The Challenge of Building a "Free and Open" Indo-Pacific Region

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The Indo-Pacific region, uniting the Indian and Pacific oceans, is the world's economic and geopolitical hub. It is home to the world's most populous nations, largest economies, and largest militaries. While the Pacific is the world's largest ocean, the Indian Ocean is also big, extending from Australia to the Middle East and southern Africa. Two-thirds of the world trade moves through the Indo-Pacific. This vast region includes more than half of Earth's surface and two-thirds of the population. Just Asia is projected to have 40 percent of the world's middle class by next year.[1]

More significantly, the Indo-Pacific is emerging as the center of global power and wealth. Building a stable balance of power that keeps the peace is at the heart of the security challenges in this sprawling region.

Geopolitical rivalry in the Indo-Pacific, however, is already sharpening. For example, several boundary, sovereignty and jurisdiction disputes threaten freedom of navigation. China is challenging the existing balance of power, with its territorial and maritime revisionism injecting greater instability and tensions. Indeed, China is seeking to checkmate, if not supplant, the United States, the dominant power in the Indo-Pacific.

U.S. President Donald Trump's administration has championed the concept of a "free and open Indo-Pacific." Under this strategy, freedoms of navigation and overflight would be safeguarded, commerce and culture flows would stay unhindered, existing borders would not disturbed, and nations would respect international rules and norms and also respect their neighbors as equals. Simply put, the concept's "free" part includes keeping regional states free from external coercion. Any sustained coercion, after all, can undermine strategic autonomy.

The Trump administration, through its "free and open" Indo-Pacific strategy, has clearly signaled that the United States has no intention of ceding influence or control over the region to China. In fact, in his speech at the 2018 Asia-Pacific Economic Cooperation (APEC) CEO meeting, U.S. Vice President Mike Pence mocked Chinese

President Xi Jinping's Belt and Road Initiative (BRI) as a "constricting belt" and a "one-way road" that compromises sovereignty and drowns partner-states in "a sea of debt."[2] "Preserve your independence," he counseled. "The truth is governments that deny rights to their own people too often violate the rights of their neighbors. Authoritarianism and aggression have no place in the Indo-Pacific," Pence added.

The Region

According to the U.S. government, the Indo-Pacific region extends from "the west coast of India to the western shores of the United States."[3] The phrase "Indo-Pacific," as then U.S. Secretary of State Rex Tillerson alluded to, is intended to emphasize that the U.S. and India are "bookends" in that extended region. However, not all the regional states accept this definition of the region. India, for example, sees the region as stretching from the western coast of North America to South Africa, the Horn of Africa, and the critical sea lines of communication (SLOCs) through the Strait of Hormuz.

The fact is that the U.S. definition of the Indo-Pacific has much to do with the geographical zones of its naval commands. The definition of the Indo-Pacific meshes with the geographical range of the U.S. Navy's Indo-Pacific Command. That range extends up to India's sea frontier with Pakistan. The area beyond comes under the U.S. States Naval Forces Central Command (NAVCENT), which includes the Fifth Fleet and whose area of responsibility extends to the Arabian Sea, the Persian Gulf, the Red Sea and the Gulf of Oman. However, because of India's location close to the Middle East, U.S. navy fleets under three different U.S. commands — the Indo-Pacific Command, Central Command, and Africa Command — interact with the Indian Navy.

It was in May 2018 that then U.S. Defense Secretary James N. Mattis announced the renaming of the U.S. Pacific Command as the U.S. Indo-Pacific Command describing the expanded theater as stretching "from Bollywood to Hollywood." The renaming was a recognition of the increasing connectivity between the Indian and Pacific Oceans and America's commitment to a "free and open" Indo-Pacific strategy. As Mattis himself acknowledged, "In recognition of the increasing connectivity between the Indian and Pacific Oceans, today we rename the US Pacific Command to US Indo-Pacific Command." To be sure, the renaming of the command was largely a symbolic move, not

entailing the deployment of additional U.S. assets in the region for the present.

But the move implicitly recognized India's increasing strategic significance for the United States. Three days after announcing the renaming in Hawaii, Mattis said in a speech at Singapore that "standing shoulder to shoulder with India, ASEAN and our treaty allies and other partners, America seeks to build an Indo-Pacific where sovereignty and territorial integrity are safeguarded — the promise of freedom fulfilled and prosperity prevails for all."

Indian Prime Minister Narendra Modi, for his part, unreservedly echoed the American objective to achieve a "shared vision of an open, stable, secure and prosperous" Indo-Pacific, which he described as "a natural region." Modi's description of the Indo-Pacific as a "natural region" countered the argument of critics that the region stretching from Hollywood to Bollywood (and beyond) was too vast and disparate to be a single geopolitical zone.

India occupies a critical position in the Indo-Pacific. It has a coastline of 7,500 kilometers, with more than 1,380 islands and more than two million square kilometers of Exclusive Economic Zone.

The plain fact is that the Indo-Pacific has emerged as the new global center of trade and energy flows, in keeping with the shift in world power from the trans-Atlantic region to the East. In fact, the Indo-Pacific is likely to determine international geopolitics, maritime order, and balance of power. Yet, it is also true that in no part of the world is the security situation so dynamic and in such flux as in the Indo-Pacific — the hub of global geopolitical competition. The region's important littoral states are linked by a common history of sea faring.

However, the region also faces important challenges. The challenges in the Indo-Pacific extend from traditional security threats to nontraditional and emerging challenges. The challenges are linked to its vast size and its vulnerability to natural disasters and global warming. Indeed, the region is regularly battered by natural disasters and accounts for more than three-quarters of the world's natural disasters.

The Indo-Pacific is actually on the frontlines of climate change. It has countries whose very future is imperiled by global warming. These states include the archipelago of Maldives (the world's flattest country) and Bangladesh, whose land area is less than half the size of Germany but

with a population more than double. Because it is made up largely of low-lying floodplains and deltas, Bangladesh risks losing 17 percent of its land and 30 percent of its food production by 2050 due to saltwater incursion resulting from the rising ocean level, according to the Intergovernmental Panel on Climate Change. If, in the future, a state like the Maldives was submerged due to the global-warming-induced rise of ocean levels, what would be the legal status of its exclusive economic zone (EEZ), including the mineral wealth in it? This is an open question.

More fundamentally, the increasing use of the phrase "Indo-Pacific," instead of the "Asia-Pacific" term that had long been common, reflects the concerns in most capitals in the region about the security of the maritime domain. "Asia-Pacific" and "Indo-Pacific" may cover the same large region. But unlike "Asia-Pacific," the term "Indo-Pacific" connotes a maritime dimension. After all, the term Indo-Pacific represents the fusion of two oceans — the Pacific and the Indian.

The regional security competition is occurring largely in the maritime context, which explains the increasing use of the term "Indo-Pacific," rather than "Asia-Pacific." Underscoring the growing importance of the maritime domain, Asia's oceans and seas have become an arena of competition for resources and influence. It now seems likely that future crises in the Indo-Pacific will be triggered at sea or at least settled at sea.

Against this background, especially while referring to the regional security competition or maritime developments, the term "Indo-Pacific" increasingly is being used in strategic discourse in place of "Asia-Pacific." The change in terminology helps to underscore that the Indian and Pacific oceans form a combined strategic region. The terminology change implicitly sends out the message that security in the world's maritime hub demands closer strategic engagement among the region's major democracies, including upholding freedom of navigation at sea.

