

BIMSTEC @ 20

Common Responses to Maritime Security Threats in the Bay of Bengal

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ABSTRACT The Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC) appears to be gaining momentum in formulating collective strategies to combat non-traditional security threats in the subregion. This brief describes how BIMSTEC had focused on bilateralism or trilateralism from its inception in 1997 until 2015, thereby failing to pursue a more comprehensive and long-term approach to addressing the common threats to their security. This changed in December 2016, when India brought together BIMSTEC members to address the challenge multilaterally at the joint BRICS–BIMSTEC Outreach Summit in Goa. The BIMSTEC Leaders’ Retreat 2016 Outcome Document signed at the Summit vowed to take concrete measures to step up cooperation among law enforcement, intelligence and security organisations of the members to meet the challenge of international terrorism, violent extremism and radicalisation. The national security chiefs of the BIMSTEC member countries then met in 2017 to outline specific steps for cooperation to increase maritime security in the region.

INTRODUCTION

The Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC) was conceived in 1997 as a sector-driven cooperative organisation, based on respect for the principles of sovereign equality, territorial integrity, political independence,

non-interference in internal affairs, peaceful co-existence, and mutual benefit.¹ It brings together five South Asian Association for Regional Cooperation (SAARC) countries (Bangladesh, Bhutan, India, Nepal and Sri Lanka) and two Association of South East

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Asian Nations (ASEAN) countries (Myanmar and Thailand). While the other five countries have extensive coastlines, Nepal and Bhutan are landlocked within the Indian sub-continent. However, both are located at the head of rivers emerging from the Himalayas to join the rivers Ganges and Brahmaputra in India, which flow into the Bay through Bangladesh. They are thus integral to the study of inter-linkages between the Himalayan and the Bay of Bengal ecological systems and have a key role to play in human security in the region in the context of Humanitarian Assistance and Disaster Relief (HADR) initiatives.²

The BIMSTEC members cooperate in 14 priority sectors, with each country leading one or more sectors. India leads four sectors—Counterterrorism and Transnational Crime; Telecommunication and Transport; Tourism; and Environment and Natural Disaster Management. Bangladesh leads Trade and Investment, and Climate Change. Myanmar leads Energy and Agriculture. Thailand leads Fisheries, Public Health and People-to-People contact. Sri Lanka leads Technology, while Nepal and Bhutan lead Poverty Alleviation and Culture, respectively.

In ‘India’s Approach to Asia: Strategy, Geopolitics and Responsibility’, Namrata Goswami takes up four case studies relating to four regional organisations: South Asian Association for Regional Cooperation (SAARC), the Indian Ocean Rim Association (IORA), the Mekong Ganga Cooperation (MGC), and BIMSTEC, in the period between 1978 and 2015.³ Goswami’s research shows a lack of multilateralism in the South Asian region with overlapping memberships and objectives of these different organisations. It highlights how, in theory, BIMSTEC could serve numerous

purposes, such as the promotion of cooperation to ensure the security of waterways, and fighting organised crime, piracy and drug trafficking.⁴ However, the current state of affairs of regional multilateralism in South Asia and neighbouring regions is that each country fends for itself, and cooperation is only bilateral or trilateral, not multilateral.⁵

In the absence of a comprehensive and long-term approach by BIMSTEC members to enhance traditional and non-traditional maritime security in the Bay of Bengal subregion, extra-regional powers have acquired a fair amount of naval presence in these waters.⁶ The Bay is largely calm but because it lacks a security architecture led by a local superpower, the naval risk reduction measures in it lack an institutional framework.⁷

