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ABSTRACT

This paper reviews the existing multilateral structures in the Indian Ocean Region (IOR) – notably the Indian Ocean Rim Association (IORA) – in the context of various geopolitical facets, ranging from geoeconomics to regional security and good order. It examines and recommends options to bolster economic multilateralism in the IOR though a comprehensive two-fold approach. The first one seeks to enhance intraregional trade, maritime–economic connectivity, and technology sharing, delving into issues relating to a region-wide free trade agreement (FTA), the amalgamation of economic corridors within IORA, and the "Make in India" initiative. The second is founded upon the indispensability of a secure and conducive maritime environment for economic development, and addresses maritime safety and security (MSS), as also "good order" in the IOR. It suggests measures to bolster the IORA's nascent MSS architecture with a web of bilateral, trilateral and subregional mechanisms, emphasising the Indian Ocean Naval Symposium (IONS) as the key functional enabler of IORA's MSS agenda. It also examines the imminent challenges relating to freedom of navigation (FoN), and undertakes an appraisal of Sri Lanka's draft Code of Conduct (CoC) for the Indian Ocean. The arguments presented hinge upon the suggestion that the collective approach of the IOR countries should ideally be in consonance with India's prime-ministerial enunciation of the concept of SAGAR – security and growth for all in the region. If each Indian Ocean country's economy is a "boat", the Indian "boat" cannot rise unless all "boats" rise with a rising economic tide.

Backdrop

It is often said that the 21st century is the "Century of the Seas". The reason is the world's growing dependence on the seas for economic development and prosperity. Seen in conjunction with the so-called "Rise of Asia", the "Century of the Seas" yields the deduction that the "Indo-Pacific Region" – the "maritime underbelly of Asia" – will lead "Asia's economic Rise".

Further, within the broader Indo-Pacific region, the Indian Ocean Region (IOR) is likely to witness a faster economic development than other subregional spaces. This is best exemplified by the rapid growth in intra-IOR trade flows. In the mid-1990s, intra-IOR trade constituted only 20% of the total trade of the IOR countries.[1] Even as their extraregional trade volumes have since grown, the proportion of their intra-IOR trade

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has increased to nearly 30% in recent years.[2] This clearly indicates the pace and potential for economic growth in the IOR. The IOR is, indeed, amongst those regions in the world that are most desperate for economic development. However, while there are opportunities, there are major challenges as well.

Until recently, the IOR has been largely bereft of a regional identity. It is well known that the extensive maritime–economic linkages that the IOR countries had forged in historic times were later disrupted due to colonisation of these countries. Without such maritime linkages, the IOR countries were compelled to rely solely upon subregional arrangements – such as the Gulf Cooperation Council (GCC), the Southern African Development Community (SADC), and the South Asian Association for Regional Cooperation (SAARC), and so on. Some of these are still effective; others, like SAARC, are presently in a state of "coma"; still others, like the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC), have yet to prove their potential. In any case, none of these subregional groupings can substitute for a pan-IOR identity, and a region-wide multilateral structure. The Indian government is currently seeking to revive the IOR identity by various initiatives, such as Project *Mausam*.[3]

The launch of the Indian Ocean Rim Association for Regional Cooperation (IOR-ARC) in 1997 – later renamed the Indian Ocean Rim Association (IORA) – was arguably the first effort to develop a region-wide multilateral structure with an emphasis on the economic and social agenda. However, the IOR-ARC remained a moribund entity for many years. The organisation – in its new avatar, IORA – is now being revitalised through the initiatives of a few IOR countries, notably those that have held the chair of IORA in recent years.

The following list indicates key issues that have been discussed at important IORA events since 2011 – including the IORA Council of Ministers (COM) and Committee of Senior Officials (CSO) meetings:[4]

- Trade and investment
- Fisheries management
- Blue economy
- Academics, science and technology, and renewable energy
- Tourism and cultural exchange
- Women's economic empowerment and skill development
- Climate change and disaster risk management
- Maritime safety and security
- Freedom of navigation

The foregoing list provides a valuable overview of the IORA's current mandate and activities. It indicates a strong focus on economic and technological cooperation, with some attention to social and cultural issues, and maritime safety and security. It also indicates that perhaps issues of maritime security within the IOR are not as complex as those of the Asia-Pacific. Similarly, the aspect of freedom of navigation is certainly considered a challenge in the IOR, but, unlike in the Asia-Pacific, more in a preventive sense than a curative one. This presents a golden opportunity for the IORA in particular and IOR countries in general to focus upon economic development.

