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SOUTHEAST ASIAN MARITIME SECURITY
IN THE AGE OF TERROR: THREATS,
OPPORTUNITY, AND CHARTING
THE COURSE FORWARD

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ABSTRACT

At the beginning of 2005, Southeast Asian security cooperation is still regarded as inadequate to defend the region against maritime threats. However, structural, economic and normative factors are enabling greater cooperation in the post-9/11 "Age of Terror". This article opens with a brief outline of the history of Southeast Asian maritime security cooperation from 1990 to December 2004, and then discusses the various maritime threats faced by the region. It next describes five factors that are enabling greater maritime security cooperation in the Age of Terror. The potential application of those factors is assessed to anticipate the most likely forms of future regional cooperation. While cooperation will expand on many levels, the most fruitful cooperation will result from improved networks of bilateral relationships. Information in this working paper will be of interest to those seeking to understand the cooperation and security dynamics of this important and intensely maritime region. It should be of specific interest to those policymakers seeking to improve international cooperation to combat Southeast Asian transnational maritime threats such as terrorism, piracy and smuggling.

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INTRODUCTION

The sea dominates Southeast Asia, covering roughly eighty percent of the region's surface area. Wedged between the Pacific and Indian Oceans, Southeast Asia's islands and peninsulas border major arteries of maritime communication and commerce that have dictated the region's economic and political affairs. In the pre-modern period, ports such as Svirijaya and Malacca established empires based upon their employment of sea power to control and make effective use of regional waters. In succeeding centuries, European warships and their guns were the key technologies enabling the colonization of the region. Today more than half of the world's annual merchant fleet tonnage traverses Southeast Asian waters and the region's oceans and seas yield vast revenues from industries such as fishing, hydrocarbon extraction and tourism. In fact, more than sixty percent of today's Southeast Asians live in or rely economically on the maritime zones. However, the seas are also home to a variety of dangers which not only threaten the prosperity of the local populations, but also directly menace the security of regional states. Those dangers include territorial disputes, non-state political violence, transnational crime and environmental degradation. Given the importance of the sea as a source of both prosperity and threat, it is only appropriate that maritime security be at the forefront of regional political concerns.

Successful responses to maritime security threats require international cooperation because those threats are primarily transnational. Singapore's Deputy Prime Minister eloquently explained that "individual state action is not enough. The oceans are indivisible and maritime security threats do not respect boundaries".[1] Despite the need for strong coordinated international efforts, at the end of 2004 Southeast Asian cooperation remains inadequate to provide sufficient security in the face of the serious maritime threats to the region. Fortunately, structural, economic and normative factors are enabling a growing

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[1] Tony Tan, "Maritime Security After Sept 11," International Institute for Strategic Studies Conference, Singapore, 1 June 2003.

cooperation in the post-9/11 "Age of Terror".[2] By the start of 2005, there had been notable steps forward in the region and the factors responsible for this expansion will enable greater cooperation in the immediate future. Those same factors suggest that the network of bilateral relationships is likely to provide the greatest utility. Understanding the factors and the nature of probable future cooperation enable policymakers to best exploit this potential and improve maritime security throughout the region.

The first part of this working paper outlines the conceptual framework employed. Part two provides a historic overview of maritime cooperation in Southeast Asia from the end the Cold War to December 2004. Part three surveys contemporary maritime security threats. Part four discusses five significant factors which enhance possibilities for maritime cooperation in the Age of Terror. Part five discusses the various forms which future cooperation might take and speculates on which of those most are likely given the evolving state interests and constraints on cooperation.

1. CONCEPTUAL FRAMEWORK

This article's conceptual framework draws most strongly upon the rational neoliberal presumption that states seek to benefit their own interests in an international system characterized by anarchy. Unlike structural realism, which assumes that state behavior is dictated by desire for gains which as greater than that of potential adversaries, neoliberalism postulates that in some situations states may also cooperate when it is perceived to provide net benefits. Neoliberalism does not ignore the importance of the security-dilemma, a concept which suggests that when a state builds its military power it runs the risk of heightening its neighbor's insecurity thereby provoking the neighbor to enact countermeasures and creating a self-fulfilling prophesy of insecurity. Instead neoliberalism incorporates the role of perception to argue that when interstate threat is perceived to be low, i.e. when states trust one another, the security dilemma becomes less critical and states are