The term "Indo-Pacific" may have gained currency only in recent years, but it is important to remember that the concept of "Asia-Pacific" evolved as the Cold War was winding down. The term "Asia-Pacific" gained currency, in large part, to help the U.S. to balance its traditional focus on Europe with a new emphasis on the economically rising Asia. This new emphasis led to the emergence of the Asia-Pacific Economic

Cooperation (APEC) forum, which was founded just as the Berlin Wall collapsed.*

Today, the new challenges and opportunities are increasing the salience of the term "Indo-Pacific" while lowering the relevance of the concept of "Asia-Pacific." This has been underscored by the U.S.-led "free and open Indo-Pacific" strategy; China's increasing forays into the South Pacific and the Indian Ocean region, which extends up to the Middle East and eastern and southern Africa; India's "Look East" policy, which has now become the "Act East" policy; and Japan's western-facing approach. In fact, the term "Indo-Pacific" gained special relevance after the 2005 inaugural meeting of the East Asia Summit (EAS), an initiative that was really an Indo-Pacific forum because it included India, Australia and New Zealand as founding members. The United States and Russia were later brought into the EAS initiative, further enhancing its Indo-Pacific character. With China establishing its first overseas military base at Djibouti and increasingly dispatching submarines to the Indian Ocean, where it has pursued a string of port-related projects, including a dual-purpose port in Gwadar, Pakistan, the shift to the term "Indo-Pacific" became inevitable for analytical correctness and policy application.

However, the name "Indo-Pacific" isn't exactly new nor is Donald Trump the first U.S. president to embrace it. Trump's predecessor, Barack Obama, used the term "Indo-Pacific." In fact, it was Obama's secretary of state, Hillary Clinton, who took to the term "Indo-Pacific" in a way to popularize it. Ms. Clinton referenced the "Indo-Pacific basin" in a 2010 speech in Hawaii and, in 2011, penned an op-ed in *Foreign Policy* magazine saying that the U.S. was expanding its alliance with Australia to make it an "Indo-Pacific one." In the international relations literature, the name "Indo-Pacific" has been in use since the 1990s. However, only in recent years has that term become widely known.

To be sure, the terminology change rankles Beijing, which insists on using the name "Asia-Pacific" because it sees that concept as underscoring China's centrality. By contrast, China views the term "Indo-Pacific" as helping to raise the profile of its foe, India. New Delhi, of course, loves the name "Indo-Pacific." As Prime Minister Narendra Modi said in an op-ed published in 27 ASEAN newspapers on January 26, 2018 (the day leaders of all 10 ASEAN states were honored as chief guests at India's Republic Day parade), "Indians have always looked east to see the nurturing sunrise and the light of opportunities. Now, as before, the East,

* APEC Secretariat, "About the Asia-Pacific Economic Cooperation," https://www.apec.org/About-Us/About-APEC.

or the Indo-Pacific region, will be indispensable to India's future and our common destiny."[4]

As a concept, "Indo-Pacific" offers the geopolitical framework to foster growing strategic cooperation and collaboration among the United States, India, Japan, Australia and other key regional players. For example, by employing the Indo-Pacific as their geopolitical framework, democratic powers can develop the appropriate maritime capabilities and partnerships to help advance regional stability and power equilibrium. However, such collaboration and partnerships must extend to non-democracies like Vietnam, which has the resolve to stand up to China.

"Free and open Indo-Pacific"

The term "Indo-Pacific" has become shorthand for a rules-based, liberal order. By contrast, the concept of "Asia-Pacific" is seen as placing China too firmly at the center, with that country's muscular rise raising the troubling specter of an illiberal, hegemonic order with Chinese characteristics.

The concept of a "free and open Indo-Pacific" was originally authored by Japanese Prime Minister Shinzo Abe, who has been pushing since 2007 that the "Indo-Pacific" term be used in preference to "Asia-Pacific." Abe, clearly, was instrumental in shaping the Trump administration's "free and open Indo-Pacific" strategy. Abe first used the "free and open Indo-Pacific" phrase in August 2016 while laying out Japan's own strategy for the region. Abe's "Free and Open Indo-Pacific Strategy" speech was delivered In Nairobi, Kenya, at the Tokyo International Conference of African Development (TICAD), which was launched by Japan in 1993 to help promote Africa's development, peace and security through multilateral cooperation and bilateral partnerships.[5] In that keynote speech, Abe outlined his vision for the largest stretch of the globe — from the Pacific to the Indian oceans — that he hoped would be united by trade and a common political worldview. Partly a riposte to China's Belt and Road Initiative (BRI), Abe's "Free and Open Indo-Pacific" vision was based on the principles of free trade and freedom of navigation, the rule of law and the market economy. These are the very principles that have come to define America's own "free and open Indo-Pacific" strategy.

Abe's Indo-Pacific strategy grew out of his 2012 proposal to create a "democratic security diamond" in Asia. Speaking of "the confluence of

the Indian and Pacific Oceans," Abe wrote in an op-ed in 2012 that "it is imperative that the democratic nations" in the region work together. He suggested "a strategy whereby Australia, India, Japan and the U.S. state of Hawaii form a diamond to safeguard the maritime commons from the Indian Ocean to the western Pacific."[6]

About a year after Abe made his Indo-Pacific proposal, the idea was echoed by the then U.S. Secretary of State Rex Tillerson in his first major speech after assuming office. Tillerson, speaking at the Washington-based Center for Strategic and International Studies in October 2017, said: "In particular, India and the United States must foster greater prosperity and security with the aim of a free and open Indo-Pacific. The Indo-Pacific, including the entire Indian Ocean, the Western Pacific and the nations that surround them, will be the most consequential part of the globe in the 21st century. Home to more than 3 billion people, this region is the focal point of the world's energy and trade routes. Forty percent of the world's oil supply crisscrosses the Indian Ocean every day, through critical points of transit like the Straits of Malacca and Hormuz. And with emerging economies in Africa, and the fastest growing economy and middle class in India, whole economies are changing to account for this global shift in market share. Asia's share of global GDP is expected to surpass 50 percent by the middle of this century. We need to collaborate with India to ensure that the Indo-Pacific is increasingly a place of peace, stability and growing prosperity so that it does not become a region of disorder, conflict, and predatory economics. The world's center of gravity is shifting to the heart of the Indo-Pacific. The U.S. and India, with our shared goals of peace, security, freedom of navigation, and a free and open architecture, must serve as the Eastern and Western beacons of the Indo-Pacific, as the port and starboard lights between which the region can reach its greatest and best potential."[7]

But it was President Trump who formally unveiled his administration's new "free and open Indo-Pacific" strategy. He did that, interestingly, in the Vietnamese beach resort of Da Nang while delivering his speech at the Asia Pacific Economic Cooperation (APEC) forum in November 2017.[8] As Trump put it, Vietnam is "in the very heart of the Indo-Pacific." He said that his vision for a free and open Indo-Pacific is "a place where sovereign and independent nations, with diverse cultures and many different dreams, can all prosper side-by-side, and thrive in freedom and in peace." Then days later, speaking in the Philippines, Trump called for a "truly free and open Indo-Pacific region."[9]

This was followed by the U.S. National Security Strategy report also detailing the "free and open Indo-Pacific" vision. According to the report, "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."[10] While stating that "Chinese dominance risks diminishing the sovereignty of many states in the Indo-Pacific," the report held out a warning: "We are under no obligation to offer the benefits of our free and prosperous community to repressive regimes and human rights abusers."

