritime Boundary Arbitration between Bangladesh and India (Bangladesh v. India) under Annex VII to the UNCLOS, Permanent Court of Arbitration, 08 July 2014 [online]. Available at: <https://pca-cpa.org/en/news/bay-of-bengal-maritime-boundary-arbitration-between-bangladesh-and-india-bangladesh-v-india/> [Accessed October 7, 2021].

²⁵ “ASEAN Outlook on the Indo-Pacific”, Association for Southeast Asian Nations”, June 23, 2021 [online]. Available at: <https://asean.org/speechandstatement/asean-outlook-on-the-indo-pacific/> and Tobing, Dio Herdiawan and Barreto, Vicky, “Decoding the Indo-Pacific Outlook”, Bangkok Post, 28 June 2019 [online]. Available at: <https://www.bangkokpost.com/opinion/opinion/1703344/decoding-the-indo-pacific-outlook> [Both accessed October 11, 2021].

Another major challenge lies in persuading Russia and South Korea—the two other key players, whose respective interests differ with those of the mainstream players—to collaborate under the Indo-Pacific banner.

Another possibility is regional polarisation. Will the Indo-Pacific strengthen China-Russia strategic partnership to an extent that it would become an anti-West military alliance? Further, the AOIP indicates ASEAN's intent to avoid choosing sides between US and China.²⁶ However, it is unclear how the ASEAN members would maintain solidarity when individually subjected to differing magnitudes of politico-military pressures from China, for instance, in the SCS disputes.

Over the years, India has developed strong ties with the ASEAN (Mishra, 2018). New Delhi's Indo-Pacific conceptualisation of inclusiveness and ASEAN centrality²⁷ is convergent with the AOIP. It is also more aligned to the EU's Indo-Pacific strategy, rather than that of the US, particularly in terms of multi-faceted cooperation, inclusiveness and ASEAN centrality.²⁸ However, China's military escalation across its disputed border with India may narrow down New Delhi's strategic options, forcing it to align more closely with America, which may contribute to regional polarisation.

Military Security versus Holistic Security

Another challenge to the attainment of Indo-Pacific vision has been the divergence among its key players on the fundamental concept of 'security'. In 2017, President Trump sought a quasi-military alliance against China. He conceived the Quad itself (initially called QSD) as a tool for hard military collaboration under such alliance. In June 2018, the Indian Prime Minister attempted to assuage regional anxieties. Guided by India's *habitus* of historical and societal ethos that conceptualised security in a more holistic sense,²⁹ he said that the Indo-Pacific vision was not a (military-) strategy directed against any country; it is "a positive one (involving) many elements".³⁰ His statement was validated a year later, when a compelling purpose was thrust upon the Quad to respond to the COVID pandemic.

In thematic terms, therefore, the concept of 'security' also relates to other multifarious aspects like human safety, economic connectivity, managing new technologies, sustainable harvesting of maritime resources, climate-change, health-care and so on. The original

²⁶ Ibid

²⁷ Text of Indian Prime Minister's Keynote Address at Shangri La Dialogue, Press Information Bureau (PIB), Government of India, Prime Minister's Office, 01 June 2018 [online]. Available at: <http://pib.nic.in/newsite/PrintRelease.aspx?relid=179711> [Accessed October 6, 2021].

²⁸ 'EU Strategy for cooperation in the Indo-Pacific - Council conclusions', General Secretariat, Council of the European Union, Brussels, Document No. 7914/21, 16 April 2021 [online]. Available at: <https://data.consilium.europa.eu/doc/document/ST-7914-2021-INIT/en/pdf> [Accessed October 11, 2021].

²⁹ The genesis of Indian socio-cultural ethos draws from *Arthashastra*, a writing by Kautilya dating to 2nd Century BCE to 3rd Century CE. It advocates a comprehensive use of all tools of statecraft ranging from economic policy to diplomacy, without undue emphasis upon military strategy. See, Niaz, Ilhan, "Kautilya's "Arthashastra" and Governance as an element of State Power", *Strategic Studies*, Vol. 28 (2/3), Summer and Autumn 2008, pp. 1-17 [online]. Available at: https://www.jstor.org/stable/45242435?read-now=1&refreqid=excelsior%3Ad1d9824af5728ead306c24803ae39013&seq=1#page_scan_tab_contents [Accessed October 12, 2021].

