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Quadrilateral Security Dialogue in the Asia Pacific Region and its adaptation to maritime security issues in the Arctic Region; Part II

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Executive summary

This note is the second in a series that diagnoses the conditions for success of one of the means currently (2021) being employed to settle an international maritime dispute in the Asia Pacific region. The note's intent is to determine if and how such measures can successfully apply to other maritime disputes, such as those in the Arctic region. The means include multilateral diplomacy and bilateral treaty regimes. They test modalities of interpreting UN Charter Arts 2(4) and 51 concerning the threat or use of force in dispute settlement. The notes will inform those concerned with policy and law, multinational uniformed defence and security planning, and technology and capital equipment.

Part I [published on the RAUSI website dated 31 March 2021] canvassed several earlier models of Quadrilateral dialogues and regimes in trade and in security generally before setting on an assessment of Quad 1.0 [2007-2008] concerning the Asia Pacific. Part II extends the horizon of research by assessing Quad II, which was stood up in 2017.

The Quadrilateral Security Dialogue is a forum of non-binding multilateral diplomacy whose participants include Australia, India, Japan and US, with at least one other state's participation pending. The Quad's express intention is to maintain a liberal rules-based international order in the Asia-Pacific region. Its intended outputs and outcomes are to mitigate geopolitical risks to the order's norms which may arise from other states' asserting expanding claims to prescriptive and enforcement jurisdictions in the region. The risks concern, for example, limited freedom of navigation in the South and East China Seas. The Quad has not expressly cited any such 'other state.' Notwithstanding, the People's Republic of China's advancing separate bilateral trade issues with each of the Quad's current members while concurrently pursuing its policy in domestic security and sovereignty may fracture unity of effort by the Quad and hence reduce its effectiveness. Further, China employs a historically grounded modality of interpretation of international law that shapes its geopolitical strategy. Japanese and US policy research suggests that bilateral Japan-US treaty-based diplomacy may prove as cost-effective in securing regional security as those of the more provocative multilateral 'Asian-NATO'-like Quad, whether per the Security Treaty Between the United States and Japan (1951), the Treaty of Mutual Cooperation and Security between the United States and Japan (1960) or otherwise.

In the context of the Arctic region, identifying lessons from the Quad's experience and the necessary and sufficient conditions for its success may inform states who are asserting vital national interests in the region, and may assist in settling competing claims to jurisdiction. Comparative analysis.

1. Introduction

Following the 28 January 2021 report that the United Kingdom (UK) may join the Australia-India-Japan-US Quadrilateral Security Dialogue,¹ the UK did deploy on 23 May 2021 a carrier Strike group, comprised of the UK's newly commissioned aircraft carrier, *HMS Queen Elizabeth*, and other craft.

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Fig. 1: UK Carrier Strike Group © Forces.Net

Type 45 destroyers HMS Defender and HMS Diamond, plus Type 23 frigates HMS Kent and HMS Richmond are accompanied by a Royal Navy Astute-class submarine, American destroyer USS The Sullivans and the Dutch ship HNLMS Evertsen, together with two ships from the Royal Fleet Auxiliary, Tankers RFA Tidespring and RFA Fort Victoria. Aircraft include eight UK F-35B Lightning jets flown by the RAF's 617 Squadron, plus 10 aircraft from the US Marine Corps' VMFA-211 Squadron. Wildcats, the latest generation of multi-role helicopters, are being flown by 815 Naval Air Squadron, whereas 820 Naval Air Squadron, a dedicated helicopter squadron for HMS Queen Elizabeth, are flying Merlin Mk2s, with 845 Naval Air Squadron, part of 3 Commando Brigade Royal Marines, flying Merlin Mk4s. Overall, the flight deck of the aircraft carrier is hosting both British and American F-35B Lightning jets, four Wildcat maritime attack helicopters, seven Merlin Mk2 anti-submarine and airborne early-warning helicopters and three Merlin Mk4 commando helicopters.²

This model of multinational, joint and combined arms should be viewed in the context of the Quad 2.0. It is a forum of non-binding multilateral diplomacy that is currently focusing its diplomatic capital on security issues in the Indo-western Pacific and Southeast Asia. This report draws attention to the risk of heightening contentious vital national interests, strained multilateral diplomacy and problematic militarization throughout the region. The RAUSI note assesses the calculus of diplomacy employed by the Quad with focus on both procedural and substantive issues and the Quad's outputs and outcomes.

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Part I of this note [published on the RAUSI website dated 31 March 2021] overviewed earlier iterations of quads in general as an instrument of diplomacy to identify their common and distinct characters, and then diagnosed the Quad's short-lived 2007 rebranding concerning the western Pacific / Indo-Pacific.

