

European Contributions to Indo-Pacific Maritime Order

By David Scott





Founded in 1975, the Pacific Forum is an independent, nonpartisan, and non-profit foreign policy research institute based in Honolulu, in the U.S. state of Hawaii. The Forum's focus areas encompass current and emerging political, security, economic and business issues and work to help stimulate cooperative policies in the Indo-Pacific through research, analyses and dialogues undertaken with the region's leaders in academia, public policy, military and industry. The Forum collaborates with a network of more than 30 research institutes around the Pacific Rim, drawing on Asian perspectives and disseminating project findings and recommendations to opinion leaders, governments, and various publics throughout the region. We regularly cosponsor conferences with institutes throughout Asia to facilitate nongovernmental institution building as well as to foster cross-fertilization of ideas.

A Board of Directors guides the Pacific Forum's work. The Forum is funded by grants from foundations, corporations, individuals, and governments. The Forum's studies are objective and nonpartisan and it does not engage in classified or proprietary work.

Front cover image

A U.S. Marine with Marine Fighter Attack Squadron (VMFA) 211 launches an F-35B from the Royal Navy aircraft carrier HMS Queen Elizabeth (R 08) while she conducts a double replenishment with the British Royal Fleet Auxiliary Tide-class replenishment tanker RFA Tidespring (A 136) and the Royal Netherlands Navy De Zeven Provinciën-class frigate HNLMS Evertsen (F 805) in the South China Sea. VMFA-211 is attached to the United Kingdom's Carrier Strike Group 21, a UK-led international strike group including support from the U.S. Navy Arleigh Burke-class guided-missile destroyer USS The Sullivans (DDG 68) and Evertsen.

Source

U.S. Navy photo courtesy of Royal Navy PO Jay Allen

PACIFIC FORUM STAFF

President & CEO
DAVID SANTORO, PhD

Vice President & Director of
Non-proliferation, Technology, and
Fellowships
CRYSTAL PRYOR, PhD

Director for Regional Affairs
ROB YORK

President Emeritus & WSD-Handa
Chair in Peace Studies
RALPH COSSA

Director for Maritime Security
(Non-resident)
JEFFREY ORDANIEL, PhD

Director of Young Leaders Program
ARIEL STENEK

Director of Development
BROOKE MIZUNO

Senior Program Manager
JESSLYN CHEONG

Program Managers
AUDREY HAPP
TARYN INO

Development Manager
MEGAN TAENAKA

Executive Assistant
GEORGETTE ALMEIDA

PACIFIC FORUM
1003 Bishop Street Suite 1150
Honolulu, Hawaii 96813 USA
+1 (808) 521-6745
www.pacforum.org



European Contributions to Indo-Pacific Maritime Order

By
David Scott

ISSUES & INSIGHTS

WORKING PAPER

VOL. 21, WP 13 | SEPTEMBER 2021



Issues & Insights

Pacific Forum's flagship peer review and open access publication, *Issues & Insights* is published in the forms of working papers, edited volumes and conference/workshop reports. Authored by academics, policy analysts and subject-matter experts from around the region and the world, *Issues & Insights* provides timely, contextual and innovative policy research and analyses on pressing political, security, and economic developments in the Indo-Pacific.

For submission guidelines and to subscribe, email pacnet@pacforum.org.

For back issues, visit www.pacforum.org/programs/issues-insights.

About this paper

The author participated in the Indo-Pacific Maritime Security Expert Working Group's 2021 workshop that took place, virtually on March 23-24. The working group, composed of esteemed international security scholars and maritime experts from Japan, the United States, and other Indo-Pacific states, was formed to promote effective U.S.-Japan cooperation on maritime security issues in the region through rigorous research on various legal interpretations, national policies, and cooperative frameworks to understand what is driving regional maritime tensions and what can be done to reduce those tensions. The workshop's goal is to help generate sound, pragmatic and actionable policy solutions for the United States, Japan, and the wider region, and to ensure that the rule of law and cooperation prevail in maritime Indo-Pacific.

The Indo-Pacific Maritime Security Expert Working Group's 2021 workshop and this volume were funded by a grant from the U.S. Embassy Tokyo, and implemented in collaboration with the Yokosuka Council on Asia Pacific Studies (YCAPS).

The statements made and views expressed are solely the responsibility of the author. For questions, please email maritime@pacforum.org.