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[2] The phrase "Age of Terror" has been employed by several authors as a descriptive label for the Post-September 11 international security environment. In this case, the term is applied specifically to the Southeast maritime sector. Other works to use this phrase include: Strobe Talbott and Nayan Chanda, eds. *The Age of Terror: America and the World After September 11*. 1st ed. (New York: Basic Books, 2001); Lenard Cohen, Brian Job, and Alexander Moens, eds.. *Foreign Policy Realignment in the Age of Terror*. (Canadian Institute of Strategic Studies, Toronto, 2003) and Anthony Smith, "A Glass Half Full: Indonesia-U.S. Relations in the Age of Terror," *Contemporary Southeast* Asia, vol. 25, no. 3, 2003.

able to cooperate to pursue of absolute gains even if doing so gives another state the relative advantage.[3]

This article's conceptual framework tempers a common neoliberal assumption that states are unitary rational actors by recognizing and accepting that states are organizational units composed of imperfect humans who are governed by socio-psychological processes. In particular, the domination of Southeast Asian security policymaking by small elite groups who identify economic development, nation-building, and regime maintenance as central elements of security. Although policymaking is increasingly diffused as institutions within the states of the region mature and education levels rise, the number of voices offering input on policy decisions remains limited.[4] Therefore when discussing security policy, Southeast Asian states should be regarded as learning organizations governed by differing identities, behavioral norms and routines which determine their goals and constrain innovation.[5]

Socio-psychological pre-conditioning and shared historical experiences play important, although not exclusive, roles in forming these identities, norms and routines by influencing both the perception of external stimuli and molding the decision-making process.[6] Therefore, while the employed framework assumes that, when states trust one another they will cooperate in order to maximize their own welfare it also understands that trust and welfare are imagined concepts intrinsically governed by the perceptions of the policymakers. In short, this conceptual framework can be summarized by the argument that states will elect to cooperate when their dominant policymakers perceive that the benefits of doing so outweigh the costs.

Given the relative unlikelihood of traditional warfare among Association of Southeast Asian Nations (ASEAN) members, this article focuses less on the sort of cooperation

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[3] Key neoliberal texts are Robert Keohane, *After Hegemony: Cooperation and Discord in the World Political Economy* (Princeton: Princeton University Press, 1985) and Kenneth Oye, ed., *Co-operation Under Anarchy* (Princeton: Princeton University Press, 1986).
[4] Pauline Kerr, "The Security Dialogue in the Asia-Pacific," *The Pacific Review,* Vol. 7 No. 4, 1994.
[5] Ronald Jepperson, Alexander Wendt, and Peter Katzenstein, "Norms, Identity, and Culture in National Security," in *The Culture of National Security: Norms and Identity in World Politics,* edited by Peter Katzestein, New York, Columbian University Press, 1996 and Higgot, Richard, "Competing Theoritical Approaches to International Cooperation: Implications of the Asia-Pacific," in *Pacific Economic Relations in the 1990s: Cooperation of Conflict,* edited by Richard A Higgott, Richard Leaver, and John Ravenhill, Boulder, Colorado, Lynne Reinner Publishers, 1993.
[6] Chin Kin Wah, "Regional Perceptions of China and Japan," in *China, India, Japan, and the Security of Southeast Asia,"* edited by Chandran Jeshuran (Singapore: ISEAS, 1993).

necessary to manage interstate conflict and more on cooperation to counter extra-regional and transnational threats. This discussion distinguishes operationalized cooperation from cooperation, which is the more inclusive term. Cooperation occurs when states modify their own policies to meet the actual or anticipated preferences of other states in order to facilitate realization of their own goals. Operationalized security cooperation is a specific type of cooperation in which state policies designed to address a common security threat have evolved to the level that they can be effectively implemented by mid-level officials acting without immediate or direct supervision from officials at the strategic level. Consultations and information sharing between national security ministries is an example of cooperation, whereas the assessment of new information and delivery of intelligence briefs by teams of joint analysts would be operationalized cooperation. In the maritime environment, a highly orchestrated and closely supervised search and rescue exercise conducted between the state navies would be considered at most, thinly operationalized. Complex naval exercises and regularly scheduled joint law enforcement patrols are examples of operationalized cooperation.

