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The Management of the Sea Lanes of Communication in South East Asia and the ASEAN Regional Forum's Performance

Irini Laimou-Maniati[*]

Identifying the problems

The importance of the Sea Lanes of Communication (SLOCs) in the Southeast Asian region flows from the nature and the complexity of the geographical environment as well as their effects in the regional countries and major powers. In its distribution of water and land, the region has one of the most perplex structures on earth. Topographical features such as shallow continental shelves, deep-sea basins, troughs, trenches, continental slopes and volcanic and coral islands are found in the region. There are numerous large and small islands, which divide the waters into different seas connected with many channels, passages and straits. Furthermore, the increasing significance of the maritime issues - natural resources, marine environment, accidents at sea, search and rescue issues, and the propensity of illegal activities - piracy, the narcotics trade, smuggling, refugee flows, and disputes - that occur at sea, render the issue of management of the SLOCs, a substantial concern for the policies of the regional states as well as those of the major powers.

International sea lanes through Southeast Asia are important to the economic and political well being of billions of people throughout the world. The commercial and strategic significance of the Southeast Asian Sea requires little elaboration. The sea is a major source of food for the region, and the sea lanes are the lifeline of East Asian economies heavily dependent on unimpeded access to raw materials and market and investment opportunities throughout the region. Moreover, despite the end of the cold war, the strategic importance of many international straits in the region for global powers continues to be regarded as vital, because of the link they provide between naval deployment in the different regional or sub-regional seas. And as the interdependence of nations continuous to grow, the issue of concrete co-operation and communication for the management and safeguarding of these passages has become indispensable in the political agenda of different states and institutions. Before

[*] Irini Laimou Maniati is researcher at the Hellenic Foundation For European and Foreign Policy (ELIAMEP) and a political development officer with the OSCE Mission to Croatia.

identifying and analyzing the main areas of problems around the SLOCs and the security co-operation in Southeast Asia, the SLOCs of the region need to be defined and explained.

The first sea lane of communication is the Strait of Malacca, which is the main passage between the Indian Ocean and the South China Sea. It is 600 miles long and 300 miles wide on its western side. Heading east, it narrows considerably into the Phillip channel and the strait of Singapore. It is relatively shallow, with some points just 72 feet deep. The length of the Singapore Strait, which connects Malacca with the South China Sea, is 75 miles, with an overall width of less than 12 miles.

The second SLOC is the wider and deeper Lombok. It is less congested than the Strait of Malacca and quite often is used as an alternative passage. It is sometimes used for the largest tankers transiting between the Persian Golf and Japan, and it is considered the safest route.

The third SLOC is the 50-mile long Strait of Sunda, another alternative to Malacca. Because the currents are strong and the depth of water is limited, deep draft ships do not use the strait. In the north, it is particularly shallow and dangerous, and therefore it is not heavily used.

The largest SLOC is the South China Sea. It stretches 1,800 nautical miles from Sumatra to Taiwan and is home to four principal island groups and three major zones of petroleum exploration. It also provides the Sea-lanes connecting northeast Asia with Southeast Asia and the Middle East.

Regional and greater powers, in terms of regional maritime security stability and seaborne trade, consider the Strait of Malacca and the South China Sea to be the most important. The Strait of Malacca with the one of Singapore, are considered to be the busiest in the world. In 1995, more than 104,000 vessels called at Singapore and about 300 use both the Strait of Malacca and Singapore per day.[1] As for the South China Sea, it is very important for economic reasons, due to oil and gas deposits, in the Spratly area, as well as fisheries and eco-tourism potential of the islands. For strategic reasons the islands in the South China Sea have been considered very important as possible bases for control over the SLOCs between the Indian and the Pacific oceans.

[1] "The Management of Singapore's Maritime interests; a National and Regional Co-operative Approach," in Sam Bateman and Stephen Bates, eds., *The Regional Maritime Management and Security*, Australia National University, 1998.