PACIFIC FORUM
1003 Bishop Street Suite 1150
Honolulu, Hawaii 96813 USA
+1 (808) 521-6745
www.pacforum.org

TABLE OF CONTENTS

ABSTRACT	iii
EUROPEAN CONTRIBUTIONS TO INDO-PACIFIC MARITIME ORDER	1
UK "TILT"	2
FRENCH "AXIS"	3
GERMAN "GUIDELINES"	4
THE NETHERLANDS' "GUIDELINE"	5
E3 (FRANCE-GERMANY-UK) COOPERATION	5
EUROPEAN UNION STRATEGY	5
CONCLUSION	5
ABOUT THE AUTHOR	8

ABSTRACT

This paper looks at European contributions to the Indo-Pacific maritime order. The policy significance is two-fold. Firstly, the Indo-Pacific has become an increasingly crucial geographic region, with a constellation of leading powers. The United States and Japan face a rising China, with India a vital swing state. European powers are now faced with choices of policy in response to power competition in the Indo-Pacific. This also reflects the rising geo-economic importance of the region, home to the world's most populous countries, India and China, and critical commercial sea lanes. Secondly, European actors—France, Germany, the Netherlands, the United Kingdom, and the European Union (EU)—have all announced various specific Indo-Pacific strategies to support their interests. Nevertheless, despite European interests and contributions to Indo-Pacific security, the European response to China-related maritime challenges, such as those in the South China Sea, has been too limited. European states are finding it difficult to balance national security interests tied to maritime stability and rules-based order in the region, with economic interests tied to China, the world's second-largest economy. Europe needs a principled approach and a long-term view of its overall interests in the South China Sea and the wider maritime Indo-Pacific.

European Contributions to Indo-Pacific Maritime Order

by David Scott

This paper looks at European contributions to the Indo-Pacific maritime order. The policy significance of the question is two-fold. Firstly, the Indo-Pacific has become an increasingly crucial geographic region, with a constellation of leading powers. The United States and Japan face a rising China, with India a vital swing state. European powers are now faced with choices of policy in response to power competition in the Indo-Pacific. This also reflects the rising geo-economic importance of the region, home to the world's most populous countries, India and China, and critical commercial sea lanes. Secondly, European actors—France, Germany, the Netherlands, the United Kingdom, and the European Union (EU)—have all announced various specific Indo-Pacific strategies to support their interests. In line with these strategies, in 2021, significant French and UK naval deployments were joined on a modest scale for the first time by Germany and the Netherlands.¹

European strategies relate to maritime order. This is not surprising since the Indo-Pacific knits together the Indian and Pacific Oceans, with the South China Sea carrying much of European trade to and from East Asia. Maritime order is geopolitical in terms of power projection, and geo-economic in terms of trade and control of resources. Maritime order (and its corollary 'disorder') is also legal, concerning the application of maritime law, including rules set out in the United Nations Convention on the Law of the Sea (UNCLOS), such as the delineation of territorial waters, Exclusive Economic Zones (EEZs), and navigational rights and freedoms. Maritime order also pertains to norms and responses to transnational challenges like piracy, humanitarian assistance, and rising sea levels. Europe is involved in varying but accelerating degrees across all these areas.

Europe is increasingly concerned with China. Beijing's claims, increasing presence and assertiveness in the South China Sea, as well as its Maritime Silk Road (MSR) initiative, stretching from the South Pacific, through the South China Sea and the Indian Ocean, to the very gates of the Mediterranean have alarmed many European policymakers and thought leaders for some time now. They worry that Chinese activities across the Indo-Pacific are geographically, and thus geopolitically and geo-economically, coming to Europe's doorway.

The increasing challenge for European states is how to respond to China, not just in Europe but also in the Indo-Pacific. Freedom of navigation issues and maritime infrastructure frameworks are two particularly critical areas that European actors find most consequential for their national interests. They have shown interest in contributing to the defense of a rules-based maritime order in the region. European responses to maritime challenges in Asia have been heightened by the UK's post-BREXIT push eastwards, by France's policy statements of being itself an 'Indo-Pacific power' with territorial presence in both the Indian and Pacific Oceans, and by the EU's attempts to formulate common foreign and defense policies towards Asia.

This paper argues that despite European interests and contributions to Indo-Pacific security, the European response to China-related maritime challenges, such as those in the South China Sea, has been too limited. European states are finding it difficult to balance national security interests tied to maritime stability and rules-based order in the region, with economic interests tied to China, the world's second-largest economy. But Europe needs a principled approach and long-term view of its overall interests and to lend its support to the principle of freedom of navigation in the South China Sea and beyond.