In 2016, India invited the BIMSTEC nations to a joint Outreach Summit with the BRICS (Brazil, Russia, India, China, and South Africa) nations. The BIMSTEC Outcome Document was signed by member countries to “outline the specific steps to strengthen the legal framework to strengthen cooperation against international terrorism, transnational organised crime and drug trafficking”.⁸ The BRICS–BIMSTEC Outreach Summit was followed by the first meeting of national security chiefs of BIMSTEC member states in New Delhi in March 2017. At this meeting, the member states “underscored the importance of recognising the Bay of Bengal as common security space and agreed to work out collective strategies for common responses”.⁹ They considered setting up a BIMSTEC Himalayan Science Council “to bring together scientific institutions to study the health of the ecological systems and their impact on human security”.¹⁰

The Track 1.5 BIMSTEC Security Dialogue Forum was created at the 2017 meeting. It met again in India in September 2017 at the Institute for Defence Studies and Analyses (IDSA) in New Delhi and initiated multilateral cooperation in a wide variety of areas.

This brief aims to:

- Understand the need for an institutional framework for maritime security and naval risk reduction in the common security space of the Bay of Bengal;
- Highlight the magnitude of the common non-traditional maritime security threats in the Bay;
- Examine the increased need for sub-regional cooperation; and
- Present BIMSTEC's relevance in working towards regional multilateral cooperation for common responses to maritime security threats.

TRADITIONAL MARITIME SECURITY THREATS IN THE BAY OF BENGAL

Traditional maritime security threats include piracy, threats to sea-lanes of communication (SLOC) and military presence and competition in a maritime region which could shift the balance of power.¹¹

The Bay of Bengal is a strategically located maritime resource north of the Straits of Malacca. The Straits of Malacca is one of the most important shipping lanes in the world, carrying about one-fourth of the world's traded goods, including Chinese manufactured products and about a quarter of all the oil carried by sea from the Persian Gulf to various economies.¹² Due to the Bay's proximity to the

Straits, extra-regional powers have been active in the Bay of Bengal with a fair amount of naval presence. Since the 1960s, the most prominent among them have been the UK, the US, the erstwhile Soviet Union (now Russia), and more recently, China, Japan and Australia. India's Navy is the largest resident navy in the Bay; it has a much larger presence than the others from outside the region through its establishments in the Andaman and Nicobar islands.

The Bay waters are patrolled by local and extra-regional navies mainly due to their proximity to the Straits of Malacca. With the rise of South Asian and South East Asian economies, the increase in trade between South Asia and South East Asia, and the building of large seaports and Special Economic Zones (SEZs) by China and India in the littorals of the Bay of Bengal, the Bay region itself has now assumed geostrategic importance among regional and extra-regional players.¹³

Data released by the International Chamber Of Commerce (ICC) and International Maritime Bureau (IMB) in 2015 reveals that incidents of sea piracy in the South East Asia region exceeded those in the Somalian region.¹⁴ Somali pirates accounted for four percent of global activity in 2014, while Indonesia and Bangladesh accounted for approximately 30 percent of the total attacks on vessels in 2014.¹⁵ The ICC and IMB rated Bangladesh's Chittagong the world's most dangerous port.¹⁶

Most of the efforts to tackle the subregion's traditional maritime security threats have been through naval deployments, using bilateral and trilateral engagements.¹⁷

Shivshankar Menon, formerly India's National Security Advisor and currently Visiting Fellow at the Institute of South Asian Studies (ISAS), Singapore, writes: "The maritime order in the Indian Ocean is largely calm at present, but for fortuitous reasons rather than by design. If this fragile and deceptive calm is to be preserved in the future, action must be taken, whilst a relatively benign strategic environment still persists".¹⁸

The Bay of Bengal region lacks a security architecture led by a local superpower, and there is no institutional framework to manage the naval risk reduction measures. Until 2016, India also did not take proactive interest in institutionalised multilateral military exercises and engagements in the region.¹⁹ BIMSTEC is neither equipped, nor expected to facilitate such naval reduction arrangements between members. However, maritime orders benefit all the nations involved because common waters are a public good with shared goals such as freedom of navigation, unlike territorial orders, which benefit only the state that owns the waters.²⁰ This leaves much scope for a maritime cooperative order in this increasingly important Bay.