³⁰ Text of Prime Minister's Keynote Address at Shangri La Dialogue, Press Information Bureau (PIB), Government of India, Prime Minister's Office, 01 June 2018 [online]. Available at: <http://pib.nic.in/newsite/PrintRelease.aspx?relid=179711> [Accessed October 3, 2021].

conceptualisation of Indo-Pacific and the Quad was never confined to the 'hard' military dimension of security. The Quad itself (Quad 1.0, 2007) was born out of a benign humanitarian assistance and disaster relief (HA/DR) coordination among the four naval powers in the wake of the December 2004 Indian Ocean Tsunami. To avoid the fallacious perception that the Quad was confined to its military dimension, New Delhi resisted the US pressure to incorporate a 'willing' Australia³¹ into the India-US-Japan *Malabar* naval exercise. However, after China increased its military aggressiveness across India's northern border between 2017 and 2019, New Delhi was forced to relent, and welcomed the Australian Navy to join *Malabar-2020*.³²

Lately, the US has shifted its earlier view of the Quad's agenda and accepted the need for "a softer focus for the Quad" (Haider, 2021). At its first-ever in-person Leaders' Summit held at Washington DC in September 2021, the Quad incorporated more benign collaborative themes that were increasing gaining salience, such as vaccines, infrastructure based on digital connectivity, green shipping network, developing resilient supply chains, cyber-security, space and even aspects relating to people-to-people exchange and education.³³ Of course, China was the implicit context to some themes like cyber-security (Patil, 2021) and building an alternative semiconductor supply chain (Krishnan, 2021). These themes would benefit the region comprehensively towards the attainment of holistic security under the Indo-Pacific vision. However, whereas the key players are now more aligned on the concept of security, the focus of a few players on hard military security has not dissipated.

AUKUS

In September 2021, Australia, the UK and the US established the AUKUS under the Indo-Pacific banner. Clearly a China-specific security alliance, AUKUS seeks to develop enhanced military interoperability among the three countries, along with sharing of defence-related information, technology, and logistic facilities and supply chains. Its first endeavor would be to bring Australia at par with the US and the UK in terms of its capability to operate nuclear attack submarines (SSNs).³⁴ The Chinese media soon began its tirade asserting that it would lead to a dangerous arms race, nuclear proliferation, and may even "serve to destabilize the region, including the volatile Korean peninsula".³⁵

³¹ 'Australia ready to join Malabar naval exercise', *Business Standard*, 13 December 2017 [online]. Available at: https://www.business-standard.com/article/news-ians/australia-ready-to-join-malabar-naval-exercise-117121301562_.html [Accessed October 25, 2021].

³² "Australia joins Exercise MALABAR 2020", Australian Government (Department of Defence), November 3, 2020 [online]. Available at: <https://www.minister.defence.gov.au/minister/lreynolds/media-releases/australia-joins-exercise-malabar-2020> [Accessed October 25, 2021].

³³ "Fact Sheet: Quad Leaders' Summit", Statements and releases, *The White House*. September 24, 2021 [online]. Available at: <https://www.whitehouse.gov/briefing-room/statements-releases/2021/09/24/fact-sheet-quad-leaders-summit/> [Accessed October 12, 2021].

³⁴ "Joint Leaders Statement on AUKUS", Media Statement from the Office of Prime Minister of Australia, September 16, 2021 [online]. Available at: <https://www.pm.gov.au/media/joint-leaders-statement-aucus> [Accessed October 12, 2021].

³⁵ "Australia is playing a dangerous game with nuclear submarines", *South China Morning Post* (SCMP), September 28, 2021 [online]. Available at: https://www.scmp.com/comment/opinion/article/3150336/australia-playing-dangerous-game-nuclear-submarines?utm_medium=email&utm_source=cm&utm_campaign=enlz-opinion&utm_content=20210928&tpcc=enlz-opinion&UID=b167ded0-1856-43cc-bddb-d8c5ae816abf&tc=5&CMCampaignID=1282c2b30fbde6539428b268511834d0 and "Why the AUKUS nuclear deal is irresponsible and dangerous", *PLA Daily*, September 18, 2021 [online]. Available at: http://english.pladaily.com.cn/view/2021-09/18/content_10090926.htm [Both accessed October 12, 2021].

It is yet unclear whether AUKUS would succeed in tempering China's assertive behavior, or it would enhance frictions in the Indo-Pacific. It is nonetheless clearer that AUKUS has led to the emergence of new fault-lines. Ostensibly, the AUKUS was formed because the Quad had shifted its focus away from military security, which was perceived by the US (and possibly, Australia) as being inadequate. This could lead to some division within the Quad. Also, the EU, an avid supporter and stakeholder of the Indo-Pacific concept, was not consulted over the formation of AUKUS. The AUKUS particularly undermined France when Canberra's cancelled the 2016 contract to buy French conventional submarines.³⁶ At least in the short term, this could adversely affect the solidarity among the *hitherto* aligned key players, not only the US and the EU, but also the Australia-France-India trilateral grouping formed in 2018,³⁷ and even ASEAN. Notably, Singapore and the Philippines are positively disposed to AUKUS, whereas Malaysia and Indonesia have expressed their opposition (Robson, 2021). These emerging fault-lines may encourage and embolden China to become more assertive in the coming years. China is also likely to step up its efforts to widen the rift among the key players.