States like the United States and Russia, are strong supporters for the internationalization of the above mentioned Straits, as their navies have global missions that depend on passages through them. In the case of Japan, its concern with the passage in the straits is basically economic, since specifically the Strait of Malacca is considered a vital lifeline for its international trade. As for the regional policies, one hardly needs to quote elaborate statistic figures to argue the importance of these straits and the necessity for a proper management of the SLOCs, on which depends the survival of many countries. The value and importance of the two-way international trade that passes through these sea-lanes is enormous. And a proper management refers to a regime, which can enhance the security of the SLOCs. A regime which has sets of implicit or explicit guidelines, principles, norms, rules, and decision-making procedures around which actors' expectations converge in a given area of international relations.[2] In other words, a stable maritime regime pre-supposes a clear understanding on what are the common interests and what should be norms applicable to the management affairs of SLOCs.

The strategic concept by which this two-way international trade developed was based on peace and stability and predicated upon the freedom of navigation, principles enshrined in the 1976 Treaty of Amity and Co-operation in Southeast Asia (TAC). However, the increase of maritime security issues in the region, mitigated by the economic and political interdependence, highlighted the need of co-operation in management and protection of these sea-lanes. Non-military issues (piracy, accidents and petroleum spills) as well as military ones (mining, conflict due to residues of territorial dispute, Chinese intervention to the South China Sea) make the countries of the region and others with vital interests in the region to become acutely aware of the lack of concrete co-operation and integration between them. This holds especially true will regard to the deepening and widening integration process in Europe and North America. ASEAN countries feel the need for a concrete security scheme, which can come up with security arrangements and prevent future conflicts in the region.

The importance of a maritime environment to the nations of the Southeast Asian region is also apparent in their growing concerns over other maritime issues, such as offshore resources, sea-borne trade, fishing rights, law of the sea, and maritime safety

[2]Jin-Hyun Paik, "The security of the Sea Lanes of Communication in the Pacific: Proposal for Enhanced co-operation I," in Bunn Nagara & K.S. Balakrishnanan, eds., *The Making of a Security Community in the Asia-Pacific*, Kuala Lumpur: ISIS, 1994, p.222.

and environmental concerns. It is also reflected in a move towards maritime defense capabilities. According to an observer of the region: "there has been a re-emergence of the importance of sea power, until recently a neglected dimension in the defense calculations of regional states".[3] Much of this focus is due to the United Nations Convention on the Law of the Sea (UNCLOS) and the extension of national claims to maritime territory and resources, deriving from it. The UNCLOS was found in December 8th, 1992 and as of 1993, some 58 countries ratified it.[4] In addition, the 1992 Declaration of the Fourth ASEAN Summit, which decided on the creation of the ASEAN Region Forum (ARF), whereby ASEAN's Heads of States and Government proclaimed their intent to intensify ASEAN external dialogues in political and security matters as a means of building co-operative ties with states in the Asia and the Pacific, conveys the same message for proper management. This initiative was considered a historic event for the region, signifying the beginning of a new chapter of peace, stability and co-operation for Southeast Asia.

Lastly, it should be noted that the recent downturn of the Southeast Asian economies and the abrupt devaluation of regional currencies, are developments, which disturb the regional tranquillity. Any marked change in living standards and employment in regional countries, Indonesia, Malaysia, Thailand could possibly lead to levels of tension, affecting any SLOC management policy. Vital offshore oil and gas installations, and ships carrying hazardous and dangerous cargoes could appear as attractive targets.

In order to consider any inter-state co-operation, be it on bilateral, multilateral, regional or international basis and to attempt the maintaining of peace and stability in the region, one has to start by defying the form or kind of threats that exist. Only on the basis of a common understanding of such issues on the part of those concerned may such an inter-state co-operation be contemplated, by "... identifying and describing the threat before constructing a response".[5] However, as the nations become more interdependent, a narrow view of what really constitutes a national threat appears to be inadequate. As the nature of conflict itself changes together with the ways in which international security structures are modified, the notion of threat is likely to become more diffuse and difficult to define.

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[3]Ian Townsend-Gaumet, "Testing the Waters; Making Progress in the South China Sea," *Harvard International Review*, Spring 1994, p.17.

[4] *Ibid*..