2. MARITIME SECURITY COOPERATION IN SOUTHEAST ASIA SINCE THE COLD WAR

At the end of the Cold War, Southeast Asia was regarded as a relatively stable region due to the maturity ASEAN, a body which made significant contributions to managing conflict between member states. During the Cold War, the region had been polarized between the communist and free-market states, but the collapse of Soviet support allowed for a relaxation of tensions and the general reconciliation between the two camps. The addition of Laos and Vietnam in 1992 and of Cambodia and Myanmar in 1995 to the ASEAN Treaty of Amity and Cooperation, a document originally concluded in 1976 to provide for the peaceful settlement of intra-regional disputes while guaranteeing absolute respect for the sanctity of sovereignty, cemented the inclusion of the former communist block states into the ASEAN community. Similarly, by 1991 the region's few remaining communist-inspired

insurgencies had been localized and almost all of the regional states had earned unquestioned international legitimacy.[7]

The revolutionary structural changes which accompanied the end of the Cold War complemented regional dynamics already in motion—such as improvements in domestic security, rapid economic development and the maturity of regional identity—allowing for both increased cooperation and the reprioritization of security concerns in Southeast Asia. In this process, analysts quickly identified maritime security as a major of area for greater concern.[8] Many of these studies focused on managing the potential of state-to-state naval conflict, but some looked beyond so-called "traditional" maritime security threats to examine a diverse range of broader maritime concerns such as ocean resource management, changing patterns of commercial shipping, transnational crime and environmental pollution, all of which can be termed as "non-traditional" maritime security threats.[9] In parallel with these studies, regional states began launching cooperative efforts to better address maritime security issues.

The progress regarding the enhanced maritime in the decade immediately following the Cold War has been called "particularly noteworthy" and "notable" by scholars who study the region.[10] In 1992, ASEAN's first ever official communiqué on a security issue, the "Declaration on the South China Sea," emphasized members' belief in, "the necessity to resolve all sovereignty and jurisdictional issues pertaining to the South China Sea by peaceful means" and urged, "all parties concerned to exercise restraint with the view to creating a positive climate for the eventual resolution of all disputes". In the same period, a handful of new institutions emerged to enhance maritime security. For example, the Indonesian South China Sea Workshops (SCS Workshops) sought to reduce the likelihood of interstate conflict in the South China Sea, while the Council for Security Cooperation in the Asia Pacific Maritime Cooperation Working Group (CSCAP-MCWG), Asia-Pacific Economic

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[7] Muthiah Alagappa, "The Dynamic of International Security in Southeast Asia: Change and Continuity,"*Australian Journal of International Affairs,* May 1991, p. 1.
[8] The seminal academic work of this period was Michael Leifer, "The Maritime Regime and Regional Security," *The Pacific Review,* Vol. 4, No. 2, 1991.
[9] Ross Babbage and Sam Bateman, eds., *Maritime Change: Issues for Asia,* Singapore, Allen & Unwin/ISEAS, 1993 is an early post-Cold War volume which explicitly sets out to examine both traditional and non-traditional maritime security concerns.
[10] Stanley Weeks, "New Initiative For Maritime Cooperation," Paper presented at IDSS Maritime Security Conference, 21 May 2004 and N. Ganesan, "Illegal Fishing and Illegal Migration in Thailand's Bilateral Relations with Malaysia and Myanmar," in *Non-Traditional Security Issues in Southeast Asia,* Andrew Tan and J.D.K. Boutin, eds., Select Publishing for IDSS, Singapore, 2001, pp. 507-11,

Cooperation (APEC) Working Group on Maritime Security, and the Western Pacific Naval Symposium (WPNS) tackled Southeast Asian issues within the context of the broader Asia-Pacific maritime context.[11] However, this progress was almost entirely limited to improving transparency, dialogue, pledges for greater cooperation and other Maritime Confidence and Security Building Measures (MCSBM).[12]

