



QUAD PARTNERSHIP: ANALYZING REGIONAL MARITIME GOVERNANCE IN THE INDO-PACIFIC REGION

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Abstract

The concept of an expanded "supra-region" embracing two oceans, known as the Indo-Pacific, is still in its infant stages and does not yet have a connected institutional structure. In addition, the Indo-Pacific area has become more aware of the importance of economic and security issues. A unified organization has the potential to both enhance the economic well-being of a region and make maritime governance more effective. Generally, a pan-regional structure should be developed to address a widespread problem connected across the Indo-Pacific area. If this cannot be accomplished, the region may be put in a position where it is impossible to maintain its long-term interests without establishing pan-regional institutions to manage the ocean.

Keywords: *Indo-Pacific region, Maritime governance, Pan-region, Quad Partnership.*

Introduction

Maritime governance refers to the norms, institutional arrangements, and substantive policies that collectively secure the rule-based and value-oriented usage of marine resources. These elements work together to guarantee maritime governance. This research has provided an in-depth analysis of the changes occurring in the regional order and their effects on the global political system. The focus of the paradigm shift has shifted from a global to a regional level, as has been increasingly apparent. For example, integrating the Indian and Pacific Oceans prompts conventional and non-traditional players to reconsider their regions' important geopolitical and geo-economics values and goals ^[1].

In addition, due to the establishment of the Quadrilateral Security Dialogue (Quad), regional maritime governance has come to the forefront of attention. It has been the subject of extensive discussion in the core jurisdiction of maritime boundaries. Topics of discussion have ranged from how an institution will address the problem of high-level sea level rise, insufficient allocation of marine resources, excessive fishing, and so on. "The fact that current regional organizations like the South Asian Association for Regional Cooperation (SAARC), the Association of Southeast Asian Nations (ASEAN), the Pacific Islands Forum (PIF)," and others have founded their maritime governance policies in the sea a crucial factor. These policies are especially important for the Indo-Pacific region. During this same period, China's geographical encroachment throughout the Indian and Pacific oceans disregarded the fundamental notions of national sovereignty and maritime authority. On the other hand, non-state actors and external factors have created considerable disruptions to the rule-based order and maritime governance institutions intended to keep the region in order. On the other hand, Quad has appeared to be a choice at the regional level to construct marine governance that is open and free, with access to freedom of navigation, inclusion, and rule-based order ^[2].

It has been suggested that the nature of maritime governance is complicated, and it has been suggested that this theory warrants additional investigation under three broad aspects, with normative being just one of these aspects. Not only does it specify appropriate actions, but it also gives particular persons or



organizations the ability to formulate and carry out policies. This gives it tremendous importance. In addition, fundamental policies and institutional framework aspects have contributed significantly to the institution's overall improvement.

An Assessment of Exploration and Exploitation in the Indo-Pacific Region

The ocean is essential to the functioning of the global economy since it accounts for approximately 80% of the total volume of goods traded worldwide.^[3] Adequate marine governance is, therefore, a fundamental necessity. The ocean is administered by a variety of people and institutions, each operating within the jurisdiction that is appropriate for them. However, “the United Nations Convention on the Law of the Sea (UNCLOS), which was signed in 1982,” established a blueprint for national purview by classifying the various sectorial maritime zones as follows: internal waters, territorial seas, contiguous zones, unique economic zones (EEZ), and the high seas.^[4] Despite this, the marine sphere has been recognized as the location of the war. The efficacy of maritime governance has been hampered by several factors, including a lack of consistency in sectorial methods, disagreements among players, jurisdictions with overlapping responsibilities, and a failure to communicate amongst governance institutions effectively.

The Indo-Pacific maritime framework has also seen similar problems in building security and rule-based order, especially deep-sea mining. Minerals are being mined from the deep seabed, which is outside of national authority and falls primarily under the purview of the International Seabed Authority, which is charged with regulating the openness and accountability of deep seabed mining. The administrative function of international institutions exercises control over certain significant countries while simultaneously allowing for the use of marine resources. Feichtner the International Seabed Agency (ISA) has founded a platform intended to be equivalent and acceptable while authorizing licenses to predominately exploit specific zones of the sea for the financial gain of a few dominant actors. This system aims to ensure that the seabed is used in an environmentally sustainable manner^[5].

