



MARITIME SECURITY AND GOOD GOVERNANCE IN THE INDIAN OCEAN REGION

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Abstract

This speech focuses on the geopolitical importance and strategic environment in the Indian Ocean Region (IOR). It presents a brief backdrop of the strategic value of the IOR, proposes a methodology to define what we mean by maritime security while analyzing some threats and risks that exist in the Maritime Security Environment. The speech then poses some challenges in achieving maritime security governance in the IOR while offering some thoughts on a way ahead and the role of the United States intends to play in this endeavor via its Indo-Pacific Strategy. The speech concludes with the author's thoughts on critical elements of a stable, prosperous and peaceful region.

Keywords: IOR, Maritime Security, Good Governance, Geopolitics, Indo-Pacific Strategy.

Introduction

This paper entitled “Maritime Security and Good Governance in the Indian Ocean Region,” was presented at the Bangladesh Institute of Maritime Research and Development Inaugural Seminar held in Dhaka, Bangladesh on November 19, 2018.

This paper evaluates the accelerating significance of the strategic and economic value of the Indian Ocean Region (IOR) along with the multiple challenges confronting the security in the maritime domain. The paper also addresses the viability of a governance structure that will enhance maritime security and offers a set of critical objectives toward a stable end state.

Strategic Environment

The Indian Ocean Region holds key geostrategic value due to its proximity to both the energy rich nations of the Middle East and the growing economies of Asia. According to the CIA World Fact Book 2018 the Indian Ocean is the third largest of the world's five oceans and covers an area of 26.5 million square miles or about seven times the size of the United States. For purposes of reference it includes the Andaman Sea, Arabian Sea, Bay of Bengal, Flores Sea, Great Australian Bight, Gulf of Aden, Gulf of Oman, Java Sea, Mozambique Channel, Persian Gulf, Red Sea, Savu Sea, Strait of Malacca, and Timor Sea.



Figure 1

The IOR is also home to one-third of the world's population and the littorals contain more than two-thirds of worldwide oil reserves, 35% of the gas reserves along with large deposits of uranium, gold, diamonds and other minerals. Nearly half of the world's 90,000 commercial vessels and two thirds of the global oil shipment travel via its sea lanes while the region holds some of the world's busiest ports. Asia's growth depends on the security of the Indian Ocean.^{1,2}

Strategically the Indian Ocean possesses vital sea lines of communication, and some of the most critical choke points on the globe. The straits of Hormuz (Iran-Oman) linking the Persian Gulf and the Indian Ocean, Malacca (Indonesia-Malaysia) linking the Indian and Pacific oceans, and the Bab el Mandeb (Djibouti-Yemen) linking the Red Sea to the Arabian Sea are immensely important as the majority of the world's oil trade passes through them. The Cape of Good Hope, Suez Canal, Sunda Strait and the Lombok Strait complete the list of choke points in the IOR. Their security and access are of vital importance to the world economy.

¹ Pragya Pandey, Emerging Maritime Security Environment in the Indian Ocean Region: Challenges and Responses. IPSA AISP 23rd World Congress of Political Science, Challenges of Contemporary Governance, 2014, p5.

² Alice G. Wells, Building Regional Architectures, Remarks at the Third Indian Ocean Conference. Retrieved from WWW.STATE.GOV: <https://www.state.gov/p/sca/rls/rmks/2018/285557.htm>, Aug 28, 2018, p2.

Maritime Security

I would like to start our discussion of maritime security with a question. What is Maritime Security? If I polled representatives of the nations in the IOR to answer that question we would likely get similar responses, but an analysis would not yield 100% agreement. If I asked the same collective group to prioritize the threats to Maritime Security, we would likely see even less agreement. The reason is... it depends. Each nation will have a different perspective depending on a host of variables. Some term threats to maritime security traditional such as interstate conflict or threats to the nation state independence or sovereignty; some nontraditional transnational threats such as piracy or maritime terrorism; while still other threats might include risks to safety “on” and wellbeing “of” the oceans Search and Rescue (SAR) or damage to the marine environment. The Report of the U.N. Secretary General, Oceans and the Law of the Sea (March 2008) addressed this point when they stated the following:

“There is no universally accepted definition of the term “maritime security”. Much like the concept of “national security”, it may differ in meaning, depending on the context and the users. At its narrowest conception, maritime security involves protection from direct threats to the territorial integrity of a State, such as an armed attack from a military vessel. Most definitions also usually include security from crimes at sea, such as piracy, armed robbery against ships, and terrorist acts. However, intentional and unlawful damage to the marine environment, including from illegal dumping and the discharge of pollutants from vessels, and depletion of natural resources, such as from IUU fishing, can also threaten the interests of States, particularly coastal States. Various approaches have been taken to maritime security, depending on the State’s perspective of the interests that may be threatened, either directly or indirectly, by activities in the oceans and seas.³

In developing strategies for preserving maritime security we normally approach it by determining ends (our objective or desired end state), ways (actions we take such as operational lines of effort) and means (the resources required).