[5] Michael O'Connor, "The Security of the Sea-Lanes of Communication in the Pacific: Proposals for Enhanced Co-operation," in *The Making of a Security Community in the Asia-Pacific*, eds.,p.231

One way to ease this problem is to separate the threats, and concerns into two categories. In one category are those threats that arise from objective navigational or environmental conditions. For example the collision on 21 January 1993 near the entrance to the Strait of Malacca off the northern tip of Sumatra involving two Singapore-registered ships. The Maersk Navigator, a tanker carrying more than 200,000 tones of light crude and the Sanko Honor, created a major oil slick in the Bay of Bengal.[6] Other issues placed in this category include conditions of maritime narrows, the size, speed and number of vessels, as well as piracy and pollution.

The second type of threats that may lead to a crisis situation concerns the domestic instability of the coastal states and the policies they pursue. The policies of coastal states are designed to control the freedom of passage through the Straits in the interest of their national security. Examples of this type of threat include intra-regional conflicts involving the coastal states and an external power such as for example the projection of power between the United States and China during the Strait of Taiwan event of March 1996.

One may also classify the forms of threat from the point of view of whose security and interests are likely to be jeopardized. There are treats to the interests of both the coastal states and the external powers, on one hand, for example grounding, collision, and piracy. On the other hand, only threats to the security and interests of the coastal states, for example illegal border crossing, pollution.

Given the possibility of mutual or common perception and understanding of the forms of such threat (risks, problems) to the security of the sea lanes in the ASEAN region, it may help to determine not only the forms of inter-state security co-operation, but also the possible areas to be covered and the countries to be involved accordingly. And it is precisely in the basic requirement of mutuality or commonality in perception that is lacking among the ASEAN member states, let alone among the nations of the Southeast Asian region as a whole.

ASEAN Regional Forum (ARF)

The growing inter-dependence between the ASEAN countries and the trans-boundary nature of the maritime security issues underline the need for a stable maritime regime.

[6] Lui Tuck Yew, "Regional Efforts in Handling Marine Emergencies: a Singapore Perspective," in Sam Bateman and Stephen Bates, eds., *Calming the Waters; Initiatives for Asia-Pacific Maritime Security Co-operation,* Australian National University, Australia 1996, p.109.

The sea-lanes are the lifelines of the regional economies, heavily dependent on unimpeded access to raw materials, markets and investment opportunities. The ASEAN Regional Forum (ARF), created in 1994 was perceived as a framework of consultation where issues related to security concerns including maritime security can be brought forward, with a possible future evolution to a conflict resolution forum. This forum was seen as a positive vehicle for maintaining an environment of peace and stability by way of dialogue and consultations. In order to successfully enhance and preserve the environment of peace and stability that underpins the economic growth in the region, and regional community, particularly ARF's members meet on yearly basis in order to analyze and discuss the key security challenges facing the region.

What has been achieved so far throughout the four ARF meetings? Have the threats been identified? Are they commonly accepted as threats? Does security have the same significance for all the members? Finally, does the advent of the ARF represent a significant structural adjustment to the post-Cold War security context, or is it little more than a variation on an existing and limited maritime security arrangement?

Following observations regarding the four ARF meetings - regularly accused of talk shows or social retreats - maritime security issues are scheduled to be discussed under Track One policy, in the Inter-sessional Support Group on Confidence Building Measures agenda (ISG CBM), before the ARF Senior Officials Meeting (ARF SOM) and the final ARF Meeting with the Head of Governments. The main focus of the meetings has mainly been on the Confidence Building Measures (CBMs), approach and ways of implementation. Little consideration has been given to maritime issues as such, although identified as "other measures for CBMs".[7] There is an emphasis on maritime co-operation and the significance of a stable regime and proper management of the SLOCs for the prosperity of the members. Furthermore, there is a reference to these issues in the Concept Paper, elaborated at the second ARF meeting in Jakarta 1995 under Annex B.[8] Indirectly though, the maintenance of the security of the SLOCs has been almost congruent to the maintenance of security and peace in South China Sea. Any open conflict will directly affect the safety of the SLOCs. The overarching territorial claims by the People's Republic of China to almost the entire area of the South China Sea is detrimental to the freedom of navigation on the high seas as guaranteed by the Law of the Sea Convention. Therefore, it is important that conflict

[7] Chairman's statement of the Asean Regional Forum (ARF), Subang Jaya Malaysia, 27 July 1997, p.4