Geoeconomics

India is amongst the most important economic players in the IOR. A 2017 projection indicates that by 2050, India will be the world's second largest economy, with a gross domestic product (GDP) – in Purchasing Power Parity terms – of about US$ 44 trillion, second only to China, whose GDP is projected to be US$ 58.5 trillion.[5] This is premised on a number of factors. Amongst them is the massive rise in India's merchandise trade in recent years. In the early 1990s, the share of foreign trade in India's GDP was a mere 13–15%, but this increased to over 43% during 2011–2013, with the 2007–2017 decadal average standing at 36.3% today.[6] From 1990–1991 to 2014–2015, India's exports increased by more than 17 times, from US$ 18.1 billion to US$ 309 billion, and its imports increased by 19 times, from US$ 23.5 billion to US$ 447 billion. During this period, India's share in global exports moved up from a miniscule 0.6% to 1.7%, and its share in global imports increased from 0.6% to 2.4%.[7]

The "Connectivity Void"

However, considering the substantial rise in the quality, sophistication and complexity of Indian merchandise exports, a large part of its export potential remains unrealised, mostly in its IOR neighbourhood.[8] The key reason for India's low competitiveness is rising "trade costs", especially the cost of maritime transportation. These costs are affected by various factors, such as time at sea, competition among carriers, the price of oil, and maritime insecurities such as piracy, but the most important factor for India is the lack of connectivity, including adequate port infrastructure. This is also a major challenge for the other countries of the IOR, several of which are leading exporters of hydrocarbons and other natural resources. In the light of these realities, experts strongly recommend "fostering regional trade integration [that] will reduce trading costs … and improve competitiveness".[9]

Asia–Africa Growth Corridor (AAGC)

The India–Japan collaboration on the Asia–Africa Growth Corridor (AAGC), therefore, should not be seen solely as a rival to the Chinese Belt and Road Initiative (BRI).[10] The AAGC is conceptually linked to the concept of SAGAR (security and growth for all in the region), which was enunciated by the Indian Prime Minister, Shri Narendra Modi, in 2015, in Mauritius, during the commissioning of the Indian-built patrol ship MCGS *Barracuda* into the Mauritius Coast Guard.[11] It is essentially based upon the spirit of "all boats rising with a rising tide", implying that the economic development of any country cannot occur in isolation from that of other regional countries. At the regional level, therefore, there is a strong case for amalgamating the AAGC with the IORA framework. The case becomes stronger in the light of the prevailing emphasis on increasing India's economic connectivity with the 10 countries of the Association of South East Asian Nations (ASEAN).[12]

Project Sagarmala

Project *Sagarmala* is a national initiative to upgrade maritime and logistic infrastructure in Indian ports and to use the connectivity offered by ports to develop the respective hinterland – that is, to generate port-led development. However, Project *Sagarmala* has not yet been

linked to the visionary concept of SAGAR. Both India and its IOR neighbourhood would benefit immensely if India could progressively expand Project *Sagarmala* to the IOR countries – through appropriate bilateral and even multilateral agreements – beginning with its immediate maritime neighbours, viz. Bangladesh, Myanmar and Sri Lanka.

