BIMSTEC and Maritime Security: Issues, Imperatives and the Way Ahead

Author: Gurpreet S Khurana*

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Oddly, the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC) is a sub-regional grouping named after a sea body, but the graphics in its logo (Fig. 1) are devoid of blue colour. Of course, the etymology of BIMSTEC originated from the names of its members in 1997, but the fact remains all its members have inherently had land-centric perspectives, more aptly called 'sea-blindness'. It is high time now that this disposition should change, and there is need for the 'blue' in BIMSTEC, at least figuratively.

Figure 1 - BIMSTEC Logo

This essay provides a broad overview of the maritime and geopolitical imperatives of BIMSTEC member States, as the littorals of the Bay of Bengal and the Andaman Sea, with the aim of proposing a preliminary maritime safety and security (MSS) agenda for the BIMSTEC.

Maritime-economics in the Bay of Bengal and Andaman Sea

The recent resolution of maritime boundary disputes amongst Bangladesh, India and Myanmar[1] has enhanced mutual trust, leading to enhanced emphasis on harnessing the living and non-living marine resources and geo-economic connectivity among the sub-regional littoral States. The outstanding disputes never inhibited transactions via the sea, but the delineation of maritime boundaries has certainly provided a symbolic

heft to economic connectivity. Notably, even the two land-locked countries – Nepal and Bhutan – have stakes in the oceans, and have the legal right to maritime access, as per the *United Nations Convention on the Law of the Sea* (UNCLOS, 1982).[2]

From the Indian perspective, the increasing geo-economic connectedness among the Bay of Bengal littorals is a result of New Delhi's broader external policy reorientation in terms of the concept of SAGAR (*Security and Growth for All in the Region*), articulated by India's Prime Minister Mr. Narendra Modi in 2015, and the emerging national focus on maritime issues. SAGAR — essentially meaning that "All boats (regional countries) rise with the rising tide (together)" — was stated in the broader context of the Indian Ocean Region (IOR), but is very relevant to the Bay of Bengal countries in context of Mr. Modi's "Neighbourhood First Policy". With regard to the Bay of Bengal, India's specific imperatives are to:

- Capitalise upon the cost-effectiveness of maritime routes, in both national and sub-regional contexts.

- Amalgamate India's North-Eastern States into the nation's socio-economic development.

This led to national emphasis on Project SAGARMALA (port-led development) and trans-national maritime connectivity, not only for EXIM trade, but also for movement of people and tourism. A specific manifestation of these is the India-Bangladesh *Protocol on Inland Water Transport and Trade* (PIWTT). In October 2018, the two countries signed a host of agreements, such as the extension of 'protocol routes' and Standard Operating Procedures (SoP) for movement of cruise vessels on inland waterway routes and coastal shipping.[3] All this will be accompanied by the need for enhanced maritime safety and security. India's Cabotage relaxation policy, leading to the increased presence of foreign-flagged vessels in Indian ports, also has security implications specifically for India.

Piracy and Trafficking of Drugs and Weapons

The *International Hydrographic Organisation* (IHO) publication giving the limits of the Bay of Bengal and Andaman Sea. As shown on the maps (Fig. 2), there is no major International Shipping Lanes (ISL) in these areas, except one right in the south which crosses these sea areas over a rather short stretch. As a result, there is hardly any piracy here at present, only armed robberies at sea within national