The Bay of Bengal is getting crowded due to increased naval presence in the region. However, most of the cooperation in traditional maritime security in the sub-region is currently either bilateral or trilateral. For example:

- Bangladesh discovered oil and gas reserves of 15.51 trillion cubic feet in its waters in 2008, which led to a standoff between Bangladesh and Myanmar over maritime boundaries. However, Myanmar agreed to

withdraw from oil exploration in the disputed waters²¹ after China intervened.

- After its standoff with Bangladesh,²² Myanmar assumed an outward-oriented naval security posture to protect its growing offshore oil and gas assets and trade routes in the Sittwe and Dawei SEZs.²³ This was in contrast to its earlier years of keeping its navy mostly oriented inwards, offering riverine support to the army in its counter-insurgency efforts and to the coastline patrol against smuggling.²⁴
- Bangladesh is working on expanding its capabilities to protect its territorial waters in the Bay of Bengal. In October 2017, the Bangladesh Navy ordered two maritime patrol aircraft from Germany to support surveillance and patrol flights for all aspects of maritime security and to strengthen its search and rescue operations.²⁵ In 2016, it enhanced its undersea capabilities by procuring two Ming-Class submarines from China.²⁶
- India enhanced its cooperation with Bangladesh bilaterally in 2014 when it accepted an arbitration tribunal's decision to award Bangladesh 19,467 sq km of area in the Bay of Bengal. The decision ended the 40-year maritime row between the countries over overlapping exclusive economic zones (EEZ) in the Bay of Bengal.²⁷
- Myanmar has a long coastline and therefore a very large jurisdictional presence in the maritime spaces of the Bay.²⁸ Since 2015, India and Myanmar navies have expanded their coordination in shipbuilding, patrolling, anti-piracy operations, hydrographic surveys,

training, among other activities, in the Bay waters.²⁹

- Sri Lanka went into individual bilateral cooperation with China and India to modernise its ageing maritime infrastructure that was unable to cope with the increased requirements of anti-piracy and counterterrorism activities.³⁰ India delivered a 105-metre patrol vessel to the Sri Lankan Navy in August 2017 under a major contract for two vessels. The second will be delivered in early 2018. The fleet will support maritime surveillance, defence of offshore installations and escorting of high value ships.³¹
- Thailand plays an important role in BIMSTEC as a land and sea gateway into South East Asia.³² In 2016, India and Thailand announced increased cooperation in the fields of defence and maritime security including counter terrorism, cyber security, narcotics, transnational economic offences and human trafficking.³³
- India, the US and Japan hosted the 21st edition of Tri-nation Malabar Naval Exercise in the Bay of Bengal in 2017 and began collaborating on a range of activities including counter-terror patrols, strike operations, medical operations, damage control, and explosive ordinance disposal.³⁴

On the multilateral front, India has been hosting the MILAN series of multilateral naval engagements off the Andaman & Nicobar Islands in the Bay of Bengal since 1995.³⁵ The engagement started by five countries matured into a 17 member participatory exercise in 2014, including all the littoral BIMSTEC members. Navies of Australia, Singapore,

Philippines, Cambodia, Kenya, Tanzania, among others, joined in the efforts to promote maritime security.³⁶ While multilateral cooperation is gaining momentum, there is a clear need for existing sub-regional organisations like BIMSTEC to institutionalise the framework for coping with the traditional maritime security threats in the Bay of Bengal.