Part II of this note assesses the more recently [2017] updated model of the Quad, including select trends and events in regional geopolitics. Further, it identifies procedural and substantive conditions for success in other quad-like arrangements that might be applied in other maritime security contexts.

Part III of this note [forthcoming] will assess whether and how these conditionalities can influence outputs and outcomes of dispute settlement in another context, namely, the Arctic region.

2. The Quad 2.0 (2017)

2.1 Introduction

In mid-2017, Australia requested observer status at the 2018 annual US-India Malabar exercise. India had to consider a number of factors that affect its larger diplomatic agenda: (1) the potentially adverse impact on Sino-India relations; (2) India's uncertainty surrounding the strength and volatility of Australia-PRC relations; (3) the usefulness of a Quad 2.0 given two extant trilateral relationships at the Ministerial level [India-Japan-US,³ and India-Australia-Japan⁴]; (4) weak Indo-Australia relations compared to India's relations with the other states; (5) PRC's refusal to admit India as a member to the Nuclear Supplier's Group; (6) the economic impact of the OBOR/CPEC on India's economy. While Japan was a regular invitee to Malabar exercises despite its low-key defence posture post WWII,⁵ Japan and the PRC have competing claims on the Senkaku / Diaoyu Islands located northeast of Taiwan and west of Okinawa

Further, Australia has granted PRC access to strategic assets, e.g., Sinosteel Corporation's 2019 purchase of Mitsubishi's interest in the Oakajee port and rail project in western Australia. The US claims it is the subject of economic and cyber espionage initiated by the PRC.

2.2 Surrounding circumstances in diplomatic time and space

Asian nations continue to robustly participate in bi-/tri- and multilateral trade treaties and related organizations, e.g., the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (2018) (CPTPP),⁶ the Regional Comprehensive Economic Partnership (2020) (RCEP)⁷ and the eleven Member State Association of Southeast Asian Nations (ASEAN). Further, the PRC has robustly advanced its infrastructure programs to accelerate and leverage its foreign trade relations, i.e., the One Belt-One Road Initiative (OBOR, BRI)⁸ and its related China-Pakistan Economic Corridor (CPEC), both announced in 2013 and whose feasibility is under critical scrutiny.⁹

However, the effectiveness of initiatives in Asian regional security arrangements is problematic. While all Asian states, excluding Taiwan, are Member States of the multilateral collective security treaty regime, the UN Charter (1945), the regionally focused collective defence treaty regime,

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Southeast Asia Treaty Organization (1954) (SEATO), dissolved in 1977;¹⁰ support from its few Asian Member States was disproportionate to that of the US and European Member States.¹¹ The non-binding trilateral collective security arrangement, ANZUS (1951), has been dormant for some time.

On the other hand, the object and purpose of the currently (2021) eight Member States of the Shanghai Cooperation Organization (2002)¹² (SCO) (including India, the Peoples' Republic of China and Russia) is to "...strengthen mutual trust, promote cooperation in politics ... and maintain peace, security and stability in the region..."¹³ e.g., in the field of information security.¹⁴ As noted above (§3.1), a traditional and historically-grounded interpretation of sovereignty, including territorial sovereignty, characterizes many Asian states' approach to this issue. Japan, too, mirrors a preference for historical narrative.¹⁵ Further, the PRC has continued to reassert its sovereignty over Taiwan, a state which neither member of the Quad nor the UK formally recognizes.

Consistent with §3.2 above, the PRC's modality of interpretation of international law is noteworthy. On 22 January 2013, [the Philippines instituted arbitral proceedings against the PRC per the United Nations Convention on the Law of the Sea (UNCLOS) Annex VII]. The arbitration concerned the role of historic rights and the source of maritime entitlements in the South China Sea, the status of certain maritime features in the South China Sea, and the lawfulness of certain actions by China in the South China Sea that the Philippines alleged to be in violation of [UNLCOS]. China adopted a position of non-acceptance and non-participation in the proceedings ... [and] did not appoint an agent. In a Note Verbale to the Permanent Court of Arbitration on 1 August 2013, and throughout the arbitration proceedings, China reiterated its position that 'it does not accept the arbitration initiated by the Philippines.'¹⁶

The PRC claimed its "territorial sovereignty, maritime rights and interests in the South China Sea are established in the long course of history."¹⁷ The dispute concerned the lawfulness of the PRC's claim to demarcate portions of the South China Sea as PRC waters by reference to the 'nine-dash line.' However, Vietnam, Malaysia, Brunei, and Taiwan also have competing territorial and jurisdictional claims over the physical features of the South China Sea. Further, the U.S. undertakes Freedom of Navigation (FON) operations in this area.¹⁸ Further, the impact of its claim under UNCLOS are unclear, e.g., whether it claims absolute sovereignty or a specific jurisdiction, and to where does the statutory 12 nautical mile Territorial Sea extend and thereafter the 200 NM Exclusive Economic Zone.¹⁹