jurisdiction. However, the increasing trade flows — including Chinese tankers coming to Kyuakphu[4] — could lead to pirate attacks, and this needs to be factored.
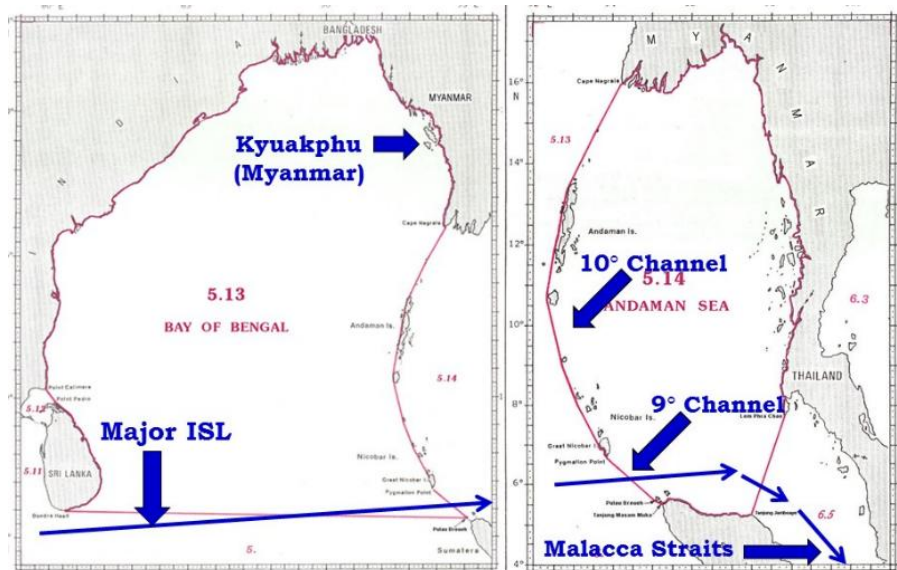

Figure 2 - Geographical Limits of Bay of Bengal and Andaman Sea

The trans-national maritime crimes like trafficking of drugs and weapons are quite rampant in the area. These have also been feeding into the militant movements in India's North East. A large arms-haul destined for the United Liberation Front of Asom (ULFA) was unearthed off Chittagong in 2004 by the Bangladesh authorities.[5] The answer lies in enhanced information-sharing. There have been suggestions to enhance real-time information-sharing among BIMSTEC States via submarine cables. However, these cables are extremely vulnerable to terrorism; and there is no national or multilateral plan yet to respond to such contingencies.

Sustainable Fishing

A major issue in the Bay of Bengal is how to sustain the fast depleting fish-stocks and the huge Dead Zone that it has,[6] and in accordance with the principles of Blue Economy. Could the Bay of Bengal littorals coordinate their domestic laws with regard to regulation of fishing activity?

The prevention of illegal fishing and poaching off the Andaman and Nicobar Islands was the main task of the new Fast Attack Craft (FAC) commissioned at Port Blair, soon after the integrated Andaman and Nicobar Command (ANC) was formed in 2001.[7] The same year, the Indian Navy (IN) began Coordinated Patrols (CORPAT) with Indonesian Navy (TNI-AL), and after three years in 2005, with the Royal Thai Navy (RTN). The aim was to have the IN in constant touch with TNI-AL and RTN, to

hand over their fishermen apprehended in the Indian EEZ in real-time, without going through the elaborate legal processes including confiscation of their fishing boats. Later in 2013 and 2018, the IN forged similar agreement with Myanmar and Bangladesh respectively. These CORPATS, in the multilateral format, have immense potential to contribute to overall maritime security and safety, especially by expanding information-sharing under the bilateral CORPATs to the BIMSTEC level, involving info-sharing on as-required basis.

Search and Rescue: Response to Maritime Accidents and Irregular Migration

Under customary international law, all States bear an international commitment to provide assistance to persons in distress at sea, be they victims of accidents at sea or irregular migrants. (It is important to note that the common usage of the term "illegal migrants" is inappropriate. These are not "illegal" migrants, since customary international law permits these migrants to 'seek' asylum, though of course, it does devolve upon the 'destination State' to grant 'refugee status' to these migrants).

Notably, among the BIMSTEC littoral countries, only India and Bangladesh are parties to the International Convention on Maritime Search and Rescue, 1979. The reason why the others are not, is well known, and such sensitivities are legitimate. This is the reason why we still have provisional SAR areas of responsibility (in orange colour) on the SAR chart (Fig. 3).
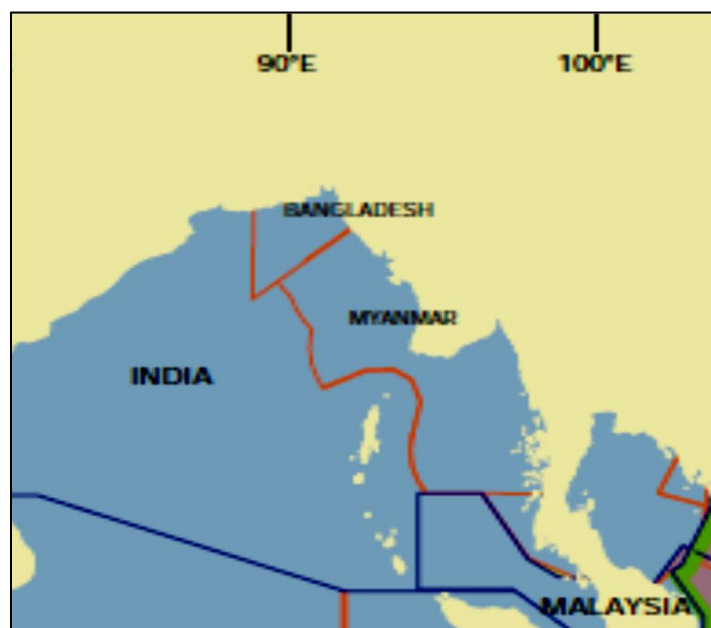