Free Trade Agreement (FTA)

India signed a free trade agreement (FTA) in goods with ASEAN in 2009, which is likely to be implemented soon.[13] Further, ASEAN has lately been trying to garner India's support for a Regional Comprehensive Economic Partnership (RCEP).[14] However, the old case for an IOR-wide FTA has yet to be revitalised. The IORA–ASEAN dichotomy – in terms of both connectivity and FTA – needs to be addressed expeditiously, not only by India, but also by other IOR countries. Possibly, the ASEAN countries have discovered the economic potential of India, which the rest of IOR has yet to do. Reconciling the IOR FTA with the existing bilateral and subregional FTAs would be a challenge, but not an insurmountable one. It is pertinent to note the increasing protectionist policies likely to be adopted by major global economic powers such as the United States of America, China and the European Union (EU), in the wake of the US trade policy reorientation, which further strengthens the case for an IOR-wide FTA.[15]

Technology Cooperation and "Make in India"

Another potentially fruitful endeavour is regional technology cooperation, based on the "Make in India" initiative launched by the Government of India in 2014.[16] Many projects are underway under this banner, but this notwithstanding, the initiative has not been optimally utilised thus far, possibly because it has not been understood clearly enough. Many Indians have understood it as an endeavour that favours foreign manufacture, while many foreign companies understand it to be just the reverse. The key objectives of "Make in India" are "job-creation" and "technology absorption". Hence, it neither means that a product will be made only using Indian resources and technology, nor implies that the product will be only for Indian consumption. Hence, it is a win–win for India and its foreign partners, depending upon how they want to capitalise on it.

More specifically, India has tremendous potential in shipbuilding – especially warship construction. The Mauritius Coast Guard Ship (MCGS) *Barracuda* in Mauritius, for instance, was the first Indian warship built for a foreign country to the customer's own specifications.[17] However, Indian shipbuilding has major technology voids that must be acknowledged and redressed. These voids could be filled by the expertise available in other IOR countries. For instance, Sri Lanka has developed notable potential in building small craft and this could be readily leveraged as an IOR-wide offering. Similarly, the IOR could conceive region-wide technological cooperation in various areas, such as in the maritime and defence industry, and even beyond them.

Maritime Security, Safety and Good Order

For unhindered economic development in the region, IOR countries need a secure, benign and conducive environment. This brings to the fore the imperative of maritime security,

safety and good order. Traditionally, the very concept of "maritime security" has been alien to the IOR and not in the "DNA" of its constituent countries. It is, therefore, hardly surprising that "maritime safety and security" (MSS) entered into the IORA's agenda only in 2012,[18] largely due to the efforts of India and Australia when these two countries chaired the IORA. The rationale for positioning MSS as a focus area of IORA could have been driven by the following three key imperatives:

- **Non-Traditional Threats.** The prevailing threats posed by malevolent non-state actors, particularly the heightened menace of piracy in the western Indian Ocean beginning in 2005, needed to be responded to in a comprehensive and effective manner. This may have led to a recognition of the criticality of information-sharing so as to achieve maritime domain awareness (MDA), as a precursor to an effective response to such threats.
- **Human Safety.** This relates to considerations of safety of the increasing number of people working in and transiting through the IOR's maritime environment, ranging from seafarers to tourists travelling by sea and air; and also to the need for adequate preparedness for response to natural disasters such as the 2004 Indian Ocean tsunami, and the more regularly occurring tropical cyclones in the Bay of Bengal.
- **Maritime Disputes.** Possibly, thought was accorded to achieving amicable resolutions of the several maritime disputes amongst IOR countries. It is fortunate that in 2014, India, Bangladesh and Myanmar resolved their maritime disputes amicably, but that is hardly an adequate assurance for the resolution of future imbroglios**.** Numerous maritime disputes in the IOR remain dormant, but could easily flare up as IOR nation-states develop their economies, with an attendant increase in their appetite for marine resources, and their enhanced wherewithal for a militarily-backed assertion of their maritime claims.

Bolstering IORA's MSS Agenda

Given that a multilateral MSS structure in IOR is still at a nascent stage, it is considered necessary to bolster the effort of the resident countries of the IOR through the principle of "inclusivity". In consonance with the rationale underpinning the conceptualisation of the "Indo-Pacific", the IOR has derived the principles of MSS from the ASEAN concept of "cooperative security and strategic inclusion", which formed the basis of the "Treaty of Amity and Cooperation (TAC) in Southeast Asia".[19] Such "inclusion" was an essential imperative for ASEAN since its constituent countries – both individually and collectively – lacked adequate capacity and capability in the 1970s (and beyond) to ensure a secure maritime environment that would enable their rapid economic development.