What is the end state we desire? CDR John Odom USN, a colleague of mine at the Daniel K. Inouye Asia-Pacific Center for Security Studies, offers a consolidated end state for Maritime Security in which the maritime domain is secure, and the maritime order is stable. In essence this is a balancing act (much like a fulcrum) (Figure 2) where maritime threats and risks are countered and managed respectively in balance with maritime freedom being preserved and international law being upheld. This balancing act is appealing to me as it is not dependent on a

³ Secretary General United Nations, Report of the Secretary General, "Oceans and the Law of the Sea". New York: , 2008, p15.

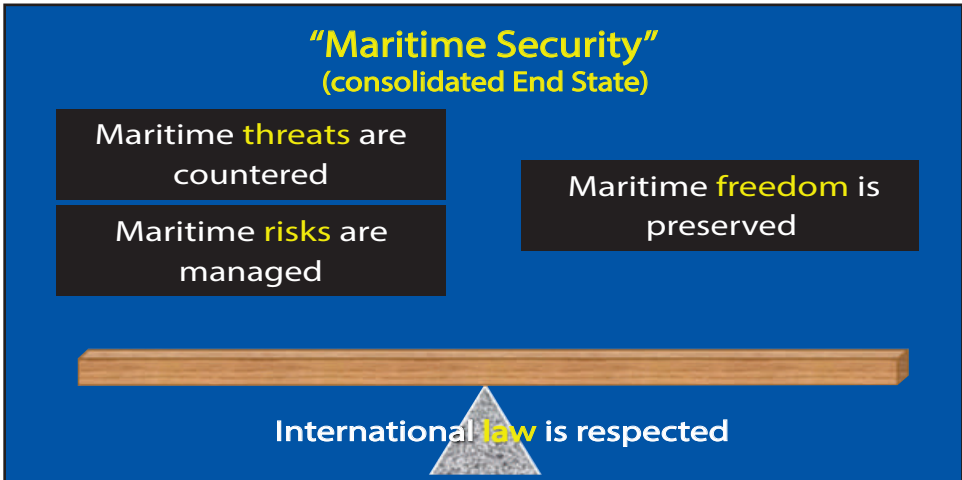


Figure 2

strict definition of maritime security but encompasses multiple facets in developing a sound strategy to achieve it.

The Maritime Security Environment

Great power competition in the Indian Ocean region has been spurred by its economic and strategic value. Normally the emergence of nations to great power status tend to prompt instability as smaller nations partner with more powerful nations to increase their own economic security. China and India are both rising as military and economic maritime powers. This fact will spur inevitable competition particularly in the IOR. China’s emergence as the world’s second largest economy coupled with their dramatic military modernization program and ambitious foreign policy is evidenced by their increased presence in the Indian Ocean and beyond. Their dependence on seaborne trade and imported energy presents a dilemma they are aggressively attempting to address. One needs only look at China’s Belt and Road Initiative (BRI) (Figure 3) and their development of ports in Sri Lanka (Hambantota), Djibouti (Doraleh), Myanmar (Kyauk Pyu) and Pakistan (Gwadar) to confirm they plan to be present in the Indian Ocean Region for the foreseeable future. According to the U.S. Congressional Research Service “Much of the activity associated with China’s Belt and Road Initiative (BRI) can be viewed as an attempt by China to minimize its strategic vulnerabilities by diversifying its trade and energy routes while also enhancing its political influence through expanded trade and infrastructure investments. China’s BRI in South and Central Asia and the IOR, when set in context with China’s assertive behavior in the East China Sea and the South China Sea and border tensions with India, is contributing

to a growing rivalry between India and China. This rivalry, which previously had been largely limited to the Himalayan region where the two nations fought a border war in 1962, is now increasingly maritime-focused.”⁴

India’s emergence as a major economic and military power is also evidenced by their reach across the region to secure their vital interests. According to the U.S. Congressional Research Service: “During the 2014 East Asia Summit, Prime Minister Modi revamped India’s “Look East” policy— which dated to the early 1990s—to be an “Act East” policy, clearly signaling India’s strategic interest in Southeast Asia and the broader Asia-Pacific region. Modi’s “Act East” policy is driven by both strategic and economic factors. These include a) a strategic interest in countering China’s rising influence in South Asia and the Indian Ocean, and b) an economic interest in promoting Indian exports and developing India’s underdeveloped northeast.”⁵ Prime Minister Modi in a Keynote address at the Shangri La dialogue in June 2018 stated: “Our interests in the region are vast, and our engagement is deep. In the Indian Ocean region our relationships are becoming

The BRI: China’s Eurasian ambitions



Figure 3 Source: <https://www.gisreportsonline.com/gis-dossier-chinas-belt-and-road-initiative,politics,2608.html#>

⁴ *China-India Great Power Competition in the Indian Ocean Region: Issues for Congress*. Congressional Research Service. Washington DC., April 20, 2018, p1.