Since maritime security threats are common to the subregion, a regional security structure can be created by BIMSTEC member states, while continuing bilateral and multilateral exchanges. Extra-regional powers can be included in the structure to proactively promote intelligence sharing, skill enhancement, developing legal frameworks and promoting naval risk reduction measures. Finding cooperative solutions to reduce piracy, secure sea lanes of communication, and help maintain maritime order through naval risk reduction can only have positive effects on the maritime security of the entire region.³⁷

NON-TRADITIONAL MARITIME SECURITY THREATS IN THE BAY OF BENGAL

There is no agreed definition of non-traditional security challenges. According to Mely Caballero-Anthony,³⁸ non-traditional security threats may be defined as “challenges to the survival and well-being of peoples and states that arise primarily out of non-military sources, such as climate change, cross-border environmental degradation and resource depletion, infectious diseases, natural disasters, irregular migration, food shortages, people smuggling, drug trafficking, and other forms of transnational crime.”³⁹

There is high potential for maritime terrorism-led catastrophe in the Bay of Bengal region from various non-state actors and terrorist outfits. Several small islands in the Bay are potential sanctuaries and operational bases of terrorists, hijackers, drug traffickers and illegal arms dealers.⁴⁰ Captured oil or gas tanker vessels can be used by terrorists for explosions at busy seaports.⁴¹ The current lack of unanimity in intelligence gathering and understanding of the magnitude of the threat makes the region highly vulnerable. The BIMSTEC Leaders' Retreat 2016 Outcome Document recognised the "need for urgent measures to counter and prevent the spread of terrorism, violent extremism and radicalisation."⁴² Members expressed "determination to take concrete measures to step up cooperation and coordination among our law enforcement, intelligence and security organisations."⁴³

The poor in the highly populated regions of Bangladesh, Myanmar, Nepal and India are regular targets of human traffickers for forced labour and the sex trade.⁴⁴ It is alleged that Bangladesh is looking to migrate and the Rohingyas of Myanmar facing ethnic persecution, became targets of human traffickers in Thailand in 2014 while fleeing towards South East Asia through the sea routes over the Bay of Bengal and the Andaman Sea.⁴⁵ The Rohingya migration crisis has escalated since then. India, Bangladesh and Thailand have felt the impact of the mass migrations. The BIMSTEC Outcome Document signed by the member countries in 2016 outlined specific steps to strengthen the legal framework to cooperate multilaterally against transnational organised crime.⁴⁶ It remains to be seen if BIMSTEC will be involved in providing a

multilateral platform for resolving transnational crimes that are the result of human migration.

The Bay of Bengal is 2,172,000 square km in size. It nests important commercial sea ports that are vital to stimulating the region's economic and socio-cultural prosperity. The port cities of Kolkata and Dhaka are both 10 million-plus agglomerations.⁴⁷ They feature among the cities most threatened by rising sea levels due to temperature rise: a rise in temperature by 4°C would adversely affect 51 percent of Kolkata's population and 38 percent of Dhaka's.⁴⁸

According to the rapid response report published by the United Nations Environment Programme (UNEP) and INTERPOL in June 2016, environmental crime is growing two to three times faster than global GDP.⁴⁹ Environmental crime dwarfs the illegal trade in small arms and is the world's fourth-largest criminal enterprise after drug smuggling, counterfeiting and human trafficking.⁵⁰ In 2013, the UN Office on Drugs and Crime (UNODC) estimated the illegal trade in e-waste to Southeast Asia and the Pacific at US\$3.75 billion annually.⁵¹ As per a 2013 report in the International Journal of Asian Social Science (ASES), Bangladesh has been at the receiving end of illegal chemical waste dumping, electronic waste dumping and shifting of hazardous ship-breaking activities in the Bay area.⁵² A US company, Stroller Chemical Co (SSC), mixed 1,000 tons of classified hazardous wastes containing high levels of lead and cadmium into fertilisers and illegally exported it to Bangladesh. Another US ship, Flashier, carrying hazardous toxic wastes was turned away by activists from the Bay of Bengal. Due to lack of proper education, legislation and regulation, the region suffers from

environmental degradation and resource depletion.⁵³ BIMSTEC can play a key role in enhancing maritime security of the region from such manmade environmental disasters through institutionalised regional cooperation.