“...despite European interests and contributions to Indo-Pacific security, the European response to China-related maritime challenges, such as those in the South China Sea, has been too limited.”

UK “tilt”

UK strategic formulations since 2014 have involved a *Return to East of Suez* military-focused presence.² This eastward tilt was formalized through the Integrated Review of Security, Defense, Development, and Foreign Policy released in March 2021, with its special section on the *Indo-Pacific Tilt* by the UK.³ The UK's post-BREXIT drive for trade agreements with key Indo-Pacific states makes the security of commercial shipping routes even more important for London.

The “Return to East of Suez” presence has been manifested in the return of British military presence to bases at Bahrain and Duqm (Oman), a reaffirmed UK position at Diego Garcia, and reinforced facilities use at Singapore and Brunei. It has also been manifested in more active deployments, a continuing presence of overlapping warships since 2018. Following a five-year gap after 2013, “forward persistence” is the current British aspiration, achieved during 2018-2020 with six UK destroyers (HMS *Sutherland*, *Albion*, *Argyll*, *Montrose*, *Defender*, and *Enterprise*) deployed in turns from the UK for extended overlapping operations across the Indian Ocean, the South China Sea and the Pacific Ocean. May 2021 saw the long-awaited dispatch to the Indo-Pacific of the UK Carrier Strike Group, consisting of the flagship aircraft carrier, HMS *Queen Elizabeth*,

¹ Fumi Matsumoto and Yusuke Nakajima, “Europe Pushes Back Against Beijing with Shows of Indo-Pacific Muscle”, *Nikkei Asia*, Aug. 6, 2021.

² Boris Johnson, “Britain is Back: East of Suez,” Dec. 9, 2016, <https://www.gov.uk/government/speeches/foreign-secretary-speech-britain-is-back-east-of-suez>.

³ “The Indo-Pacific Tilt: a Framework,” in *Global Britain in a Competitive Age. The Integrated Review of Security, Defence, Development and Foreign Policy* (London: Her Majesty's Stationary Office), 66-67.

the submarine HMS *Diamond*, the destroyer HMS *Defender*, the cruiser HMS *Kent* and the frigate HMS *Richmond*.⁴

Already, UK deployments included anti-piracy duties in the Arabian Sea, sanctions enforcement against North Korea, and transit through the South China Sea. Of further significance, HMS *Albion* carried out explicit freedom of navigation exercise around the Paracel Islands in the South China Sea in August 2018; while HMS *Argyll* carried out drills with the American guided-missile destroyer USS *McCampbell* in January 2019 in the South China Sea, as did HMS *Montrose* with the USS *Guadalupe* in February 2019. The USS *The Sullivans* accompanied the UK's Carrier Strike Group on its Indo-Pacific operations in 2021.

UK maritime cooperation with India is being ramped up, per the *2030 Roadmap* agreed upon by London and New Delhi during the UK-India Summit in May 2021. UK security links with Japan have also deepened and taken on a maritime and Indo-Pacific focus. Bilateral exercises were carried out with Japan in the Indian Ocean in September 2018 and in the Western Pacific in April and August 2018. In turn, the UK is working trilaterally with Japan and the United States. Anti-submarine drills were carried out by HMS *Argyll* and HMS *Montrose* with the Japanese Maritime Self Defense Force and the U.S. Navy in the Western Pacific in December 2018 and March 2019. Such exercises operationalized the trilateral cooperation agreement between the British, Japanese, and American naval chiefs in October 2016, which was renewed in November 2019. The UK is also exploring closer relations with the QUAD, made up of Australia, India, Japan, and the United States. While UK deployments in the Indo-Pacific, most recently the Carrier Strike Group, have involved exercising with the Australian, French, Indian, Japanese, and U.S. navies – they have not been carried out with the Chinese PLA Navy.⁵

In promoting maritime order, the UK actively participates in the Indian Ocean Naval Symposium, established in 2012. It has been granted an observer status at the long-running West Pacific Naval Symposium in 2016 and membership of the South Pacific Defense Ministers Meeting mechanism. It is also a member of the Five Power Defence Arrangements, with Australia, New Zealand, Singapore, and Malaysia, which involves regular naval exercises. The UK is also a member of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery Against Ships in Asia (ReCAAP).

