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Return from the Choppy Waters of the Indo-Pacific

Implications of the Deployment of the Frigate *Bayern*

Alexandra Sakaki and Göran Swistek

After a voyage through the Indian and Pacific Oceans lasting almost seven months, the frigate *Bayern* has returned to Wilhelmshaven. Above all, Germany's intention in sending the ship was to signal its political willingness to be more actively involved in the stability and security of the Indo-Pacific. Retrospectively, the mission has helped to vitalize and deepen relationships with partners in the region through military and diplomatic dialogues as well as combined exercises by the armed forces. It is now crucial to maintain the relationship momentum this has created, for instance by continuing with consultations. However, Germany has not lived up to the claim – or just barely – that the frigate's voyage would contribute to maintaining the existing rules-based order and international law. It remains to be seen what conclusions Germany will draw for future engagement in the Indo-Pacific.

The voyage of the frigate *Bayern* with its crew of approximately 240 was the first time in almost two decades that a German warship cruised the Indo-Pacific. Its stopovers during the deployment from August 2021 to mid-February 2022 included port calls in Pakistan, Australia, Guam, Japan and South Korea, as well as further stops (after crossing the South China Sea) in Singapore, Vietnam, Sri Lanka and India. As a training and presence mission that did not require a parliamentary mandate, the voyage was primarily political in nature. Germany intends to extend its commitment in the area, as per the Policy Guidelines for the Indo-Pacific, which were adopted by the Federal Government in September 2020 to

acknowledge the area's growing political and economic importance. Dispatching the frigate thus operationalised the Guidelines in practical terms and sent a clear signal of German presence in the region.

Germany's interests in the Indo-Pacific are, on the one hand, economic. About 20 percent of its total trade in goods is with countries in that region. Most of this trade is carried out via maritime routes. German foreign investment in the Indo-Pacific has markedly increased over the past few years.

On the other hand, Germany's interests are based on the fundamental assumption that developments in this dynamic region will have a decisive influence on the future of the international rules-based order, on



which Germany's security and prosperity depend. Of concern here is not only that the great power rivalry between the USA and China is primarily carried out in this arena, but also that China's regional conduct seeks to circumvent international rules and impose its interests by might – for instance, its territorial claims in the South China Sea.

In this context, the frigate's voyage had overlapping diplomatic and security policy-related objectives. The ship's presence was intended to help revive Germany's relationships in the region and provide an impetus for security or military consultations as well as diplomatic consultations with various countries. As the then-Foreign Minister Heiko Maas explained when the frigate left its homeport, Germany also wanted to assume responsibility together with its partners for "upholding international law and improving security".

The Indo-Pacific mission was a serious tour de force for the German navy, given its many international commitments and limited resources. Now that the frigate has returned, it is time to draw conclusions. Did Germany attain its objectives by sending the *Bayern*? What were reactions in the region? And what implications follow for the Federal Republic's policy course in the Indo-Pacific?

Opening Doors: The Momentum towards Deeper Relations

The number of bilateral consultations held during port calls, as well as various smaller exercises with regional partners along the sea route, indicate a positive impact overall in terms of intensifying and deepening German relations with the region. In the run-up, Germany had already conducted so-called "two plus two" talks between foreign and defence ministers with Australia and Japan respectively (in the latter case for the first time), in particular to coordinate plans for the *Bayern*'s mission.

As part of the Indo-Pacific mission, Vice Admiral and Chief of Staff, Navy Kay-Achim

Schönbach (who has since retired) met for military consultations with his local counterparts in Australia, Japan, South Korea, Singapore and India, among others. In Japan the Chief of Defence of the German armed forces (the Bundeswehr), General Eberhard Zorn, also met with Japan's Chief of Staff Yamazaki Koji. Partner countries viewed these high-ranking German visits as a sign of appreciation and attachment.

The military consultations were accompanied by diplomatic meetings to discuss regional issues, Germany's commitment to and its cooperation with each country. German officials were able to gain greater insight into the region's developments in security policy and into their partners' perspectives. The voyage of the *Bayern* thus opened the door for numerous bilateral exchanges. For Germany's partners in the region, the presence of the frigate was in turn a signal that the Federal Republic is ready to address the challenges of the Indo-Pacific more actively.

Various appearances and media interviews by German officials – especially in Australia, Japan, Singapore and India – directed local public attention to Germany's commitment as well. However, Vice-Admiral Schönbach's statements did not always coincide with the position of the German government, which became problematic. This was especially true of his controversial declarations in India on the Russia-Ukraine conflict, which led to his retirement shortly afterwards. However, Schönbach also repeatedly stated his position that in the future a presence by the German navy in the Indo-Pacific would be conceivable and appropriate every two years. While he made no specific promises, he has unquestionably raised expectations in the region. If these are not met, it could cause Germany's partners to feel disappointed and doubtful over its commitment.