The Way Ahead

The ultimate desired end-state is to overcome the envisaged challenges and achieve the overall objectives of Indo-Pacific vision in terms of regional prosperity enabled through holistic security. This entails collaboration among the key players at various levels on multifarious themes. This may be achieved through a disaggregated approach, as suggested below.

Geographic Scope: Use the Overlaps

The inconsistency among the key players concerning the geographic scope of the Indo-Pacific is the first challenge for cooperation. The solution may lie in two or more players capitalising upon the substantial geographical overlaps in their Indo-Pacific constructs. Within these overlaps, the players could identify the convergences of their geopolitical interests necessary for collaboration. For instance, France and India could jointly assist the island-States of the western Indian Ocean against illegal fishing in their vast EEZ. Similarly, France could collaborate with Australia to undertake maritime surveillance for the island-states in Southwest Pacific. Further, such cooperation could occur even beyond the Indo-Pacific construct of one or more players. For instance, a new Quad (involving the US, India, Israel and the UAE) is emerging in the Middle East, a subregion that lies beyond America's Indo-Pacific space, but well within India's scope of the Indo-Pacific (Taneja, 2021).

³⁶ "Indo Pacific: ANKUS alliance causes anger in France and EU", *DW News*, September 16, 2021 [online]. Available at: <https://theglobalherald.com/news/indo-pacific-aukus-alliance-causes-anger-in-france-and-eu-dw-news/> [Accessed October 13, 2021].

³⁷ "France's Partnerships in the Indo-Pacific 2021" (Update of France's Indo-Pacific Strategy), Ministry for Europe and Foreign Affairs, Government of the Republic of France [online]. Available at: https://www.diplomatie.gouv.fr/IMG/pdf/en_a4_indopacifique_16p_2021_v4_cle4b8b46.pdf [Accessed October 12, 2021].

Indo-Pacific Architecture

A notional Indo-Pacific architecture (Fig. 1 below) with its tools laid out at political and functional levels may be useful as a theoretical construct.

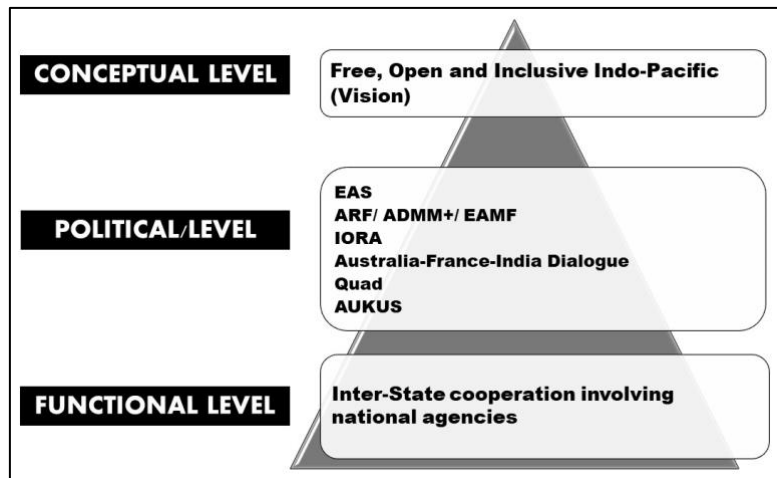


Figure 1:Indo-Pacific Architecture: The Tools

The political level possesses a valuable toolkit that contains various regional cooperative mechanisms, the EAS, ARF, IORA, ADMM+, EAMF, IORA, Quad, AUKUS, etc. These tools differ in terms of their representation, so it is necessary to choose the most appropriate tool to achieve a specific objective. For instance, a trade-related objective necessitating the involvement of China would be more optimally addressed by the EAS or ARF, wherein Beijing is represented. However, in order to develop a suitable alternative to China's BRI, the Quad may be more suited. Furthermore, AUKUS could deter China's military aggression, if required.

The tools at the political level need to supported by functional cooperation among the various national agencies. Such cooperation may not be limited to navies and coast guards, but also those representing civilian sectors like trade, transport and economic connectivity, travel and tourism, disaster management, new technologies, blue-economy, cultural exchanges, healthcare, academia, people-to-people contact, and so on.