⁵ *China-India Great Power Competition in the Indian Ocean Region: Issues for Congress*. Congressional Research Service. Washington DC., April 20, 2018, p25.

stronger. We are also helping build economic capabilities and improve maritime security for our friends and partners.” He went on to say “We will promote a democratic and rules-based international order, in which all nations, small and large, thrive as equal and sovereign. We will work with others to keep our seas, space and airways free and open; our nations secure from terrorism; and our cyber space free from disruption and conflict. We will keep our economy open and our engagement transparent. We will share our resources, markets and prosperity with our friends and partners. We will seek a sustainable future for our planet, as through the new International Solar Alliance together with France and other partners.”⁶

For its part the United States has been a major power in the Indian Ocean for a long time and will continue to be present and engaged in the region. The U.S. possesses vital national and economic interests in the entire Indo-Pacific region to include among others, access to energy resources and strong defense relationships with regional allies and partners. The U.S. National Security Strategy addresses this perspective along with the emerging relationship with China and Russia in stating that “great power competition (has) returned” as China and Russia reassert their influence regionally and globally. The Strategy lists the Indo-Pacific as the first of six regions and states: “Our vision for the Indo-Pacific excludes no nation. We will redouble our commitment to establish alliances and partnerships, while expanding and deepening relationships with new partners that share respect for sovereignty, fair and reciprocal trade, and the rule of law.” It goes on to say “A geopolitical competition between free and repressive visions of world order is taking place in the Indo-Pacific region. The region, which stretches from the west coast of India to the western shores of the United States, represents the most populous and economically dynamic part of the world. The U.S. interest in a free and open Indo-Pacific extends back to the earliest days of our republic.”⁷ The strategy further speaks to the relationship with India as welcoming India’s emergence as a leading global power and stronger strategic and defense partner. The United States National Defense Strategy prioritizes expanding Indo-Pacific alliances and partnerships to achieve a “free and open Indo-Pacific region” and a “networked security architecture capable of deterring aggression, maintaining stability, and ensuring free access to common domains that bring together bilateral and multilateral

⁶ PM Narendra Modi, *Prime Minister’s Keynote Address at Shangri La Dialogue*. Retrieved from Ministry of External Affairs Government of India: [https://www.mea.gov.in/Speeches-Statements.htm?dtl/29943/Prime+Ministers+Keynote+Address+at+Shangri+La+Dialogue+June+01+2018\(2018, June 01\)](https://www.mea.gov.in/Speeches-Statements.htm?dtl/29943/Prime+Ministers+Keynote+Address+at+Shangri+La+Dialogue+June+01+2018(2018, June 01)).

⁷ *National Security Strategy of the United States of America, US Department of Defense, Washington DC. December 2017, p46-47.*

security relationships to preserve the free and open international system.”⁸

Nations, such as Japan, Australia, France, the United Kingdom and others have a vital interest in maintaining the free flow of goods through the Indian Ocean SLOCS and choke points so will ensure they maintain a presence as well. The quadrilateral cooperation of Japan, Australia, India and the United States is reinforced via continued dialogue along with economic and military engagements such as the annual Malabar naval exercises held in the Indo-Pacific.

Transnational Maritime Security Threats

Transnational Maritime Security Threats to be countered may include:

1. Piracy and armed robbery
2. Terrorist acts
3. Illicit trafficking in arms and WMD
4. Trafficking in narcotics
5. Trafficking/smuggling in humans (persons by the sea)
6. Intentional unlawful damage to the marine environment
7. Illegal, unreported and unregulated fishing (IUU)

Piracy

Piracy is often a resultant of ungoverned or inadequately controlled seas. These seas offer a target rich environment yet are tremendously difficult to police. In the Indian Ocean the environment off the coast of Africa and in the Malacca straits possess the highest risk. Piracy off Somalia surged after the Somali civil war and was fueled primarily by financial gain and a lack of protection for commercial shipping. Piracy in the Malacca straits has long been a burden due to the long sea lane of 550NM and many islets and rivers offering escape.

The good news is piracy worldwide has decreased each year since its most recent peak in 2010 with 445 incidents to 180 in 2017 (see figure 4). The number of occurrences in 2018 may be trending higher due to an increase in attacks off Nigeria in the Gulf of Guinea, but in the IOR attacks are on a down trend. The overall decrease in attacks over the past ten years is due, in part, to the security cooperation success among states acting in the maritime commons. Singapore, Indonesia and Malaysia execute coordinated patrols under the Malacca Strait Security Accord(MSSA) and they have achieved a marked decrease in piracy incidents. The Combined Maritime Force (CMF), an anti-piracy coalition, has achieved similar success around the Horn of Africa. While still a threat the steady

⁸ *Summary of the National Defense Strategy of the United States of America, Sharpening the American Military's Competitive Edge. Department of Defense, January 2018, p9.*