The same imperative applies to the IOR today, leading the IORA to confer upon its key extraregional stakeholders – China, Japan, Germany and the US – the status of "Dialogue Partners". Due to the lack of maritime capacity and capability, the concept of "inclusivity" is being seen by the IOR countries as the "Holy Grail" for their insecurities to be addressed. However, the concept has, once again, not been adequately understood. In order to achieve "inclusivity", the IOR countries have been looking beyond the IOR, but not within the region itself. IORA has, therefore, not benefited from the various subregional maritime security arrangements within the IOR, such as the GCC, the SADC and ASEAN.

Considering that the Bay of Bengal is now devoid of maritime disputes, BIMSTEC – as an evolving subregional arrangement – offers much promise in this regard. The emerging web of bilateral and trilateral mechanisms could also serve to effectively bolster the MSS agenda of the IORA.

The IOR countries have another valuable IOR-wide functional mechanism – the Indian Ocean Naval Symposium (IONS) – which is not being optimally utilised. Modelled upon the Western Pacific Naval Symposium (WPNS), it is currently being used merely to further the diplomatic role of navies, rather than for the key purpose of its conceptualisation by the Indian Navy in 2008, viz. as a functional enabler that could fill the MSS void that existed in the IORA before 2012. Even as the IONS was being launched in 2008 at New Delhi, it was amply clear that IONS would not be able to achieve much without strong support from a political-level structure such as the IORA. Conversely, it is equally clear that the IORA cannot achieve any substantive progress in terms of its own MSS agenda without the IONS as its functional enabler. It is, therefore, critical to link the MSS activities of the IORA with the IONS, both at the level of the IORA Secretariat and at the level of individual IORA member countries.

Reconciling IORA–IONS Participation

That having been stated, it is essential that the challenge in optimising a durable IORA–IONS link be recognised. This challenge arises from the notable differences in the composition of each of these multilateral structures. All countries holding sovereign territory in the IOR are *ipso facto* "Observers" of IONS. They become "Members" when they sign on to the IONS Charter. This has led to the maritime forces of 38 countries of the IOR being either members or observers of IONS (see Figure 1). However, many IOR countries whose maritime forces are either observers or members of IONS are not constituents of the IORA in any capacity, either as members or as dialogue partners, leading to IORA having only 24 countries as members. This disparity needs to be urgently reconciled by incorporating additional key countries of the IOR into the IORA, such as Saudi Arabia, Myanmar and Maldives.

Major Power Rivalry in the IOR

When, in 2012, MSS was included within the agenda of IORA as a key focus area, the issue of regional naval rivalry among major extant and rising powers had not yet begun to confront IORA. However, recent developments indicate that this has emerged as a new imperative for IORA to grapple with. For instance, the Jakarta Concord – signed in the wake of the IORA Summit meeting held in Indonesia in March 2017 – includes, for the first time, a specific mention of upholding "freedom of navigation and overflight in accordance with international law, including United Nations Convention on the Law of the Sea", and "preventing and managing … incidents at sea (unintended naval encounters)".[20] This recognition of naval rivalry in the IOR has clearly emerged due to the increasing Chinese naval footprint in the region, beginning with the visit of a PLA Navy submarine to Colombo in 2014.[21] This is a manifestation of the increasing restoration of the historical interconnectedness of the Western Pacific and the IOR, which, of course, quickly led to the emergence of the "Indo-Pacific" concept, in 2006–2007.[22] Therefore, although freedom of navigation – and the attendant aspect of unintended naval