Meanwhile, the legal position of the UK British Indian Ocean Territory, and with it the status of the critical UK/U.S. base of Diego Garcia, is under pressure. The International Court of Justice (ICJ) rendered an adverse advisory opinion in February 2019. The UN Court stated that Mauritius has legitimate sovereignty over the Chagos Archipelago, home to Diego Garcia. Mauritius also obtained a favorable ruling from the International Tribunal on the Law of the Sea (ITLOS) in early 2021 on the delimitation of its maritime boundary with the Maldives, including the determining limits of maritime zones generated by the British-occupied Chagos islands. These legal issues weaken the UK (and the U.S.) position on calling China out for its breaches of international law in the South China Sea.⁶

French “axis”

With territories in both the Indian and Pacific Oceans, France sees itself as a resident Indo-Pacific power with population, territory (islands), and waters (particularly large EEZs) to protect. Paris has military forces (especially naval) based in the region and regular (and increasingly powerful) naval deployments. At times, these deployments include its carrier strike group headed by the aircraft carrier *Charles de Gaulle* and at other times by its amphibious helicopter carrier group led by LHD *Tonnere* – often exercising with Indian, Australian, Japanese, and U.S. navies.⁷ Both groups deployed into and across the Indo-Pacific in 2021. France constantly reiterates freedom of navigation rationales in its deployments into the South China Sea and navigation through the Taiwan Strait in 2019.

“France sees itself as a resident Indo-Pacific power, with population, territory (islands), and waters (particularly large EEZs) to protect..”

French security interests were reiterated in May 2019 with the Ministry of Defence's *France and Security in the Indo-Pacific* primer.⁸ This was appropriately enough immediately presented by the Defence Minister Florence Parly at the Shangri-La Dialogue, complete with her reiterating France's naval missions in the South China Sea and the “power projection” capabilities of the French Carrier Strike Group headed by the nuclear aircraft carrier *Clemenceau* that had just traveled across to Singapore.⁹ The Foreign Ministry followed later in June 2019 with its *French Strategy in the Indo-Pacific*, and in

⁴ British Embassy Bangkok, “UK Carrier Strike Group in the Indo-Pacific,” July 23, 2021, <https://www.gov.uk/government/news/uk-carrier-strike-group-in-the-indo-pacific>.

⁵ Ministry of Defence, “UK Carrier Strike Group to Exercise with Indo-Pacific Partners,” July 19, 2021, <https://www.gov.uk/government/news/uk-carrier-strike-group-to-exercise-with-indo-pacific-partners>.

⁶ Laingfu Zhang, “US, Others Show Double Standards on South China Sea,” *China Daily*, July 13, 2021.

⁷ Kiran Sharma and Mailys Pene-Lassus, “France to Lead Quad Naval Drill in Indo-Pacific Challenge to China,” *Nikkei Asia*, April 2, 2021.

⁸ Ministère des Armées, *France and Security in the Indo-Pacific*, May 2019.

<https://www.defense.gouv.fr/content/download/559608/9684004/file/France's%20Defence%20Strategy%20in%20the%20Indo-Pacific%20-%20202019.pdf>.

⁹ Florence Parly, Speech, Shangri-La Dialogue, Singapore, June 1, 2019, <https://www.iiss.org/-/media/files/shangri-la-dialogue/2019/speeches/plenary-3---florence-parly-minister-of-the-armed-forces-france.pdf>

April 2021 with *France's Partnerships in the Indo-Pacific*.¹⁰ President Macron, during his trips to Australia and New Caledonia in 2018, had already talked about his “geopolitical ambition” to shape an “axis” (*axe*) between France, Australia, and India, while warning against creeping Chinese regional hegemony.¹¹

A trilateral dialogue structure among France, Australia, and India was established in December 2020, specifically focusing on maritime cooperation, geostrategic challenges, and adherence to international law in the Indo-Pacific. Initially launched at the level of Senior Officials, a Ministerial level meeting was held in April 2021. France's strategic cooperation with Japan has also accelerated. A Minister of Foreign Affairs and Defence “2+2” strategic dialogue mechanisms have run since 2014. The Logistics Support Agreement (LCA) signed with Japan in 2018 supplements the similar LCAs signed by France with India and Australia. Trilateral military exercises with Japan and the United States in the Western Pacific were held in 2017 and again in 2021. France is also a member of the Quadrilateral Defense Coordination Group with Australia, New Zealand, and the United States, and the South Pacific Defense Ministers mechanism. French security cooperation across the Indo-Pacific with the U.S. is a particular growth area for the future.¹²

In terms of soft maritime order issues, France organizes the *Croix du Sud* exercise, which focuses on delivering humanitarian assistance and disaster relief, evacuating civilians, and re-establishing security in the wake of a simulated disaster. As a participant in the Indian Ocean Naval Symposium and the Western Pacific Naval Symposium, France has been involved in low-level maritime safety issues in the region. French membership in the Secretariat of the Pacific Regional Environmental Program is another soft security avenue. France also actively operates within the EU's ATALANTA anti-piracy program in the Gulf of Aden.