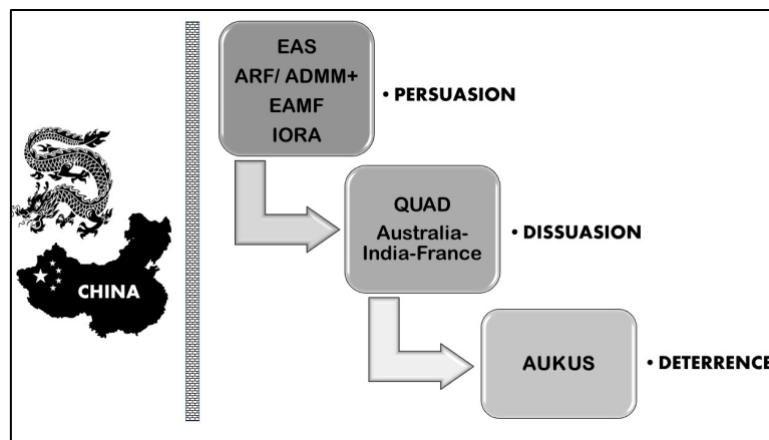


Figure 2: Indo-Pacific Tools: Layered Defense against China

As indicated in Fig. 2 above, together, the tools at the political level also constitute a mechanism for layered defense against China. Whereas the inclusive multilateral structures like EAS, ARF, ADMM+ and IORA could be used as tools to 'persuade' China to behave appropriately, the partnerships like Quad not incorporating China could be employed more effectively as a means for its 'dissuasion'. Furthermore, an exclusive military alliance AUKUS could be used as the last line of defence against China, for deterrence and as a mechanism for insurance.

Prioritising Themes for Collaboration

Regional cooperation would need to be multi-faceted to attain the objectives of holistic security, and the various themes prioritised based on their relative exigency in the prevailing circumstances. Accordingly, a suggested generic prioritisation chart is depicted in Fig. 3 below, which bears an indicative list of issues.



Figure 3: Thematic Prioritisation for Indo-Pacific Cooperation

The aspects of human security may be accorded the highest priority, such as response to pandemics and disasters. Regional confidence-building is equally essential, at both the political and military levels. At the military level, the endeavor may need to specifically address the prevention of unintended incidents at sea.

Next in precedence may be economic issues like trade, connectivity infrastructure and resilient supply chains, and harnessing and managing new technologies involving digital solutions, cyber and space. Of equal precedence is climate change and blue economy relating to sustainable development of marine resources and conservation of the environment.

The aspects relating to security against non-traditional threats and law enforcement may be placed next in priority. This would entail endeavors to develop and share situational awareness, including maritime domain awareness.

The next priority may be exerting legal pressures upon China to adhere to UNCLOS, including settlement of maritime disputes through international arbitration, fructification of SCS Code of Conduct in accordance with UNCLOS, and reconciling functional differences on the interpretation of the law relating to freedom of navigation (FON).

Military security is highly relevant, but is merely a tool for assurance and insurance. Hence, at least in the current circumstances, cooperation in this domain may be accorded the lowest priority in all regional arrangements except the AUKUS; and to some extent, the Quad. The AUKUS could focus on deterrence, developing interoperability, forward presence, shaping operations including FONOPS, naval sustenance, and so on. Whereas the Quad may also strive to achieve operational compatibility—through *Malabar* and other multilateral naval exercises—it could lay emphasis on capacity building of regional maritime security forces to enable the smaller countries to fend for themselves.

Conclusion

The Indo-Pacific concept is all about redefining a regional construct for cooperation. The challenge lies in identifying the aims and the format for such cooperation. The overarching objective of the Indo-Pacific vision is to attain regional prosperity. Whereas this needs to be achieved through meeting the intermediate objectives of holistic security, tempering the non-*status quo* behavior of China is currently the most pressing imperative and thus the key waypoint towards realising the vision. Concurrently, a concerted endeavor is necessary to avoid regional polarisation by persuading all key players to collaborate towards achieving the Indo-Pacific vision, reconcile their differing perspectives to the extent possible, and also prevent the 'outliers' like China to exploit these differences.

The key players may cooperate among themselves by identifying the overlaps among the spatial extend of their geo-strategic frontiers. Besides, a notional Indo-Pacific architecture may enable a more effective use of the existing multilateral arrangements as tools for cooperation at various levels. Since these tools vary in terms of their representation and character, the optimal tool must be chosen based on the prevailing scenario and desired objective. A calibrated use of the various tools could also provide a graduated response to any disruptive force, including China. Furthermore, the themes for cooperation needs to be prioritised based on the exigency attached to the issue in the prevailing circumstances.

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