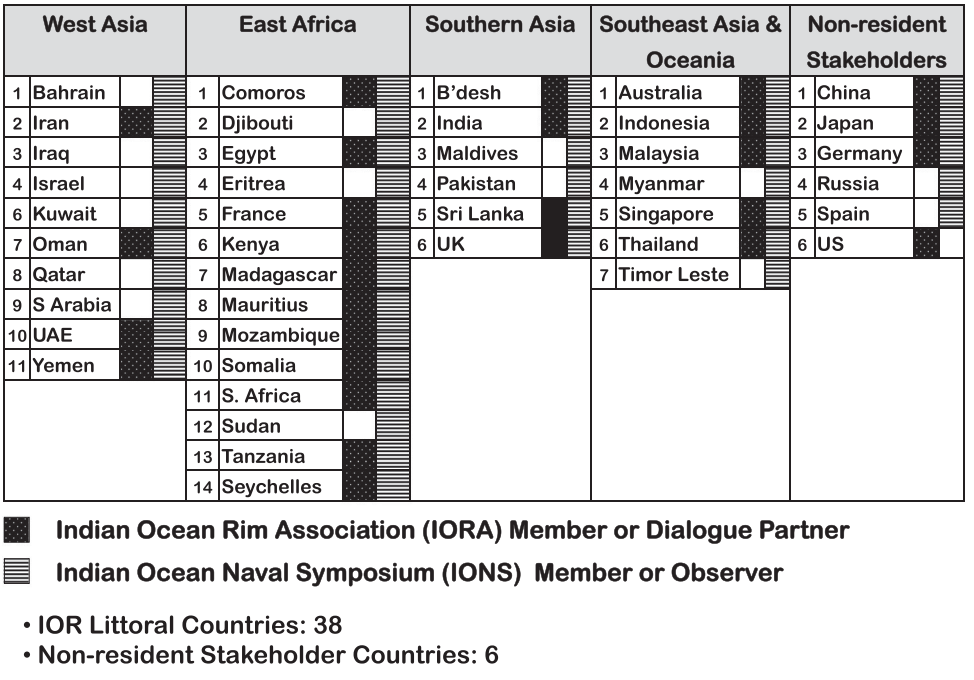

Fig. 1. The Differential in Indian Ocean Rim Association–Indian Ocean Naval Symposium Participation.

encounters – is presently a burning issue in the Asia-Pacific (Western Pacific), it is likely to become increasingly germane to the IOR in the coming years. This calls for a more profound conceptual and functional understanding of the issue.

Freedom of Navigation (FoN)

Recent years have witnessed a palpable increase in joint statements emanating from the apex level of various countries, all expressing a resolve to uphold the freedom of navigation (FoN) in the Indo-Pacific region. For instance, in June 2016, in the wake of the meeting between the Indian Prime Minister Narendra Modi and the United States' President Barak Obama in Washington DC, "They reiterated the importance they attach to ensuring freedom of navigation and overflight and exploitation of resources as per international law, including the United Nations Convention on the Law of the Sea … ".[23] Such broad-based statements are often made by political leaders, but are not very comforting for a mariner or a naval officer. Only a practitioner knows that the "devil lies in the detail".

There lies a nuanced but functionally important divergence, even between India and the US, in the very concept of FoN. India's emphasis is on the end objective of maritime communications, viz. unimpeded maritime commerce and other economic activity. Accordingly, the Indian *Maritime Security Strategy* document of 2015 states,

> *India's trade and energy security, development of its deep-sea mining areas, and supporting its scientific research stations in Antarctica, are all dependent on its Sea Lines of Communication (SLOCs). This has lent a pivotal role to the security of India's SLOCs and increased the importance of the sea routes, international shipping and freedom of navigation to India's national interests.*[24]

On the other hand, the USA emphasises the "means" to ensure FoN, viz. its military mobility. The USA's *Asia-Pacific Maritime Security Strategy* of 2015 states,

> *Freedom of the seas … includes more than the mere freedom of commercial vessels to transit through international waterways … (the United States) uses "freedom of the seas" to mean all of the rights, freedoms, and lawful uses of the sea and airspace, including for military ships and aircraft, recognized under international law.*[25]

The underlying issue is the differing interpretation of Article 87 of the United Nations Convention on the Law of the Sea, 1982 (UNCLOS) on "Freedom of High Seas". Article 87 rightfully applies to military freedom as well, but the UNCLOS does not (and possibly cannot) state explicitly how the security of the coastal state will be ensured, beyond merely stating that "such freedom shall be exercised … with due regard for the interests of other States".[26]