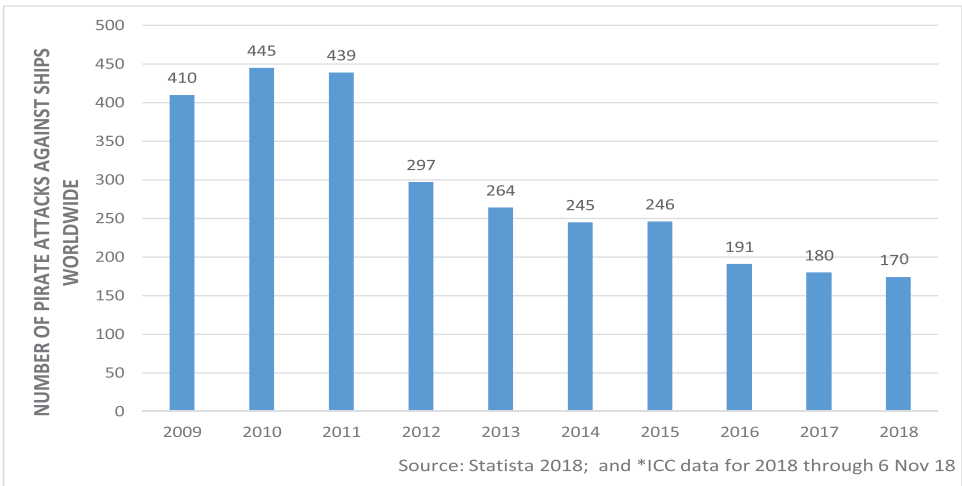


Figure 4 Source: Statista 2018; and *ICC data for 2018 through 6 Nov 18

decrease over the past decade of successful acts of piracy, armed robbery or kidnap for ransom is indicative of what can be achieved by nations working together toward a common goal through burden sharing and capacity building.

Maritime Terrorism

Terror incidents on the sea are not frequent, but the gravity of loss they pose is cause of concern. The 2002 attack on the tanker Limburg by suicide bombers posed risks not only to the crew but the environment as 90,000 barrels of oil leaked into the Gulf of Aden shutting down international shipping at significant cost. The 2000 attack on the USS Cole is a reminder, to not only the United States but all nations, how vulnerable vessels can be in port as well as on the sea. The hijacking of an Indian fishing trawler that enabled the 2008 Mumbai attacks is an example of terror both on and from the sea. There have been improvements in the Cruise Ship Industry to mitigate the risks posed by a terrorist attack. These include various methods to increase vessel security plans and port facility security plans along with increased screening of passengers/luggage and higher levels of scrutiny of crew and staff employees. Container ship security is primarily focused on cargo contained on the ship and port security. Full screening of cargo containers is not practical due to the vast quantity of worldwide containers being transported so we must rely on random screening and effective use of international vehicle and cargo inspection systems. As in the cruise industry, port facility security plans are critical even for remote ports due to the economic impact resulting from a major port being shut down. In addition, the ability to re-establish cargo port operations in the

event of an attack is critical especially in the IOR. Although I only mention a few historical maritime terrorist incidents they are indicative of the potential high risk involved and the inherent demand for our attention as terrorists become more sophisticated and seaborne traffic in the Indian Ocean expands.

Drug Trafficking

Drug trafficking in the Indian Ocean is proliferating. Between 2012 and 2017 the Combined Maritime Forces have seized nearly 11 tons of heroin along with large amounts of hashish. The drugs seized have been found to be extremely pure and most originated from the Golden Crescent (Iran, Afghanistan, and Pakistan). Afghanistan has overtaken Myanmar in the Golden Triangle as the largest producer of opium in the world. These drugs are being transported via the Makran coast, a route termed the “smack track” to the African continent and southeast to Sri Lanka and the Maldives enroute to the West. According to Sagala Ratnayaka Sri Lanka’s Project Management, Youth Affairs and Southern Development Minister and the Prime Minister’s Chief of Staff: “We are experiencing a massive explosion of drug trafficking by maritime routes. The use of the Indian Ocean as a major drug trafficking highway – particularly for heroin originating in Afghanistan – poses a maritime security and a maritime law enforcement challenge;” he goes on to say, “one of the major challenges is the lack of a ‘legal finish’ (such as prosecution) for the majority of drug seizures made within international waters in the Indian Ocean region.”⁹ Jane’s Intelligence Review states that most of these drugs are transhipped via containers and trafficked to the rest of the world by taking advantage of high port volumes in the Indian Ocean. The largest impact is to human security. The United States currently struggles to get control of opioid addiction in both legal and illicit form and knows too well the destruction these drugs cause. Organized crime, terrorists and small arms traffickers use the highly profitable drug trade to finance their operations and move weapons around the theater. Cumulatively these actions, if not confronted, are a clear danger to world security and stability.

Trafficking in Persons

The financial gain from trafficking in persons is approaching the gains from drug trafficking. Trafficking in persons is defined by Palermo Convention as "the