German “guidelines”

In September 2020, the German Foreign Ministry issued *Policy Guidelines on the Indo-Pacific Region*. As a self-declared “trading nation” from outside the region, Germany's Indo-Pacific interests were defined in terms of maintaining open shipping routes, open markets and free trade, digital transformation and connectivity, and environmentally friendly economic growth. Consequently, these guidelines stressed a rules-based order applied to the shipping routes through the Indian and the Pacific Oceans, support for UNCLOS, and specifically for freedom of navigation. As such, Germany declared in these *Policy Guidelines* that it was “prepared to promote the enforcement of rules and norms in the region” and “to be involved in measures to protect and safeguard the rules-based order in the Indo-Pacific, such as safeguarding the principles of the UN Convention on the Law of the Sea”; but without specifying how it could safeguard UNCLOS principles.¹³ It did announce that it intended to expand security and defense cooperation, which could involve exercises in the region and various forms of maritime presence, but without providing any specifics on either. It proposed greater resources for stabilization and mediation in the Indo-Pacific region but without any sense of who might accept such German mediation – certainly not China in the South China Sea. Soft maritime security was discussed – expanding cooperation with the Indian Ocean Rim Association (IORA) in the areas of business and maritime safety, as well as disaster risk management, while cooperation with ASEAN was flagged over maritime litter and wider development issues. The Guidelines announced that Germany would be signing the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP). In this context, it is significant that Germany's Defense Minister Annegret Kramp-Karrenbauer did use her discussions with her counterpart Wei Fenghe in July 2021 to openly call on China to accept the Permanent Court of Arbitration award won by the Philippines against China 2016 over the South China Sea.¹⁴

In terms of naval deployments, German frigates have been periodically deployed to the Gulf of Aden since 2008 as its contribution to the EU's ATALANTA program. Germany's observer status with the Indian Ocean Naval Symposium also highlights European interest in maritime Indo-Pacific. In August 2021, the German frigate *Bayern* was deployed further east for a six-month deployment across the Indian Ocean into the Pacific, explained by the Federal Office as that “its mission is to support us in upholding international law and improving security in the Indo-Pacific together with our partners.”¹⁵ The *Bayern* took part in the EU's ATALANTA operation in the Gulf of Aden, exercised with Indian ships, and was scheduled to visit Australia, Guam, and Japan and participate in UN sanction enforcement against North Korea in the East China Sea. The *Bayern* was due to navigate through the South China Sea in December, but under confusing settings; for although Berlin had already stated it would not be conducting any freedom of navigation operations within 12 miles of Chinese holdings in the South China Sea, Beijing stalled on replying to German requests for a port

¹⁰ Ministère de l'Europe et des Affaires étrangères, *France's Indo-Pacific Strategy*, June 2019,

https://www.diplomatie.gouv.fr/IMG/pdf/en_a4_indopacifique_v2_rvb_cle432726.pdf; *France's Partnerships in the Indo-Pacific*, April 2021,

https://www.diplomatie.gouv.fr/IMG/pdf/en_a4_indopacifique_16p_2021_v4_cle4b8b46.pdf.

¹¹ Emmanuel Macron, “Transcription du discours,” Noumea, New Caledonia, May 5, 2018, <https://www.elysee.fr/emmanuel-macron/2018/05/05/discours-du-president-de-la-republique-emmanuel-macron-sur-la-nouvelle-caledonie-a-noumea>. Also Leon Langdon, “France as an

Indo-Pacific Power and What it Means for China,” March 17, 2021, <https://www.europeanguanxi.com/post/france-as-an-indo-pacific-power-and-what-it-means-for-china>.

¹² Nilanthi Samaranyake, “Future US-France Cooperation: Think Indo-Pacific,” *The Diplomat*, February 3, 2020,

<https://thediplomat.com/2020/02/future-us-france-cooperation-think-indo-pacific/>.

¹³ Federal Foreign Office, “German Government Policy Guidelines on the Indo-Pacific Region,” September 1, 2020, 11,15, <https://www.auswaertiges-amt.de/blob/2380514/f97847e3b3fa1bd7c5446d274a4169e/200901-indo-pazifik-leitlinien--1--data.pdf>.