Despite the notable steps forward, by the end of the twentieth century, cooperation had not yet sufficiently oriented towards the region's dangerous non-traditional maritime security threats and the few examples of operationalized cooperation were very weak. Several Cold War-era defense arrangements such as the Five Power Defense Arrangements (FPDA) and various bilateral U.S. security agreements were adapted to continue fulfilling traditional maritime security functions. However, the functionality of the FPDA was questioned and the U.S. presence decreased as a result of the withdrawal of military forces from the Philippines in 1991 and the Congressional limitations placed on military-to-military contact with Indonesia beginning in 1993.[13] There were new operationalized cooperation endeavors; such pairings as partners such as Indonesia-Malaysia, Malaysia-Cambodia, Brunei-Australia, Singapore-India, and Malaysia-Philippines initiated bilateral naval exercise programs. Of these new bilateral agreements, those reached between Malaysia-Singapore, Singapore-Indonesia, and Malaysia-Indonesia to coordinate their patrols in the Straits of Malacca were the most highly operationalized. However, shipboard officers privately lamented that these bilateral coordinated patrols amounted to little more than exchanges of schedules and that in many cases, partners did not adhere to the plans they had submitted.[14] In fact these arrangements were for the most part weak and only thinly operationalized.

From 2000 to 2002, a series of events propelled the Southeast Asian maritime sector from the Post-Cold War Era into the Age of Terror. The first of these events was the

[11] Sumihiko Kawamura, "International Cooperation for SLOC Security," in Dalchoong Kim, Seo-Hang Lee, and Jin-Hyun Paik, eds., *Maritime Security and Cooperation in the Asia-Pacific toward the 21*st* Century,* Seoul, Yonsei University, 2000, p. 96.
[12] Malcolm Chalmers, "Confidence-Building in South-East Asia," Bradford Arms Register Studies No. 6, Westview Press, 1996, p. 137; Stanley Weeks, "New Initiative For Maritime Cooperation;" and N. Ganesan, "Illegal Fishing and Illegal Migration in Thailand's Bilateral Relations with Malaysia and Myanmar."
[13] In 1993 the U.S. Congress placed instituted a variety of restrictions on arms sales and military training for Indonesia as an expression of disapproval of the killing of unarmed East Timorese citizens in November 1991. These restricted program were almost completely halted following the 1999 violence in East Timor. For more information see: John B. Haseman, "National Interests and Mil-Mil Relations with Indonesia," *Joint Forces Quarterly,* no. 32 (Autumn 2002), pp. 20-6.
[14] Priveleged interviews, Lumut, Kuala Lumpur, Singapore, Tanjung Pinang, Jakarta, Washington D.C., Oct 1995 to Sept 2004.

February 2000 bombing of the Philippine ferry *Our Lady Mediatrix,* which killed about forty people, wounded another fifty, and was blamed on the Moro Islamic Liberation Front. However, the attack was regarded by many as just another statistic of the on going violence in the Southern Philippine and had less psychological impact than the October 2000 suicide boat attack on the *USS Cole*. The attack on *USS Cole* was executed outside of Southeast Asia, but the event generated considerable international publicity highlighting the potential maritime threat posed by terrorists. The realization that a deadly attack could be successfully mounted against a target as "hard" as a fully armed U.S. Navy guided missile destroyer prompted Southeast Asian security experts to think more seriously about the dangers in their own region. During the same period, the rash of amphibious kidnapping operations carried out by the Abu Sayyaff Group, especially the high-profile kidnappings of Western tourists from resorts on Sipadan, Malaysia, in March 2000 and Palawan, Philippines, in May 2001, demonstrated the capabilities of Southeast Asia's indigenous transnational maritime terrorists.

The potential for terrorists to deliver devastating attacks was then further driven home by the events of 11 September 2001 which clearly demonstrated the potential for terrorist to deliver cataclysmic acts of violence. A few months later, Singaporean intelligence discovered a series of Al-Qaeda related plots to attack several international targets in the island state including visiting American warships. The corroboration of these findings by the discovery of planning videos and documents in Afghanistan exposed the reality of the terrorist threat in Southeast Asia. The maritime terror threat exposed itself again with the Indonesian ferry *Kalifornia* was bombed in December 2001 while transporting Christians in the Maluku archipelago. This assault killed ten, injured forty-six and initiated a cycle of intercommunal violence in which several other passenger boats were attacked.[15]

Maritime Southeast Asia completed its transition into the Age of Terror in October 2002. On 6 October, terrorists struck the tanker *Limburg* in the Arabian Sea*,* plainly demonstrating that international maritime trade is a potential target for Islamist terrorists. Then the 12 October triple bombing in Bali proved that Southeast Asia was very much a target for terrorists. While some Southeast Asia officials and captains of industry remain in denial with regards to the terror threat, there can be no doubt that terrorism has become the

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[15] International Crisis Group, "Indonesia: The Search for Peace in Maluku," 8 Feb 2002, p. 25.

preeminent security issue in the region, with maritime terror broadly recognized as an extremely dangerous threat.