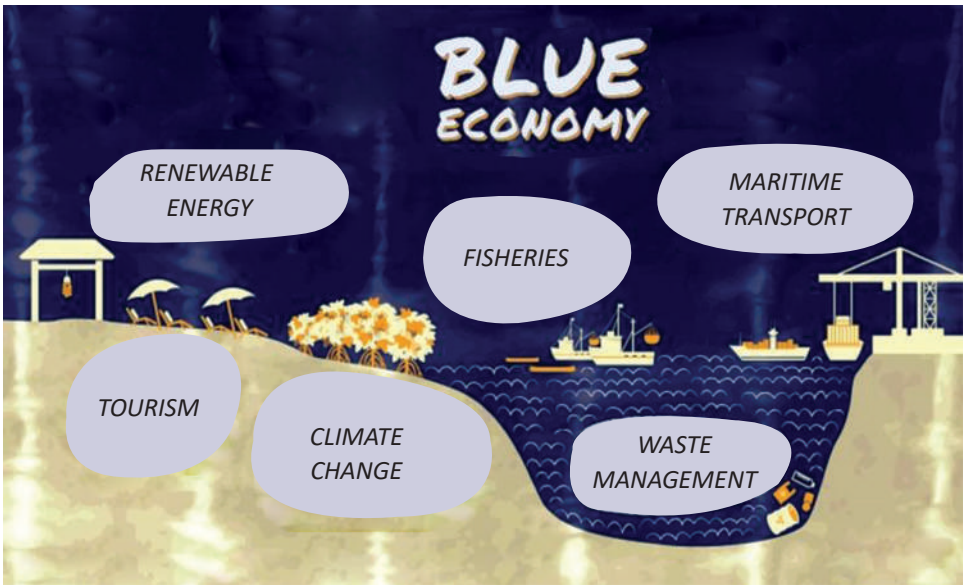
⁹ *Sagala Ratnayaka, Indian Ocean used as a major drug trafficking highway - Sagala*. Retrieved from adaderana.lk: <http://www.adaderana.lk/news/48119/indian-ocean-used-as-a-major-drug-trafficking-highway-sagala>, June 17, 2018, p1.

recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation." Migrant smuggling, often a result of those seeking escape from violence or better opportunities for their families, is a "crime involving the procurement for financial or other material benefit of illegal entry of a person into a State of which that person is not a national or resident". The differences between the two include a) consent, where persons being trafficked have not consented while migrants may consent even if the conditions are dangerous or degrading; b) exploitation, where the persons being trafficked experience ongoing exploitation while the migrant may or may not be exploited at their destination and c) a transnational nature where smuggling crosses transnational boundaries yet trafficking may not.¹⁰ Despite these differences in the legal definitions, people who are smuggled are often subjected to the same types of abuse suffered by those being trafficked. They become vulnerable to physical and mental abuse, economic exploitation, forced labor or prostitution. The common traits of both in the region normally involve those with low economic opportunity or refugees threatened by interstate and intrastate violence who take to the sea seeking sanctuary yet find themselves at great risk from pirates and traffickers. These conditions also increase the risk terrorists will take advantage and infiltrate migrants to gain access to nations for recruitment; or alternatively migrant populations will seek illegal means to earn a livelihood if they see no alternative opportunities available.

Economic Risks

The economic vitality of the Indian Ocean offers great potential as the "Blue Economy" transforms ocean resources into growth in the standard of living in the region. According to the World Bank the blue economy is the "sustainable use of ocean resources for economic growth, improved livelihoods, and jobs while preserving the health of ocean ecosystem." (See figure 5). Technological advances that offer opportunity to communities and families, especially in densely populated nations, can be a force multiplier in attacking poverty, prompting stability and expanding prosperity. The transformation to a blue economy does not come

¹⁰ *Trafficking in Persons and Migrant Smuggling*. Retrieved from United Nations Office on Drugs and Crime (UNODC): <https://www.unodc.org/lpo-brazil/en/trafico-de-pessoas/index.html>, Nov 15, 2018, p 2-3.



without challenges and risk though. Resources dedicated toward a sustainable investment in the blue economy can be drained away by a host of factors that must be addressed. For example, disaster management capacity and capability are critical to countries in the region. The Indian Ocean Region, sometimes termed the “World’s Hazard Belt” has historically experienced a great deal of natural disasters. Since the beginning of 2018 alone there have been earthquakes, tsunamis, drought, floods, landslides and cyclones. The effect on the countries in the region is not just economic, but social as well where those nation states and communities least able to address the impacts of these disasters are often the hardest hit. The Indian Ocean Rim Association (IORA) Action Plan 2017-2021 identifies disaster risk management as one of its priorities for its members with the long-term goal of resiliency through early warning systems, regional exercises and training for coordinated disaster risk reduction. All these goals require cooperation and collaboration among nations, both large and small.

The maritime environment is clearly a critical variable as well when planning for a sustainable blue economy. Intentional unlawful damage to the marine environment, environmental dumping by ships or nations (Iraqi oil dump, Limburg), acidification of the ocean affecting aquatic life, and overfishing are a few of these threats. The effects of damaging the marine environment can be seen in the loss of marine habitats, reduced fish catch, decreased biodiversity, and disease which will directly impact the livelihood and the interests of the entire region. Illegal dumping of waste is now one of the most profitable crimes

impacting the region. These impacts to economic productivity risk conflict as well. International law, as reflected in UNCLOS requires States to take all measures necessary to prevent, reduce and control pollution of the marine environment but without a cooperative approach the probability of success is not very high.

Food security poses a significant risk to international stability. The Indian Ocean region holds about 10-15% of the world's fishing catch and IUU fishing is the largest threat to the sustainment of those resources. Coastal fishing community livelihoods and national food sources are at the highest risk. UNCLOS lays out the legal framework for nations to monitor their vessels via a number of existing international instruments such as the Port State Measures Agreement and a constellation of Regional Fisheries Management Organization (or RFMO) agreements. These vehicles provide a legal and policy framework to address IUU fishing, but the fact remains all nations do not do an effective job in monitoring those vessels flying under their flag.