[8] Chairman's statement of the 2nd Asean Regional Forum (ARF), 1 August 1995, Bandar Seri Begawan, p.10

over sea matters be averted. However, although from the very beginning the South China Sea has been brought forward and any initiative towards peaceful settlement has been welcomed, conflicting territorial claims remain unresolved and perhaps will be there for quite some time. And with the Convention it is only logical to assume that it can be used as a common legal reference for the solution of territorial claims. But this is not the case yet, because not all major maritime powers are parties to the convention, and there are differences concerning the interpretation of Articles of the Convention. Under Track One activities, ISG CBM, there is a willingness to work towards any efforts by countries concerned to seek solutions by peaceful means in accordance with the international law and the continued exercise of self-restraint in the interest of the maintenance of peace and stability in the region. But the concern, or threat or fear of any further Chinese movement surrounds the conflicting parties. But if under UN convention no guarantee can be given for such an ongoing dispute does the ARF has the institutional power or the mechanisms to resolve such a multilateral conflict? The official transcripts of the ARF meetings can extract the answer. For it is clearly mentioned throughout all ARF Meetings and particularly in the "Concept Paper" that "...no institutionalization is expected. Nor should a Secretariat be established in the near future...Decisions should be made by consensus after careful and extensive consultations. No voting will take place...ARF must be accepted as a *sui generis* organization".[9]

In addition to the Track One, there are Track Two activities, which " ... are carried out by strategic institutes and relevant non-governmental organizations to which all ARF participants are eligible...apprising the ARF".[10] This is an important decision, because during the track two activities, participants study long-term issues first, before they are taken up by the ARF. These second channel organizations, such as the Conference on Security and Co-operation in Asia and Pacific (CSCAP), Institutes for Strategic and International Studies (ISIS), are considered the right forums to explore without official commitment ideas that might be useful to practitioners. The CSCAP Maritime Co-operation Working Group, confirmed the potential value of a wide range of maritime issues as providing the basis for possible regional CBMs, i.e. naval co-operation in specific fields, resource management regimes, marine information and data exchange, education, training. In this regard, the second track activities are trying to move beyond the rhetoric of maritime co-operation and identify some guidelines, practical measures, and areas of co-operation which would help reduce the risks of maritime tension and promote a stable regional maritime regime. However, it seems that on

[9] *Ibid*.,p.6

[10] *Ibid*..

matters with less national sovereignty issues at stake, a greater degree of co-operation has been performed throughout the Inter-sessional Meetings (ISM). Of particular interest is the demonstrated consideration among the ARF members for participation in and support of the peace - keeping operations of the UN, the Disaster Relief operations and the Search and Rescue c0-ordination and co-operation policies, all for the purpose of saving lives as suggested in the Last ISM SAR Meeting in Bangkok (18-20 February 1998)

With reference to the achievements throughout the ARF's existence on maritime security matters, one can distinguish two groups of weaknesses/problems. The first weakness is the lack of commitment by the states to a concrete framework for efficient co-operation in order to maintain the peace and stability in the region. With ASEAN and the ARF, since 1994, as the main institutional players in the region, there is a clear lack of mechanisms and effective structures in maritime security. There is no political will, political commitment for such solution, in order to avoid confrontations and in order to comply with the TAC, particularly when there are political implications involved. This do nothing attitude and the putting off of dicisions for the future accumulates frustration within the members of ARF. Doing nothing is not a solution because it neglects the full reality of the situation. Thus, the vulnerability of the SLOCs continues to be open to the various threats. Since ASEAN is the primary driving force in the forum, an ASEAN “slow pace” attitude has been attributed. ARF "...should not move too fast for those who want to go slow....".

Although the ARF is a highly imperfect diplomatic instrument for coping with these challenges and the uncertain security context, no practical alternatives are available. It has never though resolved a regional maritime conflict, because they have never been addressed. Doing so would have tested the ARF’s viability as member-states would have been obliged to take sides in the competing cases and causes of their regional partners. Had such an issue been addressed, it is most unlikely that China would have participated.