Alongside the above-mentioned consultations, the *Bayern* also helped to deepen security cooperation by participating in (primarily bilateral and trilateral) exercises with the host countries' armed forces. Considering that the Bundeswehr previously

had only minimal contact with Asian militaries, these drills were an opportunity for both sides to get to know each other better. So-called passing exercises (PASSEX for short) were carried out with various partners, consisting of partial drills in navigation and communications that helped to improve the interoperability of the two navies concerned. Overall, the frigate's deployment was a chance for the naval forces involved to familiarise themselves with the other side's procedures in different domains and to coordinate.

This naval mission underlines the growing importance of maritime diplomacy as a policy tool for Germany's and Europe's naval forces beyond their home waters. Over the past few decades, stabilising operations and crisis management had pushed this long-standing task into the background.

Appearance over Substance: Strengthening the Rules-based Order

It is debatable, however, to what extent the *Bayern's* mission did justice to Germany's aspiration of contributing to the maintenance of the rules-based order, upholding international law and preserving security in the region.

The Federal Government repeatedly emphasised the frigate's role in monitoring United Nations sanctions against North Korea for about four weeks as a contribution to maintaining the rules-based order. However, this was not a direct German involvement in the UN mission – which would have required a parliamentary mandate – but a support provision that consisted of passing on specific information for situational awareness. To this end, two German naval officers were assigned to the Enforcement Coordination Cell in Yokosuka, Japan, where the data from participating ships are collated.

It is doubtful whether the *Bayern* brought a noticeable benefit to the overall UN-mandated mission. While the frigate was supposedly providing monitoring support, it also

– concurrently – took part in the large-scale drill Annual Exercise 2021, hosted by Japan, which also included American, Australian and Canadian ships and units. The German ministry of defence described this as an operative highlight of the frigate's voyage. During the nine days of exercise, the German warship stayed in the Philippine Sea, predominantly south-east of the Japanese island of Okinawa. This put it beyond the main sea lanes and at a distance of up to 1,000 km from the Korean peninsula. Since the radar range for surface ship detection would have been an estimated 40 to 50 km, the frigate is unlikely to have contributed much to the situational awareness of the UN mission. Furthermore, since the *Bayern* combined the two activities over the same period of time, the exercise necessarily must have been prioritised. During the ensuing port call in South Korea, the *Bayern* is also unlikely to have gathered data for the UN mission. Its contribution to monitoring the sanctions thus appears to have been good publicity with low operative added value. However, Germany at least signalled its political support for its partners who participate in the surveillance mission.

The chasm between the declared objective of championing a rules-based maritime order and the reality of the frigate's voyage yawned even wider where China was concerned. In the past few years, Beijing has pushed through its demands unilaterally and with force, especially in the disputed waters of the South China Sea. It has constructed artificial islands; built military installations on them, such as take-off and landing strips; and thus created *faits accomplis*. China has used its military, coast guard and militias posing as civilians to intimidate the security forces and fishermen of littoral states in this maritime area. Beijing declared “null and void” the July 2016 verdict by the International Court of Justice in The Hague that rejected China's “historical” claims to almost the entire South China Sea. In September 2021 a Chinese law entered into force that obliges certain merchant ships crossing the South China Sea

to give detailed information to Chinese authorities. No other regional actor poses as great a challenge as China to the rules-based maritime order, based on the United Nations Convention on the Law of the Sea (UNCLOS). Beijing's extension of maritime borders and territorial claims, which flouts existing maritime law, is a dangerous interference in international maritime traffic and the general freedom of navigation at sea.

The *Bayern* traversed the South China Sea but it stayed on the common international shipping routes and refrained (as far as is publicly known) from any military drills, such as helicopter take-off and landing. Germany thereby sidestepped taking a clear position in favour of international law, including the 2016 decision by the International Court of Justice – even though the latter is “decisive” for Berlin according to its own *Indo-Pacific Guidelines*. In fact, the frigate's conduct could even be interpreted as recognising Chinese claims in the South China Sea. According to UNCLOS (Arts. 17 to 25), merchant ships and warships only have the right to “innocent passage” through other countries' territorial seas. They must move along the shortest routes – and thus along the common trade routes – and warships must not carry out military exercises. In contrast, if the voyage is at high sea, ships (including warships) have almost unlimited freedom of movement and can hold drills. Instead of turning a blind eye to international law, Germany could have taken a stand against China's illegal territorial claims by transgressing the narrow code of conduct of “innocent passage”.