The July 2011 report, *Global Transport Networks and Infectious Disease Spread*, says that “increases in global travel, whether through human-incubated pathogens, or insect vectors, or ships transporting used tyres containing mosquito eggs, is catching speed and complexity and making the traditional ‘drawbridge’ strategy of disease control and quarantine increasingly irrelevant.”⁵⁴ Over the past 185 years, *Vibrio cholerae* has escaped seven times from its endemic heartland in West Bengal, India, resulting in pandemics.⁵⁵ The members agreed to strengthen collective efforts to address public health issues during the 2016 BRICS-BIMSTEC Outreach Summit.

BIMSTEC started with six economy-related priority areas in 1998, but in 2005, also included security issues to counter terrorism, transnational crime and disaster management among its concerns.⁵⁶ Non-state actors are misusing technology to create unprecedented threats across the sub-region. No single state is equipped to unilaterally handle the rising challenges in maritime security. Since each member country leads a certain priority area, the need of the hour is cooperating multilaterally to enhance maritime security by using the available institutions.

BIMSTEC’S GROWING RELEVANCE IN WORKING TOWARDS REGIONAL MULTILATERAL COOPERATION

The first meeting of the BIMSTEC Track 1.5 Security Dialogue Forum took place in

September 2017 at the IDSA in New Delhi. Members renewed their commitment to increase maritime security “encompassing a wide variety of areas, including protection of marine resources, maritime law enforcement, environmental concerns, natural disasters, threats from terrorists through the sea routes, etc., and require coordinated efforts among the agencies of the member states responsible for individual areas”.⁵⁷ Since India leads the priority area Counter Terrorism and Transnational Crime, it was incumbent upon India to institutionalise a multilateral framework for securing the region.

Earlier, at the opening of the BIMSTEC Network of Policy Think Tanks (BNPTT) meeting in Dhaka in April 2017, Gowher Rizvi, the international affairs adviser to Bangladesh Prime Minister Sheikh Hasina, highlighted the failure of SAARC in mitigating environmental and human development concerns in the Bay area. He announced, “In Bangladesh we see much of the future in the sub-region. It is the sub-region we are focused on. We have BBIN (Bangladesh, Bhutan, India, Nepal), BCIM (Bangladesh-China-India-Myanmar Forum for Regional Cooperation) and BIMSTEC... this is where we see our future.”⁵⁸


The Bay of Bengal region is prone to frequent cyclones and hurricanes. The natural disasters lead to acute human development challenges in the coastal areas including loss of lives and resources, migration, poverty and spread of diseases. During the first BIMSTEC Annual Disaster Management Exercise, (DMEx) in October 2017 in New Delhi, a platform was created for common inter-governmental responses to emergencies and management of mass casualties.⁵⁹

From the above commitments, it is evident that BIMSTEC members have made a strong shift towards multilateral cooperation in the region in 2017. From 2016 onwards, SAARC's decreased relevance and India's increased interest in promoting multilateralism through BIMSTEC has suddenly elevated BIMSTEC's profile in facilitating common responses to non-traditional maritime security threats.

CONCLUSION

While traditional maritime security threats exist in the Bay of Bengal in the form of increased piracy and naval deployments by regional and extra-regional powers, BIMSTEC is currently not aligned multilaterally to institutionalise the framework for building an overarching maritime security architecture in

the region. It is here that the world's largest trading nations have their interests. It thus makes sense to build a maritime order.

Most of the efforts to address traditional maritime security threats are bilateral or trilateral. Since maritime security threats are common to the subregion, looking ahead, a regional security architecture can be created by the BIMSTEC member states in cooperation with extra-regional powers while continuing bilateral and multilateral exchanges. The recent steps taken by BIMSTEC towards intelligence sharing and understanding the magnitude of threats to the region and thereby strengthening common responses to non-traditional maritime security has raised BIMSTEC's profile as a relevant subregional organisation. 

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