Figure 3 – Search and Rescue: Areas of Responsibility

This problem was effectively addressed by the *Council for Security Cooperation in the Asia Pacific* (CSCAP) Study Group on *Harmonisation of Aeronautical and Maritime SAR* (HAMSAR), which was instituted after the Malaysian MH-370 airline disaster, and wherein the author represented CSCAP-India as the co-chair (with CSCAP-Malaysia). The Study Group recommended that this void could be overcome by web of bilateral Memoranda of Understanding (MoU) among the *ASEAN Regional Forum* (ARF) members.[8] The same applies to BIMSTEC. The Indian Coast Guard has already signed such SAR MoUs with Bangladesh and Sri Lanka. One with Myanmar is being discussed. However, discussions on a similar MoU with Thailand have not yet commenced due the ongoing reorganisation of the Thailand's coast guard agency.

Humanitarian Assistance and Disaster Relief

The entire north-eastern Indian Ocean is well known to be prone to natural disasters. The 2004 *Tsunami* clearly indicated that this area is prone not only tropical cyclones. The reason is the seismic fault-line stretching along the subterranean ridge along the Andaman and Nicobar groups. The Indian Navy has instituted an internal mechanism. For instance, all Indian warships now carry palletised stores for *Humanitarian Assistance and Disaster Relief* (HADR). However, a coordinated approach among the coastal countries BIMSTEC is necessary.

Capability Enhancement (Hardware and Software)

Four of the five largest Sri Lankan warships are built in India. Of course, India's is making concerted endeavours to bolster hardware transfers to the IOR countries, and India's capacity-building assistance to its regional neighbours is likely to grow after Mauritius commissioned the *Barracuda*, the first warship that India built specifically designed for a foreign buyer.

However, India's core strength lies in beyond (hardware) capacity-building. It lies in areas such as technical and operational training and doctrines, hydrographic assistance, maritime domain awareness (MDA), and so on. The Indian Navy coordinates the fairly well-developed *National Command, Control, Communications and Intelligence* (NC3I) network instituted in 2014 after the Mumbai terrorist attacks (November 2008), with its nerve centre called the *Integrated Management and Analysis Centre* (IMAC) at Gurugram (near Delhi).[9] In a couple of years, the IMAC will house the IOR Information Fusion Centre (IOR-IFC, with foreign ILOs)

similar to the IFC Singapore. Another positive development is the forging of information-sharing of 'White Shipping' agreements. The Indian government has approved the Indian Navy's proposal for such agreements with 36 countries. The Navy has signed such agreements with 18 countries so far (including Myanmar and Sri Lanka), of which 11 having been operationalised (including Myanmar).[10] Those with Bangladesh and Thailand have been approved, but are yet to be signed.

Maritime-Military Issues

The submarine-operating countries in are increasing. Bangladesh has recently acquired (Chinese) submarines and Thailand will do so soon (also Chinese). India and Indonesia are adding new submarines. This leads to some critical imperatives; notably, the de-confliction of unintended naval encounters, water-space management and submarine safety. With regard to submarine rescue, the IN has recently acquired an effective capability of submarine-rescue, and is willing to share it with other submarine-operating navies that do not have such a capability.

Although sub-regional countries like Bangladesh have successfully resisted China's attempts to acquire naval bases in the Bay of Bengal, their purchase of Chinese submarines will lead to them providing the PLA Navy 'virtual' bases. It is important to note that their submarines operating in the Bay of Bengal will be compatible with the PLA Navy submarines in terms of equipment, machinery and weapon stores.