Initially the plan had been for the frigate to visit the Chinese port metropolis of Shanghai as well. Had this happened, Germany's position would have been even less clear. A stop in China before the *Bayern's* passage through the South China Sea would have looked like a request for permission and thus reinforced the perception that Germany respects China's claims. The planned visit provoked irritated comments from observers, for instance in Japan and Australia. Had the frigate stopped in Shanghai, it would probably have given Taiwan a wide

eastward berth to avoid the Taiwan Strait – this would have underlined Germany's reluctance to champion the Strait's status as international waters. In the end, the Chinese leadership rejected the *Bayern's* port call, pointing to a lack of trust between the two countries.

According to the then-Defence Minister Annegret Kramp-Karrenbauer, the purpose of the proposed port call had been to “keep dialogue open” with China. The German guidelines also highlight an “inclusive” approach to the region that includes all actors, and thus also China. This emphasis is underpinned by the hope of continuing cooperation with Beijing on common interests in the future, such as tackling the climate crisis, trade issues or disarmament efforts. At the same time, the approach also reflects German concern about US-China confrontation in Asia becoming more rigid, which would encourage polarisation and regional bloc formation. The countries of Southeast Asia in particular worry that the growing tensions between the great powers will increasingly force them to choose: between China, their largest economic partner, and the USA, which guarantees their security. It is therefore both sensible and important that Germany seeks dialogue with China and wants to contribute to de-escalation in the region. However, the attempt to combine in the frigate's voyage both goals – championing international law and engaging Beijing – must be judged a failure.

Looking ahead

Russia's war against Ukraine has directed political attention in Germany back onto European security issues. The Indo-Pacific will nevertheless continue to play an important role for the Federal Republic and Europe. Germany should therefore keep up its engagement in and with the region.

In this context, the Federal Government needs to reflect on the experiences made during the frigate's deployment and draw some conclusions. Above all, the undertak-

ing must be evaluated politically. What perspectives and expectations were put forth in the Indo-Pacific regarding German and European engagement there? Did consultations yield insights regarding areas in which Germany and/or Europe could bring added value for regional stability and security?

Three elements seem particularly important in considering the implications for a future Indo-Pacific policy: one, the shaping of relations with partners; two, the military engagement in the region; and three, Germany's security contributions beyond the military domain.

Using the Momentum to Nurture Relationships

The mission of the *Bayern* has given great impetus to Germany's relations with important partners in the Indo-Pacific. This momentum should be maintained through further dialogue and initiatives. Otherwise, the impact of the frigate's deployment could dissipate quickly. By deepening its exchanges, Germany will be able to tackle the region's security challenges more actively, thus helping to counteract destabilising factors and trends. Regular consultations with important partners such as Japan, Australia, India and individual Southeast Asian countries would provide an opportunity to explore common interests and coordinate approaches to the region's problems. The "two plus two" dialogue format with Japan and Australia can be continued as venues for discussing security policy issues. This would also signal to the region that Germany will maintain its engagement with the region.

It also seems sensible for Germany to consult with Asian partners about the Chinese-Russian relationship and regional and global implications. Before Russia's invasion of Ukraine, China and Russia were increasingly closing ranks, as demonstrated by their bilateral summit in early February 2022. Moscow and Beijing do not always share the same goals – as the war in

Ukraine proves – and their relations are marked by an asymmetry of power. However, both countries are fundamentally challenging the rules-based order. Russia had been preparing its illegal invasion of Ukraine for years, using grey zone tactics between peace and war, mounting disinformation campaigns and carrying out cyberattacks. China also employs such means, especially against neighbouring countries. It is thus in the interest of both European and Asian countries to exchange ideas about how to deal with such behaviour.

Military Commitment: A Stronger Presence by the German Armed Forces?

From a functional maritime perspective, the frigate has helped to attain considerable insights and knowledge. This concerns nautics and navigation, procedures for cooperating with port authorities, the establishment of logistical supply routes from Germany, and regional specifics regarding both climate and culture. In view of the navy's twenty-year absence from the Indo-Pacific, such a body of knowledge had been unavailable. Now, there is an opportunity to preserve the wealth of insights based on systematic analysis. If the German navy or other branches of the armed forces are deployed in the region in the future, this knowledge would help to shorten preparation times, minimise planning mistakes and avoid potential misunderstandings.