What do the words "free" and "open" mean in America's Indo-Pacific strategy. U.S. Secretary of State Mike Pompeo offered an explanation: "When we say 'free' Indo-Pacific, it means we all want all nations, every nation, to be able to protect their sovereignty from coercion by other countries. At the national level, 'free' means good governance and the assurance that citizens can enjoy their fundamental rights and liberties. When we say 'open' in the Indo-Pacific, it means we want all nations to enjoy open access to seas and airways. We want the peaceful resolution of territorial and maritime disputes. This is key for international peace and for each country's attainment of its own national aims. Economically, 'open' means fair and reciprocal trade, open investment environments, transparent agreements between nations, and improved connectivity to drive regional ties — because these are the paths for sustainable growth in the region."[11] According to Pompeo, the Indo-Pacific is "one of the greatest engines of future global — of the future global economy, and it already is today. And the American people and the whole world have a stake in the Indo-Pacific's peace and prosperity. It's why the Indo-Pacific must be free and open."[12]

America's unveiling of its "free and open Indo-Pacific" strategy must be seen in a larger geopolitical context. The Indo-Pacific situation is characterized by geopolitical flux. The geopolitical flux is being highlighted by several developments.

The escalating U.S.-China trade war, despite a Phase One deal, is setting in motion a gradual "decoupling" of the world's top two economies. Relations between America's closest allies in East Asia, South Korea and Japan, are deteriorating. South Korea's weaponization of history is increasingly roiling its relations with Japan. Instead of seeking to hold Japan accountable for its colonial-era excesses, South

Korea, through over-use, appears to be blunting its history card. Add to the picture surging tensions over two Indo-Pacific hotspots: Taiwan, with the growing animosity between Beijing and Taipei increasing the risks of a shooting war; and the erstwhile kingdom of Jammu and Kashmir, whose control is split among India, Pakistan and China.

Meanwhile, China still pursues aggression in the South China Sea, as exemplified by its ongoing coercion against Vietnamese oil and gas activities within Vietnam's own exclusive economic zone (EEZ). Hong Kong's pro-democracy movement, however, poses an increasingly difficult challenge for Beijing. The Xi Jinping government cannot afford to back down because of the risk that it would encourage citizens in mainland China to demand rights.

If Hong Kong's mass movement loses to Chinese authoritarianism, the implications will not be limited to that city. Indeed, it could embolden Beijing's designs against Taiwan as well as China's territorial revisionism against Vietnam, Japan, India and others. Another Tiananmen Square triggered by China's unleashing of brute force, this time in Hong Kong, would have far greater international geopolitical fallout than the 1989 massacre that occurred in Beijing. After the 1989 Tiananmen Square massacre, Washington did not sustain sanctions against Beijing in the naïve hope that a more prosperous China would liberalize economically and politically.

To be sure, the larger challenges in the Indo-Pacific center on establishing a pluralistic and stable regional order, ensuring respect for existing borders, and safeguarding freedoms of navigation and overflight.

In this light, the "free and open Indo-Pacific" strategy is seen as a much-needed successor to the Barack Obama administration's "pivot" to Asia, which failed to take concrete shape.[13] The broadening of the U.S. policy focus to a wider region encompassing the Indian Ocean was a response to the expanding ambitions of China, which, after building and militarizing artificial islands in the South China Sea, started focusing on the Indian Ocean and the western Pacific. Despite Obama policy underscoring Asia's new centrality to American economy and security, his administration's "pivot" to Asia raised the question until the 2017 presidential election whether it will acquire concrete strategic content or remain largely a rhetorical repackaging of policies begun over the previous decade.

In recent years, the U.S. has made the most of the regional concerns over China's increasingly muscular approach by strengthening its military ties with existing Asian allies and forging security relationships with new friends. The heady glow of America's return to the Asian center-stage, however, has obscured the key challenges it faces to retain its primacy in the region in the face of China's relentless push to expand its sphere of influence.

Under Obama, the U.S. increasingly ceded ground to China, a trend that admittedly began as the Bush administration became preoccupied with the wars in Iraq and Afghanistan. This spurred doubts about Washington's ability to provide strategic heft to its "pivot" policy by sustaining a higher level of commitment in the Indo-Pacific, where it still maintains 320,000 troops. In fact, the Obama administration, after appearing to raise Asian expectations about a more-robust U.S. response to China's growing assertiveness, started to tamp down the military aspects of its "pivot" and instead lay emphasis on greater U.S. economic engagement with Asian countries.

The renewed emphasis on the economic aspects came as a relief to some regional states apprehensive about being caught in a situation where they might be forced to choose between the U.S. and China. But for the countries bearing the brunt of China's recidivist policies on territorial or maritime disputes, this emphasis raised new doubts about the U.S. commitment. The economic reorientation actually signaled a correction in a "pivot" policy that began overemphasizing the military component, putting Washington on an uncomfortable path of seeking to take on Beijing. It was Secretary of State Hillary Clinton who first signaled a more hawkish U.S. stance on China by talking tough at the 2010 ASEAN Regional Forum meeting in Hanoi but who later moderated that line by playing the role of a business promoter in visits to Asian countries.

The refocus on trade and economic issues also prompted the Obama administration to launch the Trans-Pacific Partnership (TPP) initiative, which aimed to create a new free trade group in the Indo-Pacific that excluded China. Trump, however, pulled the United States out of the TPP as soon as he took office. The Obama administration also began emphasizing the importance of the East Asia Summit (EAS) and the Association of Southeast Asian Nations (ASEAN), whose summit overlaps with the EAS meeting. By contrast, the Trump administration has prioritized bilateral trade deals, with friends and foes, and placed strategic issues on the backburner. This explained why the Trump

administration downgraded U.S. participation in the 2019 East Asia Summit and ASEAN-U.S. summit in Bangkok.

Under Obama, the course correction on the "pivot" policy was dictated by yet another factor: It believed that it was not in America's interest to take sides in bilateral disputes between China and its neighbors — unless, of course, U.S. interests were directly at stake, as in the South China Sea over freedom of navigation. For example, the Obama administration, like the Bush administration, charted a course of tacit neutrality on the recrudescence of Sino-Indian territorial disputes, including Beijing's sudden resurrection of a claim to the large Himalayan Indian state of Arunachal Pradesh. Similarly, Obama publicly urged both Beijing and Tokyo to peacefully resolve their dispute over the Japanese-controlled Senkaku islands. The longstanding U.S. policy has been to ensure that the Sino-Japanese standoff does not escalate to a level where Washington may be forced — against its own interests — to take Japan's side. Consequently, the U.S. has been publicly reiterating to this day that it does not take sides in the dispute over the control of the islands. However, under Trump, the U.S. has explicitly stated that the Senkakus are covered by its security treaty with Japan.

The point is that no sooner had the Obama administration unveiled its "pivot" policy than the course correction started. The correction actually extended to terminology, with the original term "pivot" being dumped in favor of "rebalancing." U.S. diplomats began refraining from using the "pivot" term because it was seen as having a military ring to it.