Nevertheless, international conventions, regional alliances, and national programs usually entail “extensive planning, development, and implementation that reflect the intention to promote specific objectives” about the ocean. Several international organizations have claimed that to promote and build an integral ocean and coastal policy, it is necessary to put the policy into effect. This will help strengthen maritime governance. As an illustration, the Agreement reached “at the United Nations Conference on Environment and Development in 1992 and the World Summit on Sustainable Development in 2002 promoted the integrated ocean approach.” Despite this, the international institutions' lackluster performance can be attributed to the fragmented nature of the integrated ocean agreements. In addition, this has resulted in the establishment of anarchical conditions in the ocean simply because there is no mechanism to prevent actions such as overfishing, excessive extraction of marine resources, etc.

In recent years, the Indo-Pacific area has faced the same difficulties in defending marine biodiversity, combating piracy and other transnational crime, and ensuring safe passage. In addition, ocean resources are in great demand worldwide because a sizeable portion of the land's resources is continuously dwindling. At the same time, the majority of the world's population relies heavily on ocean resources. Nevertheless, the ocean has already begun to face the issues of marine population, erosion of habitat, and over-exploitation of marine resources. Several institutions cannot sustainably control the ocean,



and the various treaties and agreements conflict with one another. Each nation takes whatever marine resources it needs from its territorial waters within its national marine purview^[6].

Various global intergovernmental agreements establish a common structure that can be used to further the development of laws and policies in the region surrounding the Indian Ocean. Most nations bordering the Indian and Pacific oceans have signed up to global environmental agreements and the structure for maritime governance that guarantee the protection and conservation of the oceans. In this category is the Convention on Migratory Species (CMS), “the Agreement on the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, the Convention on International Trade in Endangered Species (CITES), the United Nations Convention on the Law of the Sea (UNCLOS), the Convention on Biological Diversity (CBD), and the United Nations Framework Convention on Climate Change (UNFCCC). On the other hand, there is a lack of precision concerning how the goals indicated in these treaties are to be carried out.”^[7]

“The illegal, unreported, and unregulated (IUU) fishing operations in the Indian and Pacific Oceans are a major cause for worry for all coastal states and the international community.” These illicit acts had a detrimental effect on the fish stock's ability to be sustained over time. In a recent report, the World Wildlife Fund (WWF) indicated that thirty percent of the assessed stocks in the Indian Ocean are not fished to biologically sustainable levels, as indicated by the study conducted by FAO.

The Evolution of Maritime Governance and its Institutional Mechanisms throughout History

The administration of the oceans falls under the purview of various organizations that focus on navigation, fishing, and pollution, respectively. The oceans have been separated between territorial waters (a small area where coastal governments have similar powers they have “exercised over their land territory) and the high seas (a large area where all states are free to use the waters and related natural resources) since the seventeenth century.” The premise on which this system was established was that the ocean's resources were either infinite or, failing that, significantly greater than the demands that humans placed on those resources. “As it became apparent that the oceans and their natural resources could not satisfy the needs of the world's greatest population, the legal framework that declared the natural resources of the high seas belonged to no one came under increasing scrutiny.” Various intergovernmental ocean agreements spread rapidly around the globe to reduce the strain on the world's natural resources and satisfy their insatiable appetite for the ocean's richness in the wake of World War II^[8].

These intergovernmental actions served as the impetus for the first and second “United Nations conferences on the law of the sea, which took place in 1958 and 1960, respectively.” They developed a set of four standards, but they did not make much progress in building a governance framework that could control the growing uses of “the ocean and the resources it provides. The United Nations Convention on the Law of the Sea (UNCLOS III), initiated in 1973, was motivated by several events in the 1960s and early 1970s.” These events included coastal governments' ongoing unilateral assertion of rights and the possibility of exploiting metallic nodules on the deep seafloor. At this point, the idea of expanded coastal state jurisdiction had begun to take shape. It didn't take long for the idea that coastal governments need to be granted “sovereign rights over the natural resources located in an area that extends 200 nautical miles seaward from their coastal baselines to gain widespread support and acceptance.”^[9]



In the 1980s, an issue of great concern was the overexploitation of fish and other marine resources on the high seas. As a result, it has been labeled as a failure of maritime governance, highlighting the concern about maintaining the marine environment that drives global communities to reform existing institutions. As a direct consequence of this, “the United Nations Conference on Environment and Development (UNCED) in 1992 and the United Nations Food and Agriculture Organization (FAO) set adequate laws and standards for fish stocks.”