In comparison with the preceding decade, maritime security cooperation in Southeast Asia is developing more quickly during the Age of Terror. Governments in Southeast Asia have confirmed greater commitment to both expanding MCSBMs and to operationalizing cooperation. Appropriately, the bulk of the new cooperation has been oriented towards transnational threats such as terrorism and piracy. Although considerable obstacles remain and not all states have been equally proactive, commitments have been reinvigorated and several new arrangements have been created. Clear statements of renewed interest in improving cooperation include the June 2003 "ASEAN Regional Forum (ARF) Statement on Cooperation against Piracy and Other Threats to Maritime Security", and the "Work Programme to Implement the ASEAN Plan of Action to Combat Transnational Crime" which was endorsed by the January 2004 ASEAN Ministerial Meeting on Transnational Crime. More actively, most regional ports and shippers, including nearly all of major port facilities in ASEAN countries, achieved compliance with the International Maritime Organization's December 2002 International Ship and Port Facility Security Code (ISPS Code) before or shortly after its July 2004 deadline. Also in 2004, Singapore acceded to the Rome Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA Convention). Many analysts considered this move as an important step towards general acceptance of the SUA Convention throughout the region.

Examples of new operationalized interstate cooperation against transnational threats emerged almost immediately after 9/11. Most significantly, the United States began including counter-terrorism packages in its bilateral exercises with regional states and sent forces to assist the Armed Forces of the Philippines in their in campaign against the maritime savy Abu Sayyaff Group. As the Southeast Asian maritime sector entered the Age of Terror, indigenous operationalized cooperation began to develop. In September 2003, Thailand and Malaysia cited concerns regarding insurgents and terrorist operating in the area, and therefore publicly invigorated their cooperative maritime patrols in the northern portions of the Straits of Malacca. Then in June 2004, at the FDPA defense ministers meeting in Penang, Malaysia, decisions were made to reorient their organization towards nontraditional maritime security and counter-terrorism, a move resulting in the first ever FPDA exercises focusing on maritime interception and anti-piracy.

In July 2004, Singapore, Indonesia and Malaysia began a program of trilateral coordinated patrols throughout the Straits of Malacca. These patrols are of particular significance for a number of reasons. First, the strong endorsement given by regional media and positive public response to the first patrols demonstrated both the desire of governments to appear committed to the program and the general public support for the patrols. Indonesia's December 2004 mobilization of two maritime patrol aircraft and four warships to recover a hijacked Singaporean tug exemplifies the positive benefits of such strengthened cross-straits cooperation. Second, this is the first program to operationalize multilateral cooperation in the region without the presence of an extra-regional partner. The fact that India and Thailand, neighbor states in control of the northern approaches the Straits of Malacca, have expressed their interest in joining the patrols and that the founding states have responded favorably towards these proposals, underline the growing commitment to operationalizing maritime security cooperation throughout the region. On the other hand, officers directly involved in the patrols state privately that although the trilateral cooperation is a positive step forward, they often offer more "show" than real utility. They also express concern that not enough time has passed to accurately assess the ultimate impact of these patrols on piracy, smuggling, and other maritime crimes in the straits.

In November 2004, sixteen countries (the ASEAN members, China, South Korea, Japan, Bangladesh, India, and Sri Lanka) reached the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP). This agreement, which had been under negotiation since first proposed by Japanese Prime Minister Junichiro at the 2001 ASEAN+3 Summit in Brunei, had been deadlocked for months over disagreements regarding the best location for the ReCAAP Information Sharing Center (ISC). Although the ISC will only maintain databases, conduct analysis and facilitate information sharing its location proved controversial. The Indonesian Foreign Ministry's Director for ASEAN Politics and Communications explained the sensitivity regarding the location of the ISC as one emerging from the concern, that the ISC might publish reports unfairly critical to member states. For instance, he shared his belief that that the International Maritime Bureau-Piracy Reporting Center misreported incidents that took place in Malaysian waters as having

occurred on the Indonesian side of the Strait of Malacca because of its location in Kuala Lumpur.[16]