Maritime Safety risks are also critical to manage. Since the beginning of 2017 there have been over 282 reported incidents of maritime vessels being sunk, foundered, grounded or lost. Risks include: a) the potential miscalculation and resultant conflict arising from military forces operating in close proximity to each other; b) the environmental and human risk of mariners operating in inclement weather or in congested areas such as the straits and choke points; c) the high risk of navigating during natural disasters in the Indian Ocean region; and d) the loss of coastlines due to rising seas which increase the economic and societal risk of forced migration from coastal areas. The International Maritime Organization (IMO), a United Nations specialized agency, is responsible for the safety and security of shipping and the prevention of marine and atmospheric pollution by ships. They have introduced measures to assist in achieving safer and more secure oceans through the introduction of measures such as the International Ship and Port Facility Security (ISPS) code; Automatic Identification Systems (AIS); the Ship Security Alert Systems (SSAS) and the global Long-Range Identification and Tracking (LRIT) of ships. The fact remains it is difficult even for nations such as India and the United States, that possess a high level of maritime capacity and capability, to achieve maritime domain awareness on a consistent basis. Effective burden sharing and cooperation is essential to achieve a common operating picture of the maritime domain particularly in the IOR.

Good Maritime Governance

So what do we do about these challenges? The simple answer is we actively work together under an agreed framework in a cooperative manner but coming to that

end state is not simple. As I mentioned, the balancing act in front of us is between maritime threats and risk on one side and maritime freedom underscored by international law on the other. Freedom to fly, sail, and operate anywhere international law allows are freedoms that each of our nations enjoys. These are not privileges given or withheld at the whim of any coastal nation. It is the reason the prosperity of the region has improved throughout history and it is the reason nations have fought in global struggles to preserve those freedoms. That is our objective, but our dilemma is to achieve it.

To confront the challenges and take advantage of the opportunities presented will require a coordinated team effort... one nation will not succeed alone. Cooperation is an area we must improve. To do so, to build effective security cooperation, we must trust each other which takes time and effort. According to Shivshankar Menon “the Indian Ocean region as a whole is one of the least economically integrated regions of the world--- The 38 states around the Indian Ocean account for over 35% of the world population but only over 10% of the world GDP. Rather strangely these states are more integrated with the rest of the world than they are with each other.”¹¹

So how do we address this trust deficit? The mission of my organization, the Daniel K. Inouye Asia Pacific Center for Security Studies (DKI APCSS) is to build trust and we do so through the emphasis in our programs of three core principles: transparency, mutual respect, and inclusion. The question I would offer is: How can we bring that philosophy to the Indo-Pacific, especially inclusion? At the recent Indian Ocean conference held in Vietnam, U.S. Principal Deputy Secretary of State Alice Wells emphasized the need for a stronger regional architecture to improve governance in the region. She noted the lack of an inclusive architecture and structure which makes it difficult in both the economic and security realm to address challenges to international rules and norms that have allowed for unprecedented global prosperity.¹² While the Indian Ocean Region has multiple sub regional organizations an inclusive regional structure is not yet in place. Without that inclusive body, it is difficult to address sustainable security and

¹¹ Shivshankar Menon, *Security in the Indian Ocean*. Institute of South Asian Studies (ISAS), Apr 24). *Security in the Indian ocean*. Retrieved 2018, from ETH ZURICH: <http://www.css.ethz.ch/en/-services/digital-library/articles/article.html/bc0d13c3-8948-4477-b660-4cc74d0574a8/pdf>. April, 11, 2017, p1

¹² Alice G. Wells, *Building Regional Architectures, Remarks at the Third Indian Ocean Conference*. Retrieved from WWW.STATE.GOV: <https://www.state.gov/p/sca/rls/rmks/2018/285557.htm> Aug 28, 2018, p 4

economic challenges such as protecting the SLOCS, achieving effective maritime domain awareness, preserving the oceans, and putting in place standards and best business practices.

The goal should be a ^{large forum} centralized structure to build a vision for the region, establish rules and norms of order and organize collective action to achieve it. The Indian Ocean Naval Symposium is the largest active organization with 35 members. Bangladesh chaired IONS first Search and Rescue Exercise (IMMSAREX) last year which was a great step forward putting plans into action. Military exercises serve multiple purposes to include training and capability enhancement, but of paramount importance can serve as confidence building measures across a spectrum of common challenges (e.g. Search and Rescue, Humanitarian Assistance/Disaster Response). Exercises such as MALABAR, MILAN, COBRA GOLD and many smaller multilateral/bilateral exercises offer inroads into stronger economic and political ties.

The Indian Ocean Rim Association (IORA), one of numerous sub regional organizations, includes twenty-one coastal states as members and has nine total priorities with short/medium/long term goals in their Action Plan 2017-2021. The Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC), with 7 member states surrounding the strategically significant Bay of Bengal, has engaged in a number of activities in the recent past. BIMSTEC held its first military exercise in September of this year just following their fourth summit in which member states signed a memorandum of agreement addressing energy cooperation. This activity shows promise for increased integration of the sub region, which historically has been poor. BIMSTEC currently has 14 priority areas, however, which intuitively makes it difficult to achieve significant progress in any one priority and should be adjusted to focus on those of highest promise to capitalize on recent momentum.