Despite this, UNCED strongly recommended that the General Assembly of the United Nations organize a meeting to facilitate fruitful dialogue between the countries. Consequently, “the United Nations Fish Stocks Agreement” was largely adopted in 1995 and entered into force in 2001. In the same year, 1995, “the Food and Agriculture Organization of the United Nations (FAO)” established the “Code of Conduct for Responsible Fisheries.” It has established a sustainable fisheries policy to improve marketing strategy and practice. A plan to develop self-sustaining fisheries was endorsed at “the World Summit on Sustainable Development in 2002”, and fish stock can produce maximum sustainable output.

Similarly, “the Indian Ocean Naval Symposium (IONS),” which was founded in 2008 by the fleets operating in “the Indian Ocean, and the Western Pacific Naval Symposium (WPNS),” which is a notable regional organization focusing on promoting maritime governance in the Indo-Pacific area, are both examples of naval symposia that have been created in recent years. An improved maritime governance structure to meet UN Sustainable Development Goal 14 was a goal emphasized by Indian Prime Minister Narendra Modi in 2018. This was done as part of “the Indo-Pacific Ocean Initiative (IPOI). It has defined seven pillars of collective effort to advance maritime security and development.”^[10]

In recent years, several international organizations, like “the International Marine Organization (IMO) and the International Seabed Authority (ISA),” have taken significant steps toward successfully regulating maritime governance. The primary responsibilities of these organizations are to promote the sustainable and robust administration of the world's oceans and the environmentally responsible exploitation of marine resources^[11].

The Significance of United Nations Sustainable Development Goal 14 and Its Relevance

“On September 25, 2015, all 193 member states of the United Nations unanimously agreed to adopt the 2030 Agenda for Sustainable Development, which opened the door to a new chance. The Sustainable Development Goals (SDGs) are a set of 17 overarching goals with 169 objectives that are meant to direct improvement attempts by governments, international organizations, civil society, and other institutions between 2016 and 2030. These goals were developed as part of the 2030 Agenda for Sustainable Development. Following the 2030 Agenda for Sustainable Development, nations are strongly encouraged to articulate their interests and intentions, formulate strategies and plans, and adopt laws, programs, and partnerships to realize their national goals and objectives. Although aquaculture and fisheries promote several different goals, the global target of the oceans and seas was included in the 2030 Agenda for Sustainable Development for the first time.”^[12] The sole purpose of Sustainable Development Goal 14 (SDG 14) is to “conserve and sustainably use the oceans, seas, and marine resources for sustainable development” (Least Developed Countries.



Goal 14 of the Sustainable Development Goals identifies ten key target areas to attain by 2025. These include:

1. Preserving the health of marine and coastal ecosystems: It offers a marine ecosystem that is protected sustainably to prevent negative impacts and increase resistance, enabling the restoration of the maritime domain's healthy and productive state.

2. Marine pollution: It suggests preventing the considerable impact of marine pollution and reducing all kinds of pollution, particularly activities focused on land, which includes floating plastic and marine waste.

3. Reducing the acidity of the ocean: The term "ocean acidification" refers to the gradual decrease in the pH (potential of hydrogen) levels of the oceans that are caused by the oceans' continued uptake of carbon dioxide (CO₂) from the atmosphere. The use of fossil fuels is the primary contributor to the acidity of the ocean at present. It has triggered many chemical processes in the salt water, all of which harm the ocean and the species that live below the sea surface^[13].

4. Protecting the Ocean and Coastal Areas: It indicates that maritime areas ought to be protected or conserved, especially the maintenance of vulnerable species in the ocean.

5. the implementation of sustainable fisheries management practices and the elimination of detrimental fisheries subsidies: It has been used to refer to the process of restoring fish populations in the lowest amount of time possible, or at least to levels that are capable of producing the greatest potential substantial and sustainable yield following the biological characteristics that define them. It is required to efficiently control harvesting, put an end to overfishing, illegal, unreported, and uncontrolled fishing, as well as fishing methods that cause damage, and implement management measures that are based on scientific research.

6. Put an end to the subsidies that are a major factor in overfishing: It has determined the extent to which national regulations to prevent illicit, unreported, and unregulated (IUU) fishing are being put into effect.

7. Increasing the Financial Gains for Least Developed Countries and Small Island Developing States (SIDS): Its purpose is to "improve the economic performance of the world's" smallest and most tiny developing states through the utilization of environmentally friendly marine resources.

8. Optimize levels of scientific understanding, research, and technological development: It has pointed to an improvement in scientific understanding and the capacity for study to better ocean health^[14].