ReCAAP is a positive step forward because it is an indigenously designed Pan-Asian initiative devised primarily to deal with piracy, a phenomenon most pronounced in Southeast Asia. The fact that members ultimately agreed to locate the ISC in Singapore demonstrates willingness to compromise and recognition of the importance of maritime security issues. However, the agreement does not obligate members to any specific action other that sharing information that they independently deem pertinent to imminent piracy attacks. In addition, the ISC's funding will be based on "voluntary contributions".[17] Although not insignificant, RECAAP is insufficient to eradicate Asian piracy.

Taken together, these many developments comprise significant steps forward. In the Age of Terror, dialogue and information sharing have been enhanced and states seem clearly committed to continuing these measures. At the same time, some states have begun to operationalize their maritime security cooperation. However, such operational cooperation remains thin. The few operational arrangements created are insufficient to counter the grave maritime threats faced by the region.

3. CONTEMPORARY MARITIME SECURITY THREATS IN SOUTHEAST ASIA

3.1 INTERSTATE TERRITORIAL DISPUTES

Territorial disputes, most of them maritime in nature and involving either conflicting claims to islands or sea-territory, contribute to interstate tensions in Southeast Asia. Although the regional states have stated their commitment to settling these differences peacefully, the threat of traditional conflict cannot be completely ruled out and the proximity of the disputed territories to key international sea lanes guarantees that any such conflict would have serious implications both within and beyond the region. Even if territorial

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[16] Gary RM Yusuf, "Upaya Indonesian Memerangi Terrorism Sebagai Implikasia Keputusan Politik Internasional/Regional," Paper presented at: *Maritime Terrorism*, Seminar Sekolah Kommand Angktan Laut, Jakarta, 25 Sept 2003.
[17] Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia, Article 9 and 6.

disputes do not spark interstate warfare, they continue to weaken security by reducing confidence, undermining economic development and drawing scarce security resources away from other threats.

Among the territorial disputes with significant maritime dimensions are the Philippine claims to Sabah, several states' overlapping claimed economic exclusive zones and the multilateral disputes over islands and sea territory in the South China Sea. One such territorial dispute was seemingly resolved in 2002 when the International Court of Justice ruled in favor of Malaysia over Indonesia with regards to claims to Sipadan and Litagan islands. However, the ICJ ruling does not necessarily equate to a final resolution. Similarly, the Malaysia-Singapore dispute over Pedra Blanca (Pulau Batu Puteh), an island containing an important Singapore Strait aid to navigation which is passed by about 50,000 ships every year, has also been submitted to the ICJ. However, given the history of intermittent 'provocative' Malaysian activities, Singapore still deems it necessary to devote significant military resources to sustaining its claim. Others regional disputes have less prospect for resolution in the near future.

The most troublesome disputes are those in the South China Sea where Malaysia, Brunei, the Philippines, Vietnam, China and Taiwan all maintain conflicting claims to sea and island territories.[18] These claims are deemed to be of vital importance because these archipelagic seas are seen to possess vast potential petroleum resources and the islands' strategic positions could be vital for supporting sea lane control operations or amphibious warfare. While these conflicting claims will not necessarily trigger open warfare, in recent history, claimants have clashed violently and the possibility of renewed fighting clearly exists. In fact, scholar Mark Valencia writes that the current situation is, "volatile and could, through an unexpected political or military event, deteriorate into open conflict".[19] Even if conflict remained relatively contained, any escalation of the current disputes could disrupt the South China Sea's huge volume of shipping with serious consequences.[20] In 2002, the ASEAN members and China agreed to a *Declaration on the Conduct of Parties in the South China See,* a positive indication of their desire to prevent further tensions and minimize the risk of

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[18] The islands in question include the Spratly and Paracel Archipelagoes, with the Spratly Archipelago being the most contentious.