The issue of South China Sea disputes is a test case for the ARF’s viability and efficacy to the extent that the Beijing government understands that any further Chinese assertiveness there would damage its relationship with the regional co-operation and ASEAN. This does not mean that China has given up its claims to sovereignty in the South China Sea, which it reiterates as indisputable and irrefutable, but it does now appear willing to tolerate the status quo.

The ARF's contribution in promoting a predictable policy of relationships for tackling maritime security issues, when necessary, is marginal. Numerous annual meetings and several inter-sessional activities on safe subjects. Issues like the status of Taiwan is excluded since any attempt to do so would oblige China to withdraw from the ARF. There have been attempts from the Forum to address the Korean conflict, but with little serious outcome. The ARF, as an annual occasion, appears to have had some moderating influence on China's assertiveness but Indonesia and Malaysia have remained deadlocked with regard on the question of sovereign jurisdiction over the islands of Sipadan and Ligitan off the eastern coast of Borneo.

However, one should admit that the whole set up of the organization has been a great challenge. The region has experienced some of the most disastrous wars of the 20th century. It is remarkably diverse, where big and small countries which differ. They differ significantly in levels of development, there are cultural, ethnic, religious and historical differences to overcome, and habits of co-operation are approached differently. Furthermore, history projects a tradition of balance-of-power in the region and the strategy of multilateral co-operative security has not been much heard of, let along experimented. This is the context ARF is engaging itself for a kind of co-operation. Furthermore, one should never forget that the forum is in an embryonic condition, having been founded only four years ago.

The second major impediment within a possible maritime regime is the lack of transparency in the region, a stable formula for information exchange, communication, observation and inspection. All the meetings are mainly devoted to approaching a greater transparency and confidence building measures. However, the initial perception is different for each member state. "Security", "confidence", "transparency" are terms which have a universal meaning, but any approach to security enhancement is influenced by an individual state's culture.

Southeast Asian culture, is the offspring of the concept of harmony. Consensus has become a routine in reconciling differences, in which the informality of the process is very much appreciated. The Southeast Asian approach is diametrically different from that adopted by other sub-regions. In other sub-regions any approach or process must be framed in a formal structure. Informality is considered improper for the sake of accountability. Discussions about enhancing security resolve around the concepts of "measure" and "mechanisms". In these sub-regions, it is not enough to trust and confide in just the words of the other party.

The ARF: Co-operation or co-habitation?

Trying to analyze and evaluate the ARF's maritime co-operation, one should ask a number of fundamental questions. Why does it not function well? Which are finally the immediate threats commonly addressed to if not all, at least to most of the ARF members? Which are the common interests? Which is the philosophy of the forum, the vision of its fathers? Is such a forum able to handle any security matter? Does it have the capabilities? And finally, is there a need for such a diverse forum?

Undoubtedly, the ARF has managed to bring together judged enemies. Although the outcome so far has not been exceptionally progressive on maritime co-operation, it nevertheless has brought on the discussion table countries from the ARF's geographical space, which ranges from Northeast and Southeast Asia to Oceania. In addition, on a volunteer basis increased involvement in different training activities, and slowly built a co-operative habit, which some members have not been used to, or other never imagined to do so due to territorial disputes. Because the idea of regional co-operation is "new", an important effort to socialize the idea by involving the participation of more people and experts is being attempted.

The common interest for all these members is as already mentioned the stability and peace in the environment, which will allow unimpeded passage through the vital SLOCs. Even China has started engaging itself in a more constructive manner in the forums and the ISMs due to economic incentives. Other maritime issue, such as piracy, territorial disputes, also have an economic dimension. Therefore, there is a common concern for all the members; the uninterrupted flow of sea-borne trade, which sustains economic prosperity. Economic integration has brought interdependence and a shared destiny to the region. With regard to threats there is no direct security threat in the region. There are concerns, fears, but no threats which can justify any military deployment. It is important to note that the fears exist mainly between the members thereby suggesting a long road to genuine unity and co-operation between all ARF members. In addition, the present economic disintegration and decline that most of the regional countries are facing, with effects beyond ASEAN, adds to the instability fears. Australia is alarmed with at the instability afflicting its northern neighbors. Much of Japan's trade, including critical oil supplies passes through the regional straits.

American warships that have long helped ensure that the region's sea-lanes stay open depend on unimpeded passage through Indonesian-controlled waters.