9. Encourage fishing on a smaller scale: It gives people access to facilities for fishing on a smaller scale.

10. Comply with and strictly enforce the international law of the sea: The importance of enforcing international rules and regulations to ensure the preservation and responsible exploitation of seas has been noted^[15].



These SDG 14 indicators considerably influence marine governance and provide essential foundations for improving national and international policies. Meanwhile, every nation-state is doing its part to execute “the Sustainable Development Goals (SDGs)” and aims to make the ocean ecosystem more productive.

Intersecting with Regional Institutions Throughout the Indo-Pacific Area

Common regional organizations have historically been lacking in the Indo-Pacific area. As a result, many official and unofficial institutions played an essential part in forming multilateral platforms, mini-lateral partnerships, and bilateral alliances to control the regional order. At this crucial juncture, the Indo-Pacific area has also been confronted with and is characterized by overlapping institutional structures. Additionally, no clearly defined common governance body controls the region's disorder. For example, a formalized entity such as the European Union brought together all the different institutions and grouped them under one roof^[16]. It has been demonstrated that carrying out a decisive way in the region requires the application of regulations and rules. However, the Indo-Pacific region reflects a multi-layer approach to creating regionalism when viewed through an intuitive framework. Because of ASEAN's centrality and significance toward the Indo-Pacific construct, an obligation has also been focused on within the ASEAN-led institutions to handle the regional order in the maritime domain. These institutions include “the East Asia Summit (EAS), the ASEAN Plus Three, and the ASEAN Regional Forum.” This obligation has been placed on the ASEAN-led institutions to manage the regional order in the maritime domain.

However, geopolitical conflict may provide some drive for institution-building in Asia. Government action to address problems of regional administration is sometimes influenced by these, despite the ensuing rivalries sometimes being more intense. If players are intertwined in nature and made more complicated inside bilateral, trilateral, mini-lateral, and multilateral organizations, then it will be more difficult for nations to exercise their ability to safeguard common issues. At the present point time, the Indo-Pacific area is confronted with multiple similar concerns that remain unaddressed as a result of overlapping institutional structures^[17].

How Quad Fits into the Regional Maritime Governance Mechanism?

The Quad recognizes that international law, world peace, and maritime security contribute to “the Indo-Pacific region's expansion and prosperity. The member states of the Quad emphasize the importance of adhering to international law, particularly as it is represented in the United Nations Convention on the Law of the Sea, to resolve the threats to the rules-based order that exists in the maritime domain, particularly those that are located in the South and East China Seas (UNCLOS).”^[18] We are committed to expanding our cooperation with regional partners to boost marine domain awareness, safeguard regional partners' ability to develop offshore resources by UNCLOS, guarantee freedom of navigation and over flight, combat problems like “illegal, unreported, and unregulated fishing,” and improve the safety and security of sea lines of communication. On February 11, 2022, in Melbourne, Australia, during the 4th Quad Foreign Ministers' meeting, member states of the Quad released a unified statement^[19].

This joint statement included the following progression: “the Quad's commitment to assisting the attempts of Indo-Pacific countries to advance a free and open Indo-Pacific — an inclusive and resilient region, and in which states strive to safeguard the preferences of their people, free from coercion.”^[20] As a direct result of the development of the Quad agenda, critical areas of convergence, such as trade,



infrastructure, maritime security, and emerging technologies, have emerged as the primary focuses of the four countries. The idea that the Quad alliance should establish a new alternate choice to administer and protect maritime governance in the Indo-Pacific area has been examined and considered ^[21].

Conclusion

The Indo-Pacific Construct, as an extended "super-region" Construct embracing two seas, is still in its infancy and lacks an integrated institutional framework. In addition, people in the Indo-Pacific area are becoming increasingly aware of the need for safety and economic development. To improve regional economics and maritime administration, an integrated entity is needed. An overarching, pan-regional framework should be developed to address a widespread problem that affects multiple countries and regions in the Indo-Pacific area. It may be impossible for the region to maintain its long-term interests without establishing pan-regional institutions to manage the ocean, but this is not necessarily the case. Nevertheless, the consolidation of organizations that have the potential to improve marine governance mechanisms in the region encompassing the Indian and Pacific Oceans is necessary. It will also construct a new institution larger than the previous one to handle regional problems. In addition, establishing an integrated institutional structure can potentially lessen the overlap between different institutional roadblocks, making it easier to address economic and security challenges in the Indo-Pacific area.

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