Whatever its name, the "pivot" policy was all about China, with Washington bolstering alliances and friendships with states around China's periphery, including India, Japan, the Philippines, Vietnam, Indonesia, and South Korea. Yet the Obama administration continued to deny the "pivot" policy was about China and was reluctant to publicly say or do anything that might raise Beijing's hackles.

Worse still, the Obama administration reluctance to call out China's incremental aggression in the South China Sea emboldened Beijing to step up its actions, including launching a massive land-reclamation program. It was that reluctance that allowed China to begin calling the shots in the South China Sea by gradually creating facts on the ground and at sea and challenging the regional order.

A wake-up call for Asian states that rely on the U.S. as their security guarantor was Obama's silence on the 2012 Chinese capture of

the Scarborough Shoal, located within the Philippines' exclusive economic zone. The takeover occurred despite a U.S.-brokered deal under which both Beijing and Manila agreed to withdraw their vessels from the area. Obama's inaction on the capture, coupled with his administration's apparent indifference to the U.S. commitment to the Philippines under their Mutual Defense Treaty, emboldened China to commit other aggression.

A second wake-up call for Asian allies came when China established an air defense identification zone (ADIZ) in 2013, setting an ominous new precedent by usurping international airspace over the East China Sea. Washington, far from postponing Vice President Joe Biden's trip to Beijing to express disapproval of the Chinese action, advised U.S. commercial airlines to respect the ADIZ — an action that ran counter to Japan's advice to its carriers to ignore China's demand that they file their flight plans through the zone in advance.

It was after China was able to unilaterally declare an ADIZ in the East China Sea without incurring any international costs that it launched its land-reclamation program. It then began "occupying" almost all of the disputed South China Sea and militarizing its presence there. By the time an international arbitral tribunal set up by the Permanent Court of Arbitration (PCA) in The Hague ruled in 2016 that China's territorial claims in the South China Sea lacked legitimacy under international law, a new status quo had already been created at sea.[14] This allowed China to trash the ruling as "null and void" and "a farce."

It was in the third week of December 2013 that China commenced its island-building program by pressing one of the world's largest dredgers into service. In less than five years, it largely completed building its forward military bases on the new manmade islands and began steadily ramping up its military assets in the critical maritime zone, through which one-third of the global maritime trade passes. It has repeatedly strong-armed its neighbors into suspending exploitation of natural resources, including drilling for hydrocarbon resources located beneath their own ocean floors.

China is effectively winning the South China Sea battle without firing a single shot — or paying any international costs. It has steadily consolidated its control in the South China Sea, despite the international arbitral tribunal's ruling invalidating its claims there. As the old adage goes, "Possession is nine-tenths of the law." Through the sheer fact of possession, China has not only turned its contrived historical claims to the

South China Sea into reality but also gained strategic depth far from its shores.

As Admiral Philip Davidson told a U.S. Senate committee in 2018 before taking over as the commander of the newly renamed U.S. Indo-Pacific Command, “China is now capable of controlling the South China Sea in all scenarios short of war with the U.S.” This explains why Chinese President Xi Jinping has proudly cited the creation of seven artificial islands there as one of his top accomplishments.[15]

Island building involved moving sediment from the seabed to a reef. Dredgers first fragmented the sediment and sucked it up and then, through a floating pipe, deposited the material on the reef, gradually turning it into a low-lying manmade island. That set the stage for the next phase, with China constructing port facilities, military buildings, radar and sensor installations, hardened shelters for missiles, vast logistical warehouses for fuel, water and ammunition and possibly even an airstrip and aircraft hangars.

China’s first land-reclamation site was Johnson South Reef in the Spratly archipelago. The Spratlys lie to the south of the Vietnam-claimed Paracel Islands, which China seized in 1974 by cashing in on the departure of U.S. forces from South Vietnam. The Johnson South Reef was the scene of a 1988 Chinese attack that killed 64 Vietnamese sailors and sunk two of their ships.

Beijing pressed Asia’s largest dredger, the 127-meter-long Tianjing, into service at Johnson South Reef. After arriving at the reef on December 17, 2013, the Tianjing — boasting its own propulsion system and a capacity to extract sediment at a rate of 4,530 cubic meters per hour — created 11 hectares of new land, including a harbor, in less than four months, as a Chinese warship stood guard.[16] This provided a preview of the speed and scale with which China went on to create more manmade islands and then turn them into forward operating bases.

But it is important to note that China, far from starting the artificial enlargement of reefs and atolls suddenly or on a large scale, first probed possible U.S. reaction through symbolic moves over several months. The absence of a tangible American pushback encouraged Beijing to ratchet up land-reclamation operations. For example, as part of its probing, Beijing first sent the dredger Tianjing to Cuarteron Reef. But, despite a three-week presence there in September 2013, the Tianjing initiated no land reclamation at that reef. Commercially available satellite images

later showed the Tianjing at another reef, Fiery Cross, but again doing little.

Land reclamation at Johnson South Reef thus became the defining act. It paved the way for China's conversion of some other Spratly reefs, including Cuarteron Reef, Fiery Cross, Mischief Reef and Subi Reef, into artificial islands through large-scale dredging. To be sure, before initiating probing exercises in the South China Sea, China first tested the U.S. response in mid-2012 by seizing the Scarborough Shoal. The Scarborough capture showed to Beijing that Washington's bark was worse than its bite.

China's terraforming activities in the South China Sea, followed by militarization, occurred, of course, on Obama's watch. In a calibrated, step-by-step approach, with an eye on the U.S. reaction, China ramped up its island building gradually, with the final two years of the Obama presidency marked by frenzied construction.

In fact, Obama's last defense secretary, Ash Carter, in a 2018 Harvard University essay, highlighted Obama's soft approach toward China. Carter wrote that Obama, "misled" by his own analysis, "viewed recommendations from me and others to more aggressively challenge China's excessive maritime claims and other counterproductive behaviors as suspect."[17] For a while, according to Carter, Obama even bought Beijing's idea of a G-2 style condominium.

It was actually Obama's silence over China's June 2012 capture of the disputed Scarborough Shoal from the U.S. ally, the Philippines, that acted as a major stimulus for China to design an island-building program. No sooner had Scarborough been seized than the China State Shipbuilding Corporation — a government-run conglomerate that currently is building the country's third aircraft carrier — published on its website draft blueprints for building manmade islands atop Spratly reefs. The three-dimensional digital sketches included drawings of structures that subsequently came to define China's Spratly construction program, such as military facilities, wind turbines, airstrips and living quarters.[18] The sketches, however, received little international notice and, before long, were taken off the website. Much later, the sketches circulated on some Chinese news websites.[19]

Against this background, the "pivot" — even after being rebranded as "rebalancing" — remained more rhetorical than real owing to several reasons, including American foreign policy's preoccupation with the

Muslim world and diminished U.S. leadership. Developments elsewhere served as a distraction for American policymakers. These developments included Ukraine and Syria, where the U.S. Central Intelligence Agency initiated its largest covert operation since its involvement in the 1980s' proxy war against the Soviet military presence in Afghanistan. Consequently, the "pivot" to Asia got lost somewhere in the arc stretching from the Middle East to the states around Russia's periphery.