Each of the organizations mentioned above, along with others, have their place to affect positive change. The focus needs to be placed on a centralized governance structure that can set and enforce laws and standards, a cooperative model that ensures all nations have access to security capacity for the common good, and a robust exercise program that enhances capabilities and trust. Unless this structure is realized I do not believe the Indian Ocean region will achieve its full potential to integrate and support regional economic growth and a blue economy. I do not believe a new organization is needed but a strengthening and expansion of an existing organization.

A second important aspect of maritime governance is setting and enforcing global rules and norms that respect international law. A legal framework for crimes

committed in waters beyond the territorial sea of any coastal nation must be in place. UNCLOS provides some of that framework, but not all. One program I became familiar with that offers an example of progress made in this arena is the UN Office on Drugs and Crime Global Maritime Crime Program (UNODC GMCP IO). The GMCP assists states to strengthen their capacity to combat maritime crime. They developed a “Piracy Prosecution Model” in which willing nations ensure they have legislation to prosecute the crime domestically and then exercise formal agreements to transfer the criminals and evidence from the maritime forces that apprehended them such as the CMF. The nation concerned can then choose whether to prosecute the criminals.¹³

Respect for rules and norms is demonstrated by nations that pursue the peaceful resolution of difficult issues particularly in the maritime domain. This respect is amply evidenced by the 2012 peaceful resolution of a longstanding maritime dispute in the Bay of Bengal between Bangladesh and Myanmar through the international Tribunal for the Law of the Sea. This action enhanced the maritime resources available to Bangladesh and allowed them to provide valuable growth to increase their gross domestic product in a manner that respected international law. In addition, in 2014 the UNCLOS arbitration tribunal ruled in Bangladesh’s favor in a dispute with India for maritime boundaries. The actions of these nations set a standard for conflict resolution of complex maritime boundaries that all nations should adhere to.

Capacity Building

All nations may not have the capacity to monitor the maritime domain and police the seas, though all have the capacity to generate the political will to work together. Partnership and cooperation are essential for success.

The United States, as one nation, has many programs that increase the capacity of partner nations to respond to shared challenges. DKI APCSS is one of those programs. Our mission is to educate, connect and empower our alumni and in the process develop leaders. We exist as part of a larger security cooperation effort conducted by the United States to ensure all nations, especially those with more limited resources, are afforded the opportunity to share best practices and gain access to capabilities to enhance maritime domain awareness. As an example, we have established a program entitled the Fellowship for Indo-Pacific Security

¹³ *Maritime Crime Programme - Indian Ocean--Regional "Piracy Prosecution Model"*.. Retrieved from United Nations Office on Drugs and Crime (UNODC): <https://www.unodc.org/unodc/en/piracy/indian-ocean-division.html>, Nov 11, 2018, p 1-2.

Studies (FIPSS) in partnership with the U.S. State Department that has grown over the past 4 years with great success. In addition, as part of the U.S. Indo-Pacific Maritime Security Initiative (MSI), which the U.S. Congress expanded recently to include Bangladesh and Sri Lanka, DKI APCSS is constructing a course in Maritime Security that commences next summer. This course will take a whole of government approach and will complement the work DKI APCSS has done in enhancing maritime domain awareness for the past 5 years. The entire United States MSI program is designed to increase partner nation maritime security capacity in order to respond to threats in coastal waters while enhancing maritime domain awareness across the region. The focus is not only on boosting capabilities, but also helping partners develop infrastructure, logistical support, strengthen institutions, and enhance the practical skills needed to develop sustainable and capable maritime forces which offer a credible maritime picture. In its first few years MSI has enhanced information sharing, interoperability, and multinational maritime cooperation.

The U.S. is not alone in capacity building efforts as many other nations share their capability to build capacity for regional security as well. India has taken a lead role in the IOR in responding to crisis and offering support where needed. India has increased its training of foreign security forces, taken a lead role in maritime exercises in the IOR, and partnered with the United States in security cooperation. The United States looks to India as a net security provider in the region. Both India and the United States have partnered with nations who contribute to IOR security such as Japan, Australia, and Singapore along with others. Historically, the most successful efforts that build capacity in the maritime domain are inclusive, produce effective agreements, share burdens, and ensure a balanced approach to regional security. The goal must be to limit the areas, whether physical or legal that perpetrators can hide in.

I was asked by some of our alumni, prior to the BIMRAD seminar to address what the position of the United States is in the Indo-Pacific and a few words about our Indo-Pacific Strategy.

U.S. Indo-Pacific Strategy

The United States considers itself an Indo-Pacific nation and has for generations. In the late 1700's Americans traveled to China and India to trade goods to assist in paying the debts incurred during the American Revolution. Over the next few centuries the United States became more entwined with the region and during the 20th century saw a significant migration of Asian citizens to our shores. In the

post-World War II era the United States has effectively promoted a free and open Indo-Pacific in which nations with diverse cultures and different aspirations can prosper side by side in freedom and in peace. With millions of our citizens deriving their ancestry from Indo-Pacific nations, the United States has a vested interest in remaining an Indo-Pacific democratic power. The recently released United States National Security and National Defense Strategies take the view that the Indo-Pacific region is critical for the United States continued stability, security and prosperity. These strategies rely on alliances and partnerships. President Trump has termed this a free and open Indo-Pacific Strategy operating on a rules-based system.