There is a variance even among IOR countries in the interpretation of the UNCLOS, such as in terms of national stipulations for the requirement of prior authorisation for "innocent passage" of foreign warships through their respective territorial seas, and a similar consent for the conduct of foreign military activities in their respective exclusive economic zones (EEZ). Here, differences between the IOR countries and the US are very substantial. This has led to the United States Navy conducting annual Freedom of Navigation Operations (FONOPS) against many IOR countries, including India.[27] However, this notwithstanding, the conceptual divide between IOR countries and China is even wider. While conducting military exercises, China has often declared "no-sail zones" in extensive areas in the South China Sea. Its state-controlled fishing boats (maritime militia) do not appear to be required to adhere to international law or internationally accepted norms while conducting their missions to enforce China's sovereignty claims within the maritime domain. These issues are further complicated by the fact that China applies a dual yardstick to the interpretation of international law. While it strenuously objects to US military activities in its EEZ, it has lately been deploying intelligence-gathering ships in the EEZ of Australia[28] and the United States.[29]

This has created a complex maritime security environment in the IOR, leading IOR countries – including India – to bolster their own military capabilities, especially submarine forces. It is only a matter of time before such trends lead to insecurities relating to unintentional naval encounters in the Indian Ocean.

Code of Conduct for the IOR

The emerging security environment within the IOR has become a legitimate cause for anxiety for many IOR countries, which seek economic development and attendant prosperity for their citizens without wishing to be sucked into a major-power rivalry in the IOR, reminiscent of the Cold War era.

The provisions of the Jakarta Concord on FoN and preventing and managing incidents at sea (as mentioned earlier), and the recent progress on the Code of Conduct (CoC) in the South China Sea,[30] have prompted Sri Lanka to advocate a CoC for the IOR. First articulated at the political level by Sri Lanka's Prime Minister Mr Ranil Wickremesinghe, at the Deakin University in Australia in February 2017,[31] the idea was formally proposed by him

during the Indian Ocean Conference (IOC-17) held in Colombo on September 1–2, 2017.[32] Colombo believes that big-power rivalry in the Indian Ocean is leading to a dilemma for small states like Sri Lanka, which seek to pursue economic development in a benign security environment. Hence, the key aim of the IOR CoC, as envisaged by Mr Wickremesinghe, was to prevent militarisation, and, more specifically, to preserve FoN and prevent unintended naval encounters at sea. On FoN, he said, "A key area of controversy continues to be the issue of military manoeuvres in the exclusive economic zone", for which he advocated the need for consensus and balance.[33] On the issue of preventing naval incidents, he advocated a "code of conduct for military vessels traversing the Indian Ocean", adding that "The Indian Ocean code of conduct can be similar to the memorandum of understanding between the United States and China regarding the rules of engagement for safety in the air and maritime encounters",[34] thereby referring to the Code of Unplanned Encounters at Sea (CUES) implemented in 2014 under the aegis of the WPNS.[35]

Consequently, in January 2018, the Pathfinder Foundation – a Colombo-based Sri Lankan think tank – offered a draft CoC for the Indian Ocean.[36] However, this draft is an extremely watered-down version of the CoC proposal as originally articulated by the Prime Minister of Sri Lanka. It restricts itself to issues relating to non-traditional security, rather than addressing the emerging major-power rivalry in the IOR.

The CoC for the IOR, as originally conceived, may well be a good idea to create a positive regional environment and to achieve an "Indian Ocean Identity". The CoC could address not only FoN and de-confliction of naval encounters, but also settle other divergences among the IOR countries; for instance, on the operation of private maritime security companies (PMSC) and "floating armouries". The CoC could also provide for an understanding among the IOR countries to refrain from partnering with non-resident powers in activities that may be detrimental to the security interest of another IOR country – specifically, for instance, in terms of accepting extraregional investments in dual-use (military–civilian) infrastructure projects.