So, when the Trump administration unveiled its "free and open Indo-Pacific" strategy, it was seen as an attempt by the United States to recoup its losses in the region. Significantly, the "free and open Indo-Pacific" strategy coincided with a still-evolving paradigm shift in America's China policy. After all, the new challenges in the Indo-Pacific are largely linked to China's muscular rise and its territorial and maritime revisionism. China has become the main catalyst of the changing Indo-Pacific power dynamics. From the South Pacific to the Indian Ocean, China is seeking to change the status quo. China also seems to be on an island-buying spree: In the Maldives, it secretly acquired a couple of islets. More recently, it signed a secret agreement aimed at acquiring Tulagi in the Solomon Islands on a renewable 75-year lease. Meanwhile, China has been positioning itself in strategic ports along key shipping lanes in what has come to be known as a "string of pearls" strategy.

Trump, given his unilateralist approach, may have done little to build concrete geostrategic collaboration with other important players in the Indo-Pacific. But his lasting legacy will be the fundamental change in America's China policy — a shift that enjoys bipartisan support in the United States. This shift will outlast the Trump presidency. As the investor and philanthropist George Soros put it in his September 2019 op-ed, "The greatest—and perhaps only—foreign policy accomplishment of the Trump administration has been the development of a coherent and genuinely bipartisan policy toward Xi Jinping's China."[20]

As the House of Representatives' vote along party lines to impeach Trump underscored, Washington is more polarized and divided than ever before. So, it is highly significant that, in this toxic environment, a bipartisan consensus has emerged that the decades-old U.S. policy of "constructive engagement" with China has failed and must give way to active and concrete counteraction. In fact, the policy change that is underway holds important implications for countries in the Indo-Pacific and promises to reshape global geopolitics and trade.

The new policy approach, in essence, seeks to ensure that the U.S. does not enable China's rise any longer. The Richard Nixon-Henry Kissinger thesis of the 1970s — that helping China to rise would unleash market forces that help open up the country — is now widely recognized as wishful thinking. The Communist Party of China has actually gone in the opposite direction — toward greater centralization and control and toward establishing a digital surveillance state. In that sense, China is quite different than another communist state, Vietnam, which is more liberal.

Future of the U.S.-led "free and open" Indo-Pacific strategy

Today, it has become imperative to build a pluralistic, rules-based Indo-Pacific order, free of coercion and with unhindered freedoms of navigation and overflight. This is what the U.S.-led "free and open Indo-Pacific" strategy aims to do. With the global center of gravity shifting to the Indo-Pacific, the region holds the key to the future of American power.

The new U.S. policy approach relies on a core group of democracies called "the Quad," which, besides America, includes India, Japan and Australia. The elevation of the Quad dialogue to the foreign ministers' level in September 2019 represented a milestone.[21] While there is no intent to turn it into a military grouping, the Quad as a maritime initiative for strategic cooperation and coordination has become a reality at a time when the Indo-Pacific is witnessing sharpening maritime competition.

Washington's Indo-Pacific strategy, however, still lacks strategic content. The Trump administration has defined the objectives, especially building a rules-based and democratic-led regional order, but is still searching for the effective means to achieve the ends. The same issue plagues the Quad, which, U.S. Secretary of State Mike Pompeo recently contended, aims to ensure that "China retains only its proper place in the world."[22]

Despite such talk, the Trump administration has placed strategic issues on the backburner while prioritizing bilateral trade deals, with friends and foes. There is a real risk that Trump's Indo-Pacific strategy, like Obama's "pivot" to Asia, could fail to gain traction. Without a clear strategy behind it, a "free and open Indo-Pacific" will remain just an attractive catchphrase. The U.S.-led approach, for example, has not tamed

China's territorial and maritime revisionism. China has changed South China Sea's geopolitical map without firing a single shot or incurring any international costs. The term Trump used to describe Obama's approach to the South China Sea, "impotent," has come to reflect his own failure to halt Chinese expansionism. The stepped-up US freedom-of-navigation operations, or FONOPs, in the South China Sea neither deter China nor reassure US allies in the region.[23]

In fact, the single biggest challenge to the "free and open Indo-Pacific" strategy relates specifically to the South China Sea. The South China Sea is a highly strategic corridor that connects the Indian and Pacific oceans. But, in the absence of a strategy on how to deal with the changing status quo there, the South China Sea constitutes a missing link in America's larger Indo-Pacific strategy. As recent developments highlight, China's expansionism persists in the South China Sea.

To be sure, the South China Sea poses a difficult challenge. How can the U.S., at this stage, undo what China has done in the South China Sea? Yet the need for Washington to evolve a clear strategy on the South China Sea is underlined by the fact that this corridor is central to a truly "free and open" Indo-Pacific. How can the Indo-Pacific be free and open if its most-important sea corridor is neither free nor open?

With its new perch in the South China Sea, China is better positioned to not only sustain air and sea patrols in the region, but also to advance its strategy of power projection across the Indian Ocean and the Western Pacific. The biggest casualty of China's new foothold has been the region's marine ecosystem, especially coral reefs, which teem with life and supply larvae for Asia's all-important fisheries. Many marine species also depend on reefs for food and shelter. Several of the biologically diverse reefs in the Spratlys were deliberately destroyed by China to serve as a foundation for the new islands. That destruction, coupled with chemically laced runoff from the artificial islands, is damaging the surrounding marine ecosystem and choking marine life. The international arbitral tribunal, which in 2016 rejected China's claim to sovereignty over much of the South China Sea, found that island building had caused "devastating and long-lasting damage to the marine environment." China has acknowledged the widespread destruction of coral reefs and the poaching of sea turtles in the South China Sea. The environmental and geopolitical toll of China's territorial grab is set to rise.

Against this background, while seeking to capitalize on Beijing's muscular and predatory practices to advance its own interests and influence, the U.S. essentially hews to a cautious policy on China. With the U.S. imposing no sanctions, China has escaped scot-free over its South China Sea aggression. Or take China's gulag policy in Xinjiang, where more than a million Muslims have been detained in the largest mass incarceration of people on religious grounds in the post-Nazi period. Despite a bipartisan U.S. commission recommending sanctions in August 2018, the Trump administration dragged its feet for over a year before slapping export restrictions on some Chinese entities and visa curbs on a few Chinese officials linked to the internment camps — actions that Beijing has scoffed at.[24] Those weak sanctions cannot compel Beijing to change course.

U.S. caution is also apparent in implementing two new domestic laws — the Taiwan Travel Act and the Reciprocal Access to Tibet Act[25] — whose enactment in 2018 signaled a tougher bipartisan line toward China. The same holds true of the Hong Kong Human Rights and Democracy Act of 2019 and the Taiwan Assurance Act of 2019 (which seeks to deter Beijing's poaching of Taiwan's diplomatic allies).[26] In fact, as the U.S. Congress was in the process of approving the 2019 Hong Kong and Taiwan bills, Chinese President Xi Jinping warned that anyone attempting to "split China" would end up with "crushed bodies and shattered bones."[27]

The Trump administration aims to primarily employ economic levers to rein in China, including through a gradual decoupling of the U.S. and Chinese economies in key sectors. China has relied on large trade surpluses and foreign-exchange reserves to fund its expanding global footprint, with surging exports fueling domestic growth. But the U.S. pushback threatens to undercut China's ability to mobilize vast state funds in pursuit of its ambitions — an advantage the U.S. cannot match because it must rely on drawing private funds. Thanks to American tariffs, the fall in Chinese exports to the U.S. has accelerated, thereby accentuating China's economic slowdown.[28]

However, the Trump administration must also employ strategic levers, or else it will struggle to expand or reinforce America's Indo-Pacific partnerships. Indeed, its present approach, coupled with its unpredictability, is encouraging US allies to hedge their bets. This gives Chinese President Xi Jinping strategic space to pursue a neo-imperialist agenda.