[19] Mark Valencia, "Building Confidence and Security in the South China Sea: The Way Forward," in *Non-Traditional Security Issues in Southeast Asia,* Andrew Tan and J.D.K. Boutin, eds., Select Publishing for IDSS, Singapore, 2001, p. 536

[20] Valencia, "Building Confidence and Security," pp. 528-9, 532.

military conflict. However, the declaration is neither a binding code of conduct nor a consensus about the way toward resolution, meaning that the South China Sea remains a potential regional security flashpoint.[21]

3.2 TERRORISM AND INSURGENCY

Several Southeast Asian guerilla and terrorist groups possess significant maritime capabilities. As a result, non-state political violence is a major threat to Southeast Asian maritime security. Since 2000, Al-Qaeda, the Moro Islamic Liberation Front, the Abu Sayyaff Group, Jemaah Islamiyah, the Kumpulan Militan Malaysia, Gerakan Aceh Merdeka and Laskar Jihad have all been suspected of planning or executing maritime attacks. Other groups have used the sea to transport weapons, move forces and raise funds.

The most operationally successful of these groups has been the Abu Sayyaff Group, a group that has conducted dozens of successful maritime operations in the Southern Philippines, Metro Manila and East Malaysia. In 1995, Abu Sayyaff conducted its first large-scale attack when amphibious forces landed by boat, torched the Philippine town of Ipil, robbed seven banks, and killed more than fifty people. Abu Sayyaff then gained global notoriety in 2000 and 2001 when it kidnapped dozens of people, including Filipinos, Malaysians, Chinese, Europeans and Americans, in a series of raids on villages, resorts and ships around the Sulu and Celebes Seas. Despite a large-scale government offensive backed by American forces, Abu Sayyaff retains significant capability as demonstrated by Philippine officials' validation of Abu Sayyaff claims of responsibility for the 26 February 2004 sinking of *Superferry 14* near Manila in which 116 people were killed.[22] By the end of 2004, Abu Sayyaff was under pressure but not incapacitated, and many of its leaders remain at large.

Although Al-Qaeda and its close regional allies Jemaah Islamiyah and the Kumpulan Militan Malaysia have been so far less successful in the maritime environment than Abu Sayyaff, they have demonstrated their intent to conduct large-scale operations against the U.S. Navy and global trade. Since 2000, regional security forces have disrupted half a dozen plots

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[21] Ralf Emmers, "ASEAN, China and the South China Sea: An Opportunity Missed," IDSS Commentaries, 19 November 2002.

[22] James Hookway, "A Dangerous Alliance," *Far Eastern Economic Review*, 6 May 2004 and "Abu Sayyaf planted bomb in 'Superferry,' says GMA" *Manila Times,* 12 Oct 2004.

to attack U.S. warships as they transit narrow waterways or visit ports in Southeast Asia.[23] The 2002 attack on the tanker *Limburg* verified Al-Qaeda's desire attack the petroleum distribution infrastructure, a desire confirmed by many articles documenting Al-Qaeda strategic literature including a December 2004 edict issued by Osama bin Laden. There has also been increasing concern that Al-Qaeda or its affiliates might use shipping to administer a cataclysmic attack. The most dangerous possibility is that terrorists might use a shipping container to deliver a nuclear bomb, a radiological "dirty nuke", or another weapon of mass-destruction. Alternatively, one of these groups might hijack a large petroleum, liquefied gas, or chemical carrier and then either sink it in a key waterway or crash the ship into a port facility or population center turning the vessel and its cargo into a gigantic vehicle bomb. Any of these scenarios could cause unprecedented devastation in terms of lives and global economic disruption.[24]

3.3 TRANSNATIONAL MARITIME CRIME

Transnational maritime crime is another rising threat to Southeast Asian security. These crimes include economically motivated activities such as piracy, smuggling and illegal migration. Transnational maritime crime is costly in human terms and is a major drain on national resources. Furthermore, it has a synergetic effect that enhances the threats of both interstate conflict and non-state political violence. Exemplifying the negative impacts of transnational crime on state-to-state relations, illegal migration fuels tensions between Malaysia and Indonesia. Transnational maritime crime also enables non-state political violence by providing terrorists and guerillas the means to move weapons and personnel, raise funds and recruit new members. For example, to sustain their struggle against the Indonesian government, the Gerakan Aceh Merdeka is heavily involved in the smuggling of people, weapons and other contraband across the Straits of Malacca. Similarly, Islamist terrorists are believed to maintain routes in the Celebes Sea to move operatives, explosives and firearms between Indonesia, Malaysia, and the Philippines.[25]

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[23] Tanner Campbell and Rohan Gunaratna, "Maritime Terrorism, Piracy and Crime," in *Terrorism in the Asia-Pacific: Threat and Response,* Rohan Gunaratna, ed., Singapore, Eastern Universities Press, 2003, pp. 78-9.
[24] Michael Richardson, *A Time Bomb For Global Trade: Maritime-Related Terrorism in an Age of Weapons of Mass Destruction,* Singapore, ISEAS, 2004, pp. 49-72.