However, as a survey by the author indicates, not many IOR countries seem comfortable with the idea of the CoC for the Indian Ocean. It is pertinent to note that ASEAN has been making valiant efforts, but in vain, to create and implement a viable and acceptable CoC for the South China Sea, over the past two decades. Hence, for the ASEAN countries (most of which straddle the Western Pacific) as well as the IOR the label "CoC" carries negative connotations. Therefore, a CoC for the IOR is possibly the case of a "wrong name for the right thing". On a more serious plane, several countries have expressed their apprehension that the CoC proposal would dilute existing multilateral maritime security mechanisms, such as IORA and IONS.

In the light of the aforementioned considerations, it may be to prudent to revitalise the original CoC idea, but with a different name, and with an expanded scope. Such a code might be developed under the aegis of the IORA through a two-phase consultative process at the Track 1.5 level. The first phase would need to involve only the resident countries of the IOR that are members of the IORA. In the second phase, non-resident Dialogue Partners of IORA would need to be "brought on board". The code should not be legally binding; at least, not yet. The aim should be limited to evolving norms of conduct towards building a benign environment in the IOR.

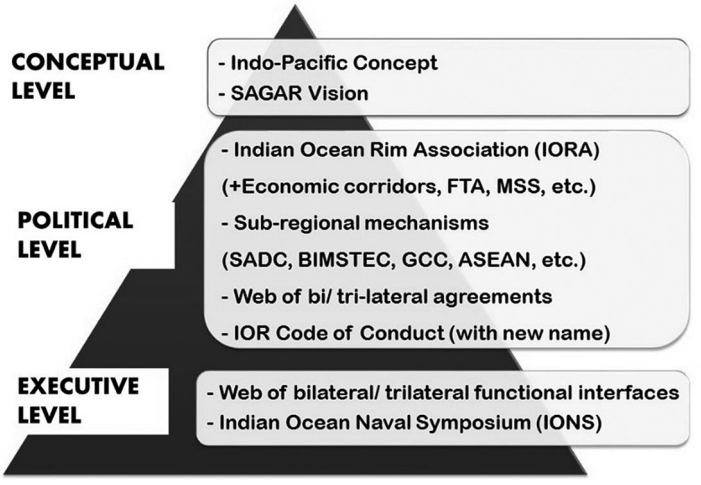

Fig. 2. Proposed Multilateral Structure for the IOR. SAGAR: Security and Growth for All in the region; FTA: Free Trade Agreements; MSS: Maritime Safety and Security; SADC: Southern African Development Community; GCC: Gulf Cooperation Council; ASEAN: Association of South East Asian Nations; IOR: Indian Ocean Region.

Conclusion

In sum, a proposed structural hierarchy for the IOR, to facilitate multilateral interstate geopolitical cooperation – encompassing all facets ranging from geoeconomics to maritime safety and security, and good order – is depicted in Figure 2.

At the apex level lies the "conceptual structure". At this level, the concept of the "Indo-Pacific" itself seeks to capitalise upon the opportunities arising from the growing geoeconomic linkages between the Western Pacific and the IOR, as well as in terms of sharing of subconcepts (like "inclusivity"), and the emulation of each other's best practices. At this level, the collective approach of the IOR countries would need to be based upon the vision of SAGAR, essentially implying that if each Indian Ocean country is a "boat", the Indian "boat" cannot rise unless all "boats" rise with the rising tide.

At the "political level" is IORA – an established platform for region-wide multilateral interface, and an enabler for national policymaking within the IOR member states and between them and IORA's Dialogue Partners. However, IORA needs to be made more representative in terms of membership of all IOR countries. Further, the geoeconomic and security mandates of IORA need to be reinforced by a web of bilateral and trilateral agreements amongst the IOR countries. The proposed Code of Conduct for the Indian Ocean – preferably re-named more appropriately – could effectively complement the efforts of the IORA through norm-building.

The "executive level" of the IOR's multilateral structure would comprise a web of bilateral and trilateral interfaces among the IOR countries. These would be functional interfaces relating to diverse spheres of activities, ranging from collaboration in commerce and technology, to defence and security ties. The IONS would provide the multilateral interface on functional issues relating to maritime security, maritime safety, good order and confidence-building.

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