Japan, seeking to mend strained ties with China, has quietly dropped the term "strategy" from its policy vision of a "free and open Indo-Pacific."[29] In fact, the U.S. itself now refers to a "free and open Indo-Pacific" as a vision, not a strategy.[30] Australia, whose economic prosperity is linked to China, with which it has forged a "comprehensive strategic partnership," does not wish (like South Korea or Singapore) to be in a situation where it has to choose between Washington and Beijing.[31]

The Australian hedging was apparent from the July 2018 joint statement that emerged from the Australia-US ministerial (AUSMIN) consultations. The statement said the two sides "made clear their commitment to work together — and with partners — to shape an Indo-Pacific that is open, inclusive, prosperous, and rules-based."[32] The reference to an "open, inclusive, prosperous, and rules-based" region — not "free and open" — was significant. However, the U.S., after skipping the phrase "free and open Indo-Pacific" in the joint statement with Australia, quickly returned to that expression, with Secretary of State Mike Pompeo explaining in a July 30, 2018, speech in Washington what a "free" and "open" Indo-Pacific actually means for U.S. policy.[33]

The fourth Quad member, India, hosted Xi at Mamallapuram in October 2019 as part of Prime Minister Narendra Modi's effort to "reset" ties with Beijing. However, India has unequivocally embraced the phrase "free and open" for the Indo-Pacific. For example, Modi, in his keynote address at the 2018 Shangri-La Dialogue, said that India "stands for a free, open, inclusive region, which embraces us all in a common pursuit of progress and prosperity."[34] India has also been including the "free and open" phrase with respect to the Indo-Pacific in joint statements with willing strategic partners. For instance, India, which forms the world's second-largest peninsula, and Indonesia, the world's largest archipelagic state, identified in 2018 a shared vision for "a free, open, transparent, rules-based, peaceful, prosperous and inclusive Indo-Pacific region."[35] As the U.S. Deputy Assistant Secretary of State for East Asian and Pacific Affairs, Alex Wong, put it in 2018: "India as a nation has invested in a free and open order … India for sure has the capability and potential to play a more weighty role."

The U.S.-China-India-Japan-Russia strategic pentagon

More broadly, the Indo-Pacific's geopolitical landscape will be shaped by five key powers: the United States, China, India, Japan and Russia.

Equations within this strategic pentagon will profoundly influence Asian geopolitics in particular. A shared grand strategy to manage a muscular China could aim to put discreet checks on the exercise of Chinese power by establishing counterbalancing coalitions around that country's periphery. As Asia's geographical hub, China is especially vulnerable to the same geopolitical game it plays against Japan and India — strategic containment.

However, U.S. President Donald Trump, with his unilateralist and protectionist priorities, has still to provide strategic heft to his policy of a "free and open Indo-Pacific." With his focus on trade deals with friends and foes, Trump has relegated the importance of strategic issues. Still, in keeping with the policy shift on China, his administration has become more vocal in criticizing China's aggressive actions.

For example, in contrast to Washington's silence in July 2017 and March 2018 when Chinese military threats forced Vietnam to suspend drilling for hydrocarbons within its own exclusive economic zone (EEZ), the U.S. spoke out against Chinese coercion in 2019 against Vietnam's Vanguard Bank project. Such coercion against Vietnam and other claimants in the South China Sea, according to the U.S., "undermines regional peace and security," imposes "economic costs" on them by "blocking their access to an estimated $2.5 trillion in unexploited hydrocarbon resources," and demonstrates "China's disregard for the rights of countries to undertake economic activities in their EEZs, under the 1982 Law of the Sea Convention, which China ratified in 1996."[36] This plain speaking happened despite the fact that a Russian energy firm is involved in the oil exploration project at the Vietnamese-controlled Vanguard Bank in the Spratly Islands. The two earlier incidents in July 2017 and March 2018 when the U.S. stayed mum involved the Spanish energy major Repsol.[37]

Despite the new U.S. readiness to speak out against Chinese expansionism, the United States faces an unpalatable geopolitical reality — the growing Sino-Russian strategic alignment. The U.S. won the Cold War in part by co-opting China and turning the competition against Moscow into a two-against-one rivalry. Today, paradoxically, it is "two against one" again — but with the U.S. at the receiving end. U.S. policies have counterproductively fostered a partnership between the world's largest nuclear power, Russia, and the second-largest economy, China.

Russia and China, however, are not natural allies but natural competitors. China's rise has paralleled Russia's decline. Today, Chinese

expansionism is bringing Central Asia's ex-Soviet republics under China's sway and potentially threatening Moscow's interests in the Russian Far East. Russia, the world's largest country by area and richest in natural resources, shares a long border with a resource-hungry China, whose population is almost 11 times larger. In the year 2000, Russia's defense spending was multiple times greater than China's. Today, China's military spending is more than five times larger than Russia's. Chinese President Xi Jinping has called Russian President Vladimir Putin his "best and bosom friend." Yet, beneath the surface, all is not well. Despite booming economic ties, with U.S. sanctions compelling Moscow to sell its top-of-the-line weapon systems to Beijing, the Russia-China relationship is marred by mutual suspicions and wariness in the political realm.

In the Russia-India case, it is the reverse: Bilateral trade has shrunk noticeably but political ties remain genuinely warm. An open secret in Moscow is that Russia's main long-term geopolitical challenge centers on China. The marriage of convenience between the bear and the dragon is unlikely to last long, given their history of geopolitical rivalry, including Chinese-initiated military clashes in 1969. When the rupture happens, it will have as profound an impact globally as the 1960s' Sino-Soviet rift, which led to the U.S. rapprochement with China in the 1970s. Indeed, the U.S.-China strategic collusion since the 1970s contributed significantly to Soviet imperial overstretch and to the West's ultimate triumph in the Cold War. Today, however, the U.S., instead of establishing itself as a natural wedge between Russia and China, has become a bridge uniting them against it.

For India, by contrast, the China factor has always been central to its strategic ties with Moscow. In 1971, Indian Prime Minister Indira Gandhi skillfully engineered Bangladesh's independence from Pakistan by entering into a friendship treaty with Moscow. The treaty, with a mutual-security assistance clause, helped deter China from opening a second front against India. As the declassified Richard Nixon-Henry Kissinger transcripts attested, this duo sought to egg on China to attack India when Indian forces intervened to end the East Pakistan genocide (in which up to 3 million people were killed and nearly 400,000 women were raped, with almost 10 million fleeing to India).[38]

Indian Prime Minister Narendra Modi's visit to Vladivostok in September 2019 underscored that Russia, with its strategic capabilities and vantage position in Eurasia, remains a key country for India's geopolitical interests. Russia shares India's objective for a stable power

balance on a continent that China seeks to dominate. Like Japanese Prime Minister Shinzo Abe, Modi was in Vladivostok to attend the Eastern Economic Forum but he also hold his annual summit meeting with Russian President Vladimir Putin. Modi's visit yielded a military logistics pact with Russia of the kind that India has already concluded with America and France and is negotiating with Japan and Australia.