Some may ask what exactly those terms mean. A free Indo-Pacific means the United States wants all nations to be able to protect their independence and sovereignty from other countries. At the national level it means good governance, rule of law, and upholding the rights of citizens to enjoy fundamental rights and liberties. An open Indo-Pacific means all nations enjoy access to the global commons, the seas and airways, along with peaceful resolution of territorial and maritime disputes in accordance with international law-- as mentioned was the case of Bangladesh, India and Myanmar. Economically open means free, fair, and reciprocal trade and investment. It also means transparent agreements are matched with public-private partnerships, which have historically been beneficial for all and most importantly offer an approach that builds local jobs and therefore local prosperity. Governments cannot do this alone nor should they and no nation can or should dominate.

To quote Secretary of Defense James Mattis at the Shangri La Dialogue this year (2018):

“America is in the Indo-Pacific to stay. This is our priority theater, our interests, and the regions are inextricably intertwined. Our Indo-Pacific strategy makes significant security, economic, and development investments, ones that demonstrate our commitment to allies and partners in support of our vision of a safe, secure, prosperous, and free Indo-Pacific based on shared principles with those nations, large and small. Ones who believe their future lies in respect for sovereignty and independence of every nation, no matter its size, and freedom for all nations wishing to transit international waters and airspace, in peaceful dispute resolution without coercion, in free, fair, and reciprocal trade and investment, and in adherence to international rules and norms that have provided this region with relative peace and growing prosperity for the

last decades.”¹⁴

The United States commitment to partner with Indo-Pacific nations is demonstrated by the annual \$1.4T in two-way trade with the region. Secretary of State Pompeo recently announced \$113M in new economic initiatives to support foundational areas of the future: digital economy, energy and infrastructure. This is considered a down payment for United States commitment to the region and for the first time contained a contribution to the Indian Ocean Rim Association. He also announced an initial step of \$300M in security assistance to the Indo-Pacific at the recent ASEAN Regional forum to include Foreign Military financing (FMF) to strengthen maritime security, humanitarian assistance/disaster relief (HA/DR), and peacekeeping operations as well as International Narcotics and Law Enforcement (INCLE) funds to counter transnational crime. Over one third of that will go to Bangladesh, Sri Lanka, and Nepal. In addition, the United States Congress recently passed the Better Utilization of Investments Leading to Development (BUILD) act, which is intended to “facilitate the participation of private sector capital and skills in the economic development of countries with low or low middle income economies”.¹⁵ The legislation sets a priority on less-developed countries, minority and women-owned business, small business, and women’s economic empowerment. Another effort is the Bay of Bengal Initiative wherein the United States will work with India, Bangladesh and Sri Lanka and others to share commercial shipping information and improve detection and response to emerging threats in the Bay of Bengal. These investments are intended to be transparent, sustainable and meet the requirements of the nations involved.

In summation then, we have many challenges in the Indo-Pacific region, but I am an optimist. In my discussions with our DKI APCSS alumni I see exceptionally talented people who share my hope for the future of our global community. I also know from my experiences that we must work together, but do so with a purpose. Building trust and cooperation takes time, but we must move beyond merely discussing what should be done and take positive action with a firm intent of being successful.

To achieve the balanced end state envisioned, I offer the following critical elements of a stable, prosperous and peaceful region in the maritime domain:

¹⁴ James N. Mattis, *Remarks by Secretary Mattis at Plenary Session of the 17th IISS Shangri-La Dialogue*. Retrieved from [dod.defense.gov](https://dod.defense.gov/News/Transcripts/Transcript-View/Article/1538599/remarks-by-secretary-mattis-at-plenary-session-of-the-2018-shangri-la-dialogue/): <https://dod.defense.gov/News/Transcripts/Transcript-View/Article/1538599/remarks-by-secretary-mattis-at-plenary-session-of-the-2018-shangri-la-dialogue/>, June 2, 2018, p 3.

¹⁵ United States Congress, *BUILD Act of 2018*. Retrieved from [Congress.gov](https://www.congress.gov/bills/115/congress/senate/bills/2463) (S.2463 - BUILD Act of 2018 — 115th Congress (2017-2018): <https://www.congress.gov/bills/115/congress/senate/bills/2463> Feb 27, 2018).

- a. The active development of trust between nations via confidence building measures.
- b. The adherence to international norms, standards and laws.
- c. The preservation of freedom to fly, sail and operate in the maritime commons.
- d. A collective and cooperative effort to achieve Maritime Domain Awareness
- e. Collaboration and cooperation among regional partners, no matter the nation size.
- f. National cooperation among agencies--Whole of government solutions within nations.

The views expressed in this article are those of the author and do not necessarily reflect the official policy or position of the Daniel K. Inouye Asia Pacific Center for Security Studies, the Department of Defense, or the U.S. Government.

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