Going forward, the Federal Government will have to decide whether to send further military units to the region. Schönbach's call for a regular naval presence in these waters needs addressing. Initiated by the previous government, planning is also currently underway to send German air force Eurofighters as well as refuelling and cargo aircraft to Australia and Japan next summer as part of long-distance redeployments. There they will participate in exercises, thus underlining the continuing German commitment to the Indo-Pacific. In view of the limited capabilities and resources of the

Bundeswehr, Germany can only pursue political and symbolic objectives through such deployments – such as intensifying cooperation with partner countries or stressing the importance of international law. Whether such deployments might fuel military tensions in the region needs to be carefully considered in that context.

Even if deployments are deemed desirable, Berlin will have to weigh the priorities of its armed forces. The latter's shortfall in personnel and materiel is so substantial that Germany has repeatedly been forced in recent years to suspend, at least temporarily, the deployment of its units to Standing NATO Maritime Groups (for instance in the Mediterranean Sea) or to UN and EU missions (e.g. the anti-piracy mission off Somalia). The increased funding for the Bundeswehr announced by Chancellor Olaf Scholz in February 2022 will have an impact in the medium term at the earliest. As the smallest branch of the military service, the navy has the most visible capacity bottlenecks. Of the German navy's 45 ships, only 15 (twelve frigates, three combat support ships) are well suited for use in the Indo-Pacific based on their equipment. Given their range, on-board capacity for supplies and seaworthiness, another five corvettes would be of limited suitability. Of these 15 available units (or 20 maximum), only about one-quarter to one-third is operationally available, since all ships have long downtimes due to training and maintenance cycles. Deployment to the Indo-Pacific is accordingly difficult for the navy, especially since it ties up the ship in question and its crew for several months. Given the war in Ukraine, the Bundeswehr will necessarily be confronted with additional tasks in the Euro-Atlantic as part of NATO. The navy, for example, will have to contribute more to situational awareness in the Baltic and North Atlantic. Germany will therefore have to consider how best to employ the Bundeswehr's limited capacities.

In this context, Germany needs to decide whether it can take part in a combined European presence in the Indo-Pacific. In February 2022 the European Council de-

ecided to designate a maritime zone in the north-western Indian Ocean, where EU members will contribute to a coordinated maritime presence and thus vouch for shared values and interests. This is in line with the concept of a maritime presence, as contained in the EU's Strategy for Cooperation in the Indo-Pacific of September 2021. An occasional German participation would be conceivable: one ship in a European task force, or staff assigned to planning or leading such a task force.

Other Maritime Security Contributions

Irrespective of such considerations, Germany can also use other resources to contribute to maritime security and the rules-based order in the Indo-Pacific. Along with intensifying security dialogue with the region, the Federal Government has already taken a number of steps in the past two years that lead in the right direction and should be extended.

By taking a public stance on issues of international law and maritime conflicts, Germany can show initiative through simple diplomatic means. For example, in September 2020 Germany along with France and the United Kingdom rejected Beijing's claims in the South China Sea through a note verbale to the UN referring to UNCLOS and the 2016 verdict of the International Court of Justice. In June 2021 Germany and the other G7 countries used a joint declaration to state their concern over developments in the South China Sea as well as in the East China Sea, where China claims the Senkaku (Diaoyutai) Islands, which are under Japanese control. Such declarations make clear that Germany is not indifferent to the maritime tensions in the Indo-Pacific and that it condemns violations of international law.

The Federal Republic could also contribute to maritime security by continuing and expanding its training project in Southeast Asia on the law of the sea. This programme trains representatives of the Association of

Southeast Asian Nations (ASEAN) and member states' ministerial staff in interpreting and implementing UNCLOS. In this context, Germany should also appeal to countries such as the Philippines or Vietnam to clearly define their maritime claims on the basis of this Agreement.

It is not just nation states but also non-state actors that threaten the maritime order in the Indo-Pacific, including in Southeast Asia. Cases of piracy, armed robbery at sea, illegal fishing and maritime smuggling are a daily occurrence. Tackling these transnational problems often requires interstate cooperation based on international law. Regional countries tend to be reluctant about cooperative approaches due to unresolved maritime and territorial disputes. Germany could offer its support and advice in this context. Given that the interpretation of international law plays an important part in this, the Federal Government could build on the above-mentioned training project in maritime law or offer related educational programmes.

In August 2021 Germany joined the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP). ReCAAP is intended to improve interstate cooperation to combat piracy and robberies at sea in Asia. In order to exchange information on situational awareness including relevant incidents, the so-called Information Fusion Centre was established in Singapore. The German navy has permanently assigned a liaison officer to it. Since the region's countries overall lack capabilities for situational awareness, this is a meaningful contribution to maritime security.

Given the substantial challenges to the maritime order in the Indo-Pacific and German interests in the region, the Federal Government needs to be more actively engaged. Even if the armed forces' resources are limited, there are numerous opportunities for Germany to deepen its involvement by other means.

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