Today, with the specter of Asian power disequilibrium looming, the China factor has gained greater salience in the equations between and among the major Indo-Pacific powers. If the U.S., Russia, Japan and India were to work together, China would find itself boxed in from virtually all sides, extinguishing the prospect of a Sino-centric Asia. Strategists both inside and outside the Trump administration have this logic in mind when pushing for rapprochement with Russia. But current American domestic politics will not allow that.

Moreover, Russo-Japanese relations have yet to be normalized, thus constituting a missing link in the strategic pentagon. Abe, however, has sought to court Putin to help rebalance power in Asia, while seeking Russia's return of the resource-rich Northern Territories (which the Soviet Union seized just after the U.S. dropped nuclear bombs on Hiroshima and Nagasaki in August 1945). The U.S., for its part, must establish itself as a natural wedge between Russia and China, rather than becoming a bridge uniting them against it. Even Henry Kissinger, who helped initiate the U.S. "opening" to Beijing in the early 1970s, is today pitching for the U.S. to build better relations with Russia to rein in China. This approach is essential if America's "free and open Indo-Pacific" strategy is to gain traction. Otherwise, the greater Sino-Russian strategic alignment could potentially hobble the paradigm shift in America's China policy and crimp the U.S.-led "free and open Indo-Pacific" strategy.

Security challenges in the Indo-Pacific

The Indo-Pacific region is at the center of global challenges that relate to terrorism, extremism, ocean piracy, and threats to safety of sea lanes. The Indo-Pacific is so interconnected that adverse developments in any of its subregions impinge on its wider maritime security and also on the international maritime order. Sea-lane security, for example, has emerged as a key concern because of the vulnerability of the chokepoints in the Indo-Pacific, including the South China Sea and the Strait of Malacca, which is located between Singapore, Indonesia and Malaysia. Forging

strategic partnerships between and among key littoral states in the region holds the key to safeguarding freedom of navigation.

Actually, this is the region where old and new security challenges converge. For example, the Indo-Pacific illustrates nontraditional security challenges — from environmental pollution, as exemplified by the brown cloud of sooty haze hanging over South Asia, and degradation of coastal ecosystems to a mercantilist approach to energy supplies and the juxtapositioning of energy interests with foreign-policy interests. Sea-lane security, by contrast, represents a traditional security challenge that is underscored both by the Indo-Pacific's importance to global trade and energy flows and the potential vulnerability of the chokepoints around it. Strategic partnerships in the region not only aim to lessen the vulnerability of the chokepoints but also include trade accords, naval training and joint exercises, counter-piracy operations, energy cooperation, and strategic dialogue.

The range of strategic concerns in the Indo-Pacific extend to international law. The United States has still to accede to the 1982 UN Convention on the Law of the Sea (UNCLOS). China, although a party, has sought to unilaterally interpret UNCLOS's provisions in its favor to assert maritime claims, while refusing to accept the Convention's dispute-settlement mechanism. This was apparent when the Philippines, with apparent U.S. support, filed a South China Sea-related complaint against China in 2013 with the International Tribunal for the Law of the Sea (ITLOS), but China has simply declined to participate in the arbitral proceedings that The Hague-based Permanent Court of Arbitration instituted on the advice of ITLOS.

The twenty-first century was supposed to be a harbinger of a rules-based order where international law reigned supreme and defiance of norms carried costs. Indeed, when the Cold War ended, some pundits romantically visualized the advent of an era in which geo-economics would dictate geopolitics — a thesis reminiscent of the nineteenth-century liberal belief that growing trade and economic interdependence would make war obsolete. Today, despite a greater role for economic power in international relations and a stronger global aspiration for a rules-based order, the twenty-first century fundamentally looks little different than the last century. In fact, even as the world is becoming integrated economically, it is getting more divided politically. This dichotomy, best illustrated in the Indo-Pacific, is a reminder that economics alone cannot fix geopolitics.

Two examples from Southeast Asia — both water related — illustrate how brute power still trumps rules with impunity. One example relates to how China's heavy upstream damming of the Mekong — continental Southeast Asia's lifeline — is irreparably damaging the river system and wreaking broader environmental havoc, including causing its delta to retreat through saltwater intrusion. The Mekong is now running at its lowest level in 100 years.[39] Ever since a cascade of 11 Chinese mega-dams came up on the Mekong just before the river crosses into Southeast Asia, droughts have become more frequent and intense in the downriver countries. Yet China, by working on at least eight more giant dams on the Mekong, is fashioning a capacity to weaponize water.[40] It has given the cold shoulder to rules-based cooperation among the basin states by rebuffing the 1995 Mekong treaty.

The other example is the South China Sea, which has emerged as the symbolic center of this century's maritime challenges. It is a highly strategic corridor that connects the Indian and Pacific oceans. But, in the absence of a strategy to deter China's continuing change of the status quo there, the South China Sea constitutes a missing link in the larger US-led plan to establish a "free and open Indo-Pacific" region.[41] It was in late 2013, after the Philippines filed its compliant against it under UNCLOS, that China launched a massive land-reclamation program in the South China Sea to push its borders far out into international waters. Undaunted by the 2016 ruling of an international arbitral tribunal that stripped its South China Sea claims of any legitimacy in international law, China completed building seven artificial islands, which it then militarized.

Highlighting that universal compliance with international law remains a mirage, China has redrawn the geopolitical map of the South China Sea without firing a single shot — and without incurring any international costs. In fact, it poured scorn on the tribunal's ruling (now part of international law), calling it "a farce" and "null and void," and saying the decision deserved to be "dumped in garbage." The open contempt for the ruling stood in sharp contrast with India's ready acceptance of an adverse award earlier by another arbitral tribunal, which too was set up the PCA.

This tribunal, established to deal with a maritime boundary dispute between India and Bangladesh, awarded Bangladesh nearly 80% of the 25,602-square-kilometer disputed zone in the Bay of Bengal.[42] Despite a split decision (unlike the South China Sea tribunal's unanimous verdict) and apparent flaws in the award, which left a sizable "gray area" in the Bay of Bengal, India accepted the ruling. In fact, between 2013 and 2016,

while the Philippines-initiated tribunal proceedings in the South China Sea matter were underway, three different PCA-established tribunals ruled against India in its separate disputes with Bangladesh, Pakistan, and Italy. Yet India complied with the rulings.

The divergent attitudes of the world's two most populous countries, China and India, underscore one key fact — that compliance with or defiance of international law bears no relationship with state size. Rather it is driven by state character. If defiance of rules is embedded in the nature of any state, then noncompliance will not cease unless the nature of that state fundamentally changes. After all, regime character can make playing by the rules difficult. In this context, a senior Vietnamese official's 2019 statement that his country is considering legal options in the South China Sea matter has little significance, given that Vietnam has been mulling such action since before the Philippines initiated arbitration proceedings against China in 2013.[43] Despite facing ongoing Chinese coercion against energy projects within its own exclusive economic zone, Vietnam is unlikely to take any legal step because such action, far from bringing it any relief in a power-driven world, could prompt Beijing to use trade as a weapon against Hanoi.

One conspicuous weakness of international law is the absence of an enforcement mechanism. Such absence means that international rules can be willfully breached and a tribunal's ruling ignored with impunity. Disputes will always arise between states. But dispute settlement by peaceful means on the basis of international law is essential for peace. So also is respect for existing frontiers. This is how Europe has built its piece. The United Nations Charter entrusted the Security Council with upholding international peace and security. But the Security Council has been the hotbed of great-power politics. In fact, all the five permanent Security Council members have repeatedly breached international law.