¹⁴ Federal Ministry of Defense, “VTC of Kramp-Karrenbauer and Chinese Minister of National Defence Wei Fenghe,” July 8, 2021,

<https://www.bmvg.de/en/vtc-kramp-karrenbauer-and-chinese-minister-of-national-defence-5108890>.

¹⁵ Federal Foreign Office, “Implementing the Policy Guidelines on the Indo-Pacific Region: The Frigate Bayern Sets Sail,” August 2, 2021,

<https://www.auswaertiges-amt.de/blob/2380514/f97847e3b3fa1bd7c5446d274a4169e/200901-indo-pazifik-leitlinien--1--data.pdf>.

visit to Shanghai until Berlin had further clarified German intentions in the South China Sea, to China's satisfaction.¹⁶

The Netherlands' "guideline"

Following Germany, the Netherlands released its strategy in November 2020 titled *Indo-Pacific: A Guideline for Strengthening Dutch and EU Cooperation with Partners in Asia*. The Netherlands has historical connections with the Indo-Pacific, mainly through Indonesia, its former colony in the so-called Dutch East Indies. The strategy was two-fold in the Dutch Guideline. Non-controversial elements were environmental cooperation and trade, including with China. It is worth pointing out for context that the preceding 2019 policy paper released by the Ministry of Foreign Affairs had already registered growing Dutch unease over China's geopolitical rise and clash of values with the West, both of which were necessitating a *rebalance* by the Netherlands away from any economic dependency.¹⁷ Politically, the Netherlands' Indo-Pacific Guideline re-stressed their interests in cooperating with like-minded partners such as Australia, India, Indonesia, Japan, South Korea, New Zealand, Singapore, Malaysia, and Vietnam and pushing for an EU strategy.¹⁸

Regarding maritime order, the Dutch Guideline also reaffirmed their readiness to speak out more actively about violations of international law, including regarding UNCLOS and the South China Sea. It also talked about promoting passage and maritime safety by focusing on capacity building in the areas of international maritime law. Wide-ranging but vague avenues were indicated in its point that "with Australia and other interested like-minded countries from the region, the Netherlands will consult on developments in the South China Sea;" and that it would seek to "promote safe passage and maritime security by helping with capacity building in the area of the international law of the sea, exploring opportunities in that regard in the realm of defence and security."¹⁹ Like Germany, the Netherlands has, for some time, periodically contributed to the EU ATALANTA operation in the Gulf of Aden. The Netherlands also sent a frigate, HNLMS *Evertsen*, to accompany the UK Carrier Strike Group in its Indo-Pacific deployment during May-September 2021.

E3 (France-Germany-UK) cooperation

The UK, France, and Germany (the E3) released a *Joint Statement on the Situation in the South China Sea* in August 2019. The three European powers reiterated their commitment to upholding freedom of navigation and maritime rights in the South China Sea.²⁰ UK's exit from the EU in January 2020 did not break this E3 cooperation. France, Germany, and the United Kingdom jointly filed a formal *note verbale* at the United Nations in September 2020, rejecting China's sweeping "9 dash line" claims over the South China Sea.²¹ The document stated that China's claims to "historic rights" over the South China Sea do not comply with international law and provisions of UNCLOS and specifically referenced the 2016 arbitration award won by the Philippines against China. Despite this, however, a trilateral virtual summit between Chinese President Xi Jinping, Macron, and Merkel in April 2021 was used by China to claim a favorable consensus on regional issues, which represents a deliberate attempt by Beijing to muddy the issue, especially with regard to maritime order in the Indo-Pacific.

European Union strategy

The EU has, for some time, been concerned with maritime order in the eastern Indian Ocean. Its ATALANTA anti-piracy deployments since 2008, the European Development Fund support for MASE (Program to Promote Regional Maritime Security, 2012-2018), and the CRIMARIO (Critical Maritime Routes, Indian Ocean, 2015-2019) programs are all testaments to this.

Further eastward, the EU has forged closer security cooperation with Southeast Asia. The EU-ASEAN Maritime Security Dialogue was established in 2014, and the Framework Participation Agreement was signed with Vietnam in 2019 for crisis management operations. The EU continues to call for freedom of navigation, and a rules-based maritime order in the South China Sea, which raises the question of what measures the EU proposes for realizing those objectives.