Conclusions

In the Southeast Asian region, maritime developments occupy a big part in the emerging regional strategic architecture.[11] The security environment of East Asia is essentially maritime. Many of the countries in the region are islands or island chains. Others, such as China and South Korea, have long coastlines. Southeast Asia lies at the junction of the Pacific and Indian Oceans. In terms of shipping movements, its seas and straits - the South China Sea, the Gulf of Thailand, the Java Sea, the Malucca Sea, the Strait of Malacca, the Sunda Strait, the Ombai-Wetar Straits and the Makassar Strait - are among the busiest in the world.

Security in the region is very much concerned with maritime issues and capabilities. The waterways through the region are strategically important for both merchant and naval vessels. Coastal and off-shore resources provide a principal means of livelihood for many of the countries in the region. For many countries, military threats can come only from the sea.

Maritime issues are, thus, at the forefront of current regional security concerns. Many emerging regional security concerns, such as piracy, pollution from oil spills, safety of SLOCs, illegal fishing, resources exploitation, are essentially maritime. These concerns are reflected in the significant maritime dimension of the arm acquisition programs in the region,[12] such as for example maritime surveillance and intelligence collection systems, multi-role fighter aircraft with maritime attack capabilities, modern surface combatants, submarines, anti-ship missiles, naval electronic warfare systems, and mine warfare capabilities. These concerns however, have created the fear of a power projection, particularly vis-à-vis the on-going South China Sea issue. The acquisition of these advanced maritime capabilities should be accompanied however, by a process of co-operation, a framework of consultation, mechanisms and confidence building measures concerning maritime issues. ASEAN itself, including the Post-Ministerial Conference and the ARF, provide a framework of co-operation, but greater co-

[11] Desmond Ball, "The Post Cold War Maritime Strategic Environment in East-Asia," in Dich Sherwood, ed., *Maritime Power in the China Seas: Capabilities and Rationale*, Canberra, Australian Defence Studies Centre, ADF Academy 1994, Chapter 2.

[12] Panitan Wattanayagorn and Desmond Ball "A Regional Arms Race," *Journal Of Strategic Studies*, Vol. 18. No.3, September 1995.

ordination in defense matters is required, particularly when advanced maritime capabilities are already under the possession of the regional states.

The ARF as an expression of security has avoided addressing acute maritime problems Taiwan, South China Sea, as well as any defense co-operation. To the extent that the ARF has been created in the ASEAN's image, little more may be expected of it.

The ARF is the only alternative for any level of maritime security co-operation. It is, however an embryonic approach to regional maritime co-operation among states of considerable cultural and political diversity and thus, suffers form natural shortcomings of such an undertaking. It provides, nevertheless a helpful point of diplomatic contact and dialogue for the region's maritime concerns for the proper management and sustainable environment of the SLOCs.

But before reaching any level of co-operation, the existing institutional frameworks should work on a common understanding and approach to maritime issues in the region. Common understanding, based on concrete guidelines can constitute an important regional confidence building measure, laying down general principles for regional maritime co-operation in line with the ARF's long term objective of becoming a mechanism for conflict resolution. This would dampen down tensions, particularly in areas of enclosed or semi-enclosed sea with disputed or overlapping maritime jurisdiction. Consequently, a promotion of a stable maritime regime will be supported, with free and uninterrupted flow of sea-borne trade, and nations able to pursue their maritime interests and manage their marine resources in an ecologically sustainable manner in accordance with agreed principles of international law.

One should follow the cultural paths in order to pave the path for further co-operation and possible future common maritime policy. A "soft law" of non-binding measures, can set down principles of co-operative behavior in the maritime sector. An exhortatory rather than an obligatory character of these measures should create the need to co-operate and persuade for the importance of their nature. This new phenomenon of soft law instruments like guidelines, principles set down in common agreement, may be the way of sugaring the pill, for ARF member-states to establish the foundations of a concrete policy. This consensus will enhance the creation of the channels, which will lead to the achievements of the overall objective of a stable regime for all aspects of maritime activities conducted within the region. This would deepen the dialogue process so that the ARF becomes the vehicle for conflict avoidance in the interest of the stable regime for the well-being of the SLOCs.