Consequently, international law today is powerful against the powerless, but powerless against the powerful. There can be no rules-based order if the powerful cite international law to weaker states but ignore it when it comes in their way. International rules cannot be rules of convenience that are bendable or expendable whenever politically expedient. Today, the world is at a defining moment in its history. As the Indo-Pacific exemplifies, the manifold challenges and the power shifts epitomize the birth pangs of a new global order. Although its contours may still not be visible, the new global order — like the present one — is likely to be based on both rules and brute power.

Against this background, there are outstanding boundary, sovereignty, and jurisdiction issues in the Indo-Pacific, some of which carry serious conflict potential. To be sure, some disputant states have peacefully resolved their issues. For example, like India and Bangladesh, Myanmar and Bangladesh set an example by peacefully resolving a dispute over the delimitation of their maritime boundaries in the Bay of Bengal. Myanmar and Bangladesh took their dispute to the Hamburg-based ITLOS for adjudication under UNCLOS. The arbitral tribunal's verdict, delivered in 2012, ended a potentially dangerous Myanmar-Bangladesh dispute that was fueled in 2008 when, following the discovery of gas deposits in the Bay of Bengal, Myanmar authorized exploration in a contested area, prompting Bangladesh to dispatch warships to the area. However, the separate arbitral tribunal, which subsequently delimitated the maritime boundary between Bangladesh and India left a "gray area" where the EEZs of India, Bangladesh and Myanmar meet. The dissenting opinion warned that creating such a "gray area" risked exacerbating inter-country security and resource problems.[44]

The threats to navigation and maritime freedoms in the Indo-Pacific, including in critical straits and EEZs, can be countered only through adherence to international rules by all parties as well as through monitoring, regulation and enforcement. Significantly, several countries in the Indo-Pacific have sought to deny other powers freedom of navigation in their EEZs when those powers are engaged in military activity, such as surveillance by ship. This underlines the differing perceptions among states about their EEZ rights.

Meanwhile, deep seabed mining has emerged as a major strategic issue, given the Indo-Pacific region's mineral wealth. Interstate competition over seabed minerals is sharpening. From seeking to tap sulfide deposits — containing valuable metals such as silver, gold, copper, manganese, cobalt, and zinc — to phosphorus nodule mining for phosphor-based fertilizers used in food production, the competition is underscoring the imperative for creating a predictable regulatory regime, developing safe and effective ocean-development technologies, finding ways to share benefits of the common heritage, and ensuring environmental protection.

To be sure, great-power rivalries are compounding the maritime-security challenges. The rivalries are mirrored in foreign-aided port-building projects along vital sea lanes; attempts to assert control over energy supplies and transport routes as part of a twenty-first-century-version of the Great Game; the building of inter-country energy corridors

involving the construction of pipelines to transport oil or gas sourced by sea from third countries; and China-style strategic plans to assemble a "string of pearls" in the form of listening posts and special naval-access arrangements along the great trade arteries.

In its maritime strategy, China is focused on the Indian Ocean, the South China Sea and the western and southern Pacific. Consequently, the Indo-Pacific has gained increasing international salience. With China establishing its first overseas military base at Djibouti and increasingly dispatching submarines to the Indian Ocean, where it has pursued a string of port projects, a U.S.-led Indo-Pacific approach inevitably followed. As the Pentagon's 2018 *National Defense Strategy* put it, "China is leveraging military modernization, influence operations, and predatory economics to coerce neighboring countries to reorder the Indo-Pacific region to their advantage. As China continues its economic and military ascendance, asserting power through an all-of-nation long-term strategy, it will continue to pursue a military modernization program that seeks Indo-Pacific regional hegemony in the near-term and displacement of the United States to achieve global preeminence in the future."[45] The White House's *National Security Strategy*, released in December 2017, said: "Chinese dominance risks diminishing the sovereignty of many states in the Indo-Pacific."[46]

Looking ahead

The imperative in the Indo-Pacific today is to build a new strategic equilibrium pivoted on a stable balance of power. A constellation of likeminded states linked by interlocking strategic cooperation has become critical to help build such equilibrium.

The Australia-India-Japan-U.S. "Quad" has attracted a lot of attention. It has been labeled a maritime "quad" of democracies. But has the Quad lived up to its promise? The institutionalization of the Quad has yet to take off. It has yet to acquire strategic content. The Quad can acquire strategic content once its goals, and the means to achieve them, are clarified.

A Quad in a military sense, of course, is not in the making. In fact, its four members have not attempted to turn it into a military initiative. But the Quad as a maritime initiative for strategic cooperation and coordination is already a reality. In a regional crisis or conflict, the Quad members are expected to coordinate their approaches. The elevation of

the Quad dialogue to the ministerial level in the fall of 2019 was a significant step. The foreign ministers of the four countries met jointly for the first time on the sidelines of the United Nations General Assembly in September 2019. Now the Quad members need to build broader collaboration with other important players in the Indo-Pacific, and also with strategically located smaller countries. Such collaboration and coordination can contribute toward creating a "free and open Indo-Pacific."

The U.S., for its part, must provide strategic heft to its Indo-Pacific policy if it is to yield meaningful results. It also needs a clearer strategy on how to stem the China-driven changing status quo in the South China Sea. Vietnam, for example, seems skeptical of the US readiness to halt Chinese expansionism. If the U.S. giant ExxonMobil exits Vietnam's largest gas project at a time when China is seeking to exclude extra-regional energy firms from the South China Sea, American credibility will suffer. Without U.S. leadership and resolve, a credible counter to Chinese expansionism will never be convincing.

Threats to navigation and maritime freedoms in the Indo-Pacific can be countered only through adherence to international rules by all parties, along with monitoring and enforcement of the rules. This is a tall order, given the fact that great powers comply with international law only so long as it does not conflict with their perceived interest. And when it does conflict, international law is treated as if it applies only to weaker states.

The Indo-Pacific is the maritime center of the world and of critical importance to the European Union's economic and energy interests. The EU needs to play a more active role in the Indo-Pacific, including in the security realm. Europe could serve as a guide on how to build institutionalized cooperation in this region. Europe can also serve aa role model on environmental protection and resource sustainability. Environmental degradation in the Indo-Pacific, after all, can influence climatic patterns and atmospheric general circulation in the entire Northern Hemisphere. France and Britain, through their military presence in the Indo-Pacific, are seeking to advance their own geopolitical interests in the region. European states, however, can collectively play a role to support peace and stability and environmental sustainability in the Indo-Pacific.

The EU, given its own institutionalized framework of cooperation, can more than any other institution in the world help promote rules-based

cooperation in the Indo-Pacific. The EU can also encourage collaborative projects between Indo-Pacific states so that they adopt new technologies and best practices to protect environmental security and build maritime cooperation. Collaborative projects will yield significant peace dividends by helping to reduce the risks of unilateral action by any side and by contributing to building regional crisis stability. European wealth is dependent on peace and stability in the Indo-Pacific.

Progress on establishing an inclusive, pluralistic, rules-based order in the Indo-Pacific is linked to addressing the regional imperative for strategic equilibrium and regional stability. Playing by international rules and not seeking to redraw borders in blood are central to peace and security.

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