Under pressure from France, Germany, and the Netherlands,²² the EU formally agreed to a 10-page *EU Strategy for Cooperation in the Indo-Pacific* in April 2021.²³ In terms of maritime order, the strategy specifically

¹⁶ Hans Kundnani and Michito Tsuruoka, "Germany's Indo-Pacific May Send Unclear Message", Expert Comment (Chatham House), May 4, 2021, <https://www.chathamhouse.org/2021/05/germanys-indo-pacific-frigate-may-send-unclear-message>; Amber Wang, "Beijing to Berlin: Clarify Warship's Intentions in South China Sea or Forget Shanghai Visit," South China Morning Post, August 3, 2021.

¹⁷ Ministry of Foreign Affairs, The Netherlands and China: a New Balance," May 2019, https://www.government.nl/binaries/government/documents/policy-notes/2019/05/15/china-strategy-the-netherlands--china-a-new-balance/LR_124102_Beleidsnota_China_ENG_V3.pdf.

¹⁸ Maaike Okano-Heijmans and Kayle Van't Klooster, "The Netherlands and the Indo-Pacific: Inclusive but not Value-neutral," Prospects and Perspectives, 39, August 2021, <https://www.pf.org.tw/article-pfen-2076-7265>.

¹⁹ Government of the Netherlands, "Indo-Pacific: Guidelines for Strengthening Dutch and EU Cooperation With Partners in Asia," AVT/BZ-201002-011A, November 2021, 10,8, <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/publicaties/2020/11/13/indo-pacific-een-leidraad-voor-versterking-van-de-nederlandse-en-eu-samenwerking-met-partners-in-azie/Indo-Pacific+Guidelines+EN.pdf>.

²⁰ "Statement by United Kingdom, France and Germany on the Situation in the South China Sea", August 29, 2019, <https://www.gov.uk/government/news/e3-joint-statement-on-the-situation-in-the-south-china-sea>.

²¹ United Nations, "Note Verbale," UK NV 162/20, September 16, 2020, https://www.un.org/depts/los/clcs_new/submissions_files/mys_12_12_2019/2020_09_16_GBR_NV_UN_001.pdf

²² Gudrun Wacker, "The Indo-Pacific Concepts of France, Germany and the Netherlands in Comparison: Implications and Challenges for the EU," EU-Asia Project (Robert Schuman Centre), 19, May 2021,

²³ European Council, "Council Conclusions on an EU Strategy for Cooperation in the Indo-Pacific," 7914/21, April 16, 2021, https://eeas.europa.eu/delegations/china/97196/south-china-sea-statement-spokesperson-challenges-peace-and-stability_en.

included soft security cooperation like anti-piracy (point 6.1.b): “ensuring the safety of and security of maritime routes”) and conservation (6.1.b: “ensuring the conservation and sustainable management of maritime resources”). It also re-stressed the EU’s commitment to working with other partners to shape quality, sustainable and transparent projects (6.5), in effect serving as an alternative to China. It also included legal issues, namely “contributing to the upholding of international law including freedom of navigation (point 2) and “securing free and open maritime supply routes in full compliance with international law” (point-4). The strategy appeared merely aspirational and devoid of specifics. China was not mentioned save as a trading partner. The strategy was also silent on the South China Sea. Hence, it was unclear how the EU would contribute to freedom of navigation and securing free and open maritime routes in such waters. While recognizing “the importance of a meaningful European naval presence in the Indo-Pacific” (point 6.4.c), it did not indicate any specific EU initiatives. High Representative Josep Borrell announced in June 2021 that “we are exploring options on how to enhance EU’s maritime presence in the vast Indo-Pacific space” and “we will extend the EU’s Critical Maritime Routes project from the Indian Ocean to South East Asia.”²⁴

Nevertheless, in April 2021, at the height of the Whitsun Reef tension, the Spokesperson of the EU’s External Action Services Agency issued a statement saying that the presence of large Chinese vessels at the reef “endangers peace and stability in the region. The EU is committed to secure, free and open maritime supply routes in the Indo-Pacific”.²⁵ The Spokesperson went on to call for adherence to the Arbitration ruling of July 2016 that had gone against various Chinese claims in the South China Sea.

Conclusion

Overall, European interests in a rules-based maritime Indo-Pacific are clear. But as demonstrated by constrained European responses to maritime tensions in the region, particularly in the South China Sea, it remains patently and painfully apparent that speaking with one European EU voice against China has become difficult. Like Hungary and Greece, some smaller EU governments have become financially dependent on China’s infrastructure presence and increasingly unwilling to speak out against Beijing’s militarization of South China Sea islands and its predatory Maritime Silk Road initiative. The recent Comprehensive Agreement on Investment, signed in December 2020, may also make the EU more reluctant to take economic or security countermeasures against China’s international law violations.