Support to IORA and IONS

BIMSTEC needs to be contextualised with the pan-IOR Maritime Security and Safety (MSS) Structures. There is an exigent need to develop BIMSTEC's MSS agenda to contribute to the Indian Ocean Rim Association (IORA), whose own MSS structure is at a nascent stage and needs to be supplemented. It was only in 2014 that MSS was incorporated in IORA's agenda, and it was only in September 2018 that the initial workshop was held in Colombo (Sri Lanka) to formulate the Terms of Reference (ToR) of the IORA MSS Working Group.[11] It was also decided that the Indian Ocean Naval Symposium (IONS) be represented at the IORA MSS Working Group.

It is common fallacy that IORA's "inclusive approach" only relates to involvement of extra-regional stake-holders, and not the role of sub-regional arrangements within the IOR. Although Maldives joined IORA in November 2018,

Myanmar could not do so due to objection from South Africa.[12] However, there is a strong case for Myanmar's IORA membership. The objection to this is premised on the perception that the Myanmar government is not doing enough to resolve the Rohingya migrant issue.[13] However, on the other hand, inclusion of Myanmar in IORA could lead to persuading Myanmar to deliver in this regard. It is important to recall that Myanmar was incorporated into the *Association of South East Asian Nations* (ASEAN) in 1997 mainly to avoid Myanmar's isolation from international community, which worked well. The same has been India's approach with regard to its Myanmar policy, and the contribution of the Indian Navy towards this aim has been notable. Following the Navy's persistent efforts to develop an interface with the Myanmar Navy, a Myanmar corvette participated in the *Milan*-2006 at Port Blair. It was the first time in 4 decades that a Myanmar warship ever visited a foreign port.[14]

It is also important to recall that the *Milan* congregation at Port Blair (Andaman and Nicobar Islands) launched in 1995 with originally conceived as a 'milan' (Hindi word for 'meeting') of the Bay of Bengal navies.[15] This means that *Milan* at Port Blair could effectively implement the BIMSTEC's MSS agenda at the functional level. Similarly, the MSS cooperation in BIMSTEC also needs to be synergised with the IONS. All BIMSTEC countries are members of IONS. Furthermore, Indonesia is a key member of not only the IORA, but also that of the ASEAN. Its inclusion in BIMSTEC as a member could enhance the BIMSTEC's MSS agenda substantively.

Geopolitics of the Indo-Pacific region

The geopolitical environment in the Bay of Bengal and the Andaman Sea is closely linked to the geopolitics of the entire Indo-Pacific region. As articulated by Mr Kanwal Sibal at the BIMSTEC Think Tank Dialogue in New Delhi, the sub-regional countries would need to balance their need for geopolitical engagement with extra-regional stakeholders like China, and its implications for the sub-regional neighbours.[16] Such engagement — ranging from subscribing to China's Maritime Silk Road (MSR) Project to the purchase of Chinese submarines — would also bring with it a 'strategic dependence' upon China, and the sub-regional countries would, therefore, need to be more deliberate, deft and prudent decisions.

Furthermore, the South China Sea (SCS) is becoming increasingly volatile, and the Bay of Bengal-Andaman Sea combine could well become the next area of major-power contestation. Importantly, the SCS disputes are no longer an issue

between China and the ASEAN countries. Given its historic claims and its refusal to accept the verdict of an International Tribunal,[17] China has challenged the maritime norms and established legal order based on the UNCLOS, 1982. Therefore, the issue now involves the entire Indo-Pacific region, and its stakeholders. Even though China does not have any maritime claims in the Bay of Bengal, given its increasing geopolitical presence in the IOR, any insecurity or discord in Bay of Bengal will involve China directly, leading to a geopolitical contestation. In this direction, the resolution of maritime disputes in Bay of Bengal is a positive step, but more needs to be done.

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The author, Captain (Dr) Gurpreet S Khurana, Indian Navy, is the Executive Director, National Maritime Foundation (NMF), New Delhi. This is a revised version of the presentation that he delivered at the BIMSTEC Think Tank Dialogue on Security, conducted at the Vivekananda International Foundation (VIF), New Delhi on 13-14 November 2018. He may be contacted at gurpreet.bulbul@gmail.com

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