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Fig.2: China's Nine Dash Line demarcating its claim in the South China Sea ²⁰

2.3 A military solution mistaking a diplomatic dispute for a military problem.

As referenced in the Introduction (§1.0), the UK aircraft carrier, *HMS Queen Elizabeth*, completed sea trials 17 December 2017; its F-35 (Lightning) flight trials began January 2020,²¹ and Initial Operating Capability was pronounced 06 January 2021. With one operational carrier strike group, and another being formed around a second Queen Elizabeth class VSTOL aircraft carrier, *HMS Prince of Wales* [commissioned 10 December 2019], the UK will project air and sea power to complement its diplomacy in advancing its own vital national security interests, cooperating with states with convergent interests, and satisfying its international treaty obligations.

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Fig 3: Four F-35Bs from No. 617 Squadron and a single Merlin stand on the flight deck of HMS Queen Elizabeth during carrier trials in June 2020. (Photo: Royal Navy)²²

As a fifth member of the Quad 2.0, the UK's area of influence would include that of the South China and East China Seas. The UK Ambassador to the US commented (2017), "As we [the UK] bring our two new aircraft carriers on-stream in 2020, and as we renew and update our defence forces, they will be seen in the Pacific. And we absolutely share the objective of the [then Trump, now Biden] administration, and the next one, to protect freedom of navigation and to keep sea routes and air routes open."²³

The comment might appear dissembling or opportunistic. Why might the People's Republic of China (PRC), among the UK's largest trading partners, deliberately close sea routes in the two China seas that facilitate trade, as doing so would prejudice the PRC's own balance of trade and escalate threat of use of force? One explanation may be the PRC's express and higher prioritized intent to conclude Taiwan's historical narrative and repatriate it as sovereign territory of the PRC. Notably, Taiwan has no membership in the UN and is recognized as a sovereign by only fifteen small-power states.²⁴

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Fig. 4: The guided-missile frigate Zhoushan (Hull 529), together with the guided-missile destroyers Taizhou (Hull 138) and Hangzhou (Hull 136), steam to designated sea area in East China Sea during a maritime realistic training exercise in early January 2021. They are attached to a destroyer flotilla with the navy under the PLA Eastern Theater Command. Photo: China Military

Yet, as does the UK, the US questions how security policy in the western Pacific is changing. “The waters of the Western Pacific are the focus of intense interest for trade routes, for territorial disputes, and as ongoing case studies for international law. How do Japan and the United States approach the challenges of upholding international norms and the law of the seas in this important region? [see § 4.1 and §5.3] How can regional and global multilateral partnerships influence the security dynamics in these waters?”²⁵

The UK is not unfamiliar with this region. In 1997, it concluded its 99-year lease of Hong Kong, one of the many spoils of victory that the UK and other western states extracted from China at the conclusion of the two Opium Wars (1842 and 1860). One asks if the UK’s threat or use of force in the 21st century in the Asia Pacific will be more measured than the previous.

3. Lessons to be identified from the Quad; conditions for success in advancing maritime security

Following the 2017 restart, a number of meetings at the working and ministerial level have occurred. These provide opportunities to identify no less than five conditions for success in diplomacy both within and by the Quad.²⁶

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1. While communicating correct messages to the PRC is vital, effective collaboration among the four members – five if the UK joins – is essential. The Quad’s diplomacy may require compromise of interests of the members as a necessary condition to making progress with the PRC in achieving collective goals. The more members there are, the more difficult sustainable compromise may be. On the other hand, the PRC may attempt to sabotage such uniformity by offering one or more members preferential terms on other policy agendas.
2. Members must balance the need for transparency with its negative consequences. Internal perspectives and external views of the quadrilateral as held by the four members and the PRC must be reconciled. Lack of information provided by protagonists creates vacuums to be filled by antagonist. “Creating a better understanding of the nature of the Quad can help address sensitivities, manage expectations and give officials time to develop and act on an agenda.”
3. The Quad must be a collective enterprise pursuing one substantive purpose together with providing marginal value for each member. This condition could be satisfied by the conclusion of a treaty citing a coherent object and purpose and clearly stated international legal obligations to be assumed by members. Some have cited the Quad as an ‘Asian NATO,’ but employing analogy in diplomacy may distract negotiations from the core object and purpose and lead to false conclusions. The UK’s publicly musing about joining the Quad is not helpful.
4. The Quad and each of its members should set out and deliver actionable deliverables accompanied by effective procedural means for doing so.
5. The Quad must anticipate pushback from China and prepare convincing rebuttals.

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