“...speaking with one European EU voice against China has become difficult.”

The EU needs to take a more principled approach and prioritize support for a rules-based maritime order in the Indo-Pacific over accommodating Chinese policy preferences. The former can yield long-term security benefits as it can help deter Chinese aggression and moderate China’s disruptive maritime ambitions. The latter will deliver only short-term economic benefits and make Europe vulnerable to Beijing’s whims and coercive levers. Nevertheless, the UK and French naval deployments in the Indo-Pacific have attracted the attention of U.S. policymakers as “welcome additions to the U.S. regional presence.”²⁶

To this end, Europe can protect its security interests in the region and help advance a rules-based maritime order in Indo-Pacific by exploring the following policy options:

1. The UK should conclude a Logistics Cooperation Agreement with India.
2. The UK should strengthen its naval presence in Singapore and its naval participation in the Five Power Defense Arrangement exercises.
3. The UK should reach out more to the Chagosian community in exile, especially in the UK, with full citizenship grants, financial compensation, or job offers within the Chagosian archipelago.
4. The UK should build on its HMS *Albion’s* freedom of navigation exercise in 2018 in the South China Sea and resume regular freedom of navigation deployments in other areas - either with its currently-deploying Carrier Strike Group or the warship due for dispatch later in 2021.
5. UK deployments should include operating around the “artificial islands” created by China in the South China Sea, including inside maritime zones claimed or restricted by China.
6. The UK should carry out regular transit operations in the Taiwan Straits.
7. France should carry out freedom of navigation operations in the South China Sea that are clearer in location, setting, and purpose.
8. France should build on its transit operation in April 2019 through the Taiwan Strait and conduct regular transit operations there.
9. France and the UK should seek a more formal partnership with the QUAD, including further naval cooperation.
10. Germany should deploy its frigate *Bayern* for bilateral military exercises with Japan (and possibly the United States) in the East China Sea and the South China Sea.

²⁴ Josep Borrell, “The EU Approach to the Indo-Pacific,” June 3, 2021, https://eeas.europa.eu/headquarters/headquarters-homepage/99501/eu-approach-indo-pacific-speech-high-representative-vice-president-josep-borrell-centre_en

²⁵ External Action Services Agency, “South China Sea: Statement by the Spokesperson on Challenges to Peace and Stability,” April 24, 2021, https://eeas.europa.eu/delegations/china/97196/south-china-sea-statement-spokesperson-challenges-peace-and-stability_en.

²⁶ Bruce Vaughn, Derek Mix and Paul Belkin, “The United Kingdom, France and the Indo-Pacific,” Congressional Research Service, August 5, 2021, <https://sgp.fas.org/crs/row/IF11052.pdf>.

11. Germany should instruct the *Bayern*, when transiting the South China Sea, to carry out freedom of navigation operations.
12. Germany should send the *Bayern* on a transit mission through the Taiwan Strait, navigation operations in the South China Sea, and should station official EU observers on such French ships.
13. The EU should shape connectivity arrangements with ASEAN countries and India to complement the EU-Japan Connectivity and Infrastructure Partnership agreement already signed in September 2019.
14. The UK, France, the Netherlands, and the EU should specifically call on China to comply with the 2016 Arbitration Award on the South China Sea issue and maintain that public call.
15. France, the Netherlands, and the EU should join the Regional Cooperation Agreement on Combating Piracy and Armed Robbery Against Ships in Asia (ReCAAP).
16. The Europeans (the UK and either France and Germany at the national level or the EU Investment Bank) should get involved in the Blue Dot network established by Australia, Japan, and the United States.

If implemented, these initiatives can enhance current European efforts and make a significant difference in moderating Chinese ambitions, advancing international law, and promoting maritime cooperation in the Indo-Pacific Region.

ABOUT THE AUTHOR

Dr. David Scott is a member of the Center for International Maritime Security (CIMSEC), and an Associate Member of the Corbett Centre for Maritime Policy Studies (CCMPS). He has published extensively, including on the UK's role in the Indian Ocean, on France's strategy in the Indo-Pacific, and on Germany's emerging policy towards the Indo-Pacific. For the author's complete list of publications, visit www.d-scott.com/publications.



PACIFIC FORUM
INTERNATIONAL
MARITIME  SECURITY