[25] International Crisis Group, "Southern Philippine Backgrounder: Terrorism and the Peace Process," Asia Report No. 80,13 July 2004, available: http://www.crisisweb.org/ and John McBeth, "Across Borders: A New Generation of Terrorists is Training in the Philippines, and Travelling," *Far East Economic Review,* 22 July 2004.

Piracy and sea robbery are the transnational maritime crimes that cause the greatest direct security concerns in the region. As shown by figure 1, pirate attacks, though not necessarily becoming more frequent, are already of dangerously endemic proportions. These attacks take a variety of forms. The most innocuous pirates are unarmed robbers who board a ship with stealth and remove portable valuables such as cash, jewelry and electronics. In piracy's most dire form, criminals hijack entire ships, kill or set adrift the crew, remove the cargo and fraudulently alter the ship's identity. Piracy is growing more violent and the pirates are indicating capability for more complex operations. First, around the Sulu Sea, and since 2001 in the Straits of Malacca, pirates have been taking crewmembers prisoner and ransoming them from hidden jungle camps. Similarly, use of automatic weapons and grenade launchers, previously found mainly in the hands of Filipino pirates, has also become commonplace in the Straits of Malacca.[26]

REPORTED PIRACY AND SEA ROBBERY ATTACKS IN SOUTHEAST ASIA

	2004	**2003**	**2002**	**2001**	**2000**	**1999**	**1998**
Global Attacks	325	445	370	335	469	300	202
Attacks in Southeast Asia	168	187	165	165	257	166	94

Source: International Maritime Bureau, *Piracy and Armed Robbery Against Ships Annual Report, 1 Jan-30 Dec 2004*, Jan 2005, p. 4.

Piracy is also considered a critical concern because of its possible nexus with terrorism. Security officials have suggested that terrorists might work with pirates or adopt their techniques as part of a major attack operation. A particular incident which heightened concerns was the March 2003 hijacking of chemical tanker *Dewi Madrim*. During this hijacking, sophisticated pirates wielding assault rifles and VHF radios disabled the ship's radio and steered the vessel for about half and hour before kidnapping the captain and first officer for ransom. Although the case might just be another example of simple piracy, many observers, including Singapore's Deputy Prime Minister, Dr Tony Tan, have suggested that it might have been a training run for a future terrorist mission.[27]

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[26] Noel Choong, Director International Maritime Bureau-Piracy Reporting Center, personal interview, 26 Sept 2003.

[27] Tony Tan, speech, IDSS Maritime Security Conference, 20 May 2004.

3.4 DAMAGE TO THE MARITIME ENVIRONMENT

With estimates counting well more than 200,000 people killed by the December 2004 Indian Ocean tsunamis, the deadly power of the maritime environment is unquestionable. In addition, when humans damage the environment they directly threaten security by harming communal health and economic well-being. Environmental damage also precipitates tensions and contributes to conflicts within or between states. This being the case, experts have recognized maritime environmental security as inherent to the Southeast Asia's broader security agenda.[28]

Perhaps the clearest environmental threat to Southeast Asian maritime security is the competition over limited hydrocarbon resources. Such resources play central roles in the strategic calculus pertaining to territorial conflicts such as those in the South China Sea, in the Timor Sea, and around Aceh. Damage to tropical reefs, oil spills and overexploitation of fisheries have also impacted Southeast Asian security. For example, the destruction of reefs and overexploitation of fishing groups are contributing to Indonesian poverty and exacerbating domestic violence.[29] Similarly, foreign trawlers have been targeted by guerillas in the Southern Philippines because they are seen as holding unfair technical advantages in the race to harvest fish from traditionally Moro fishing grounds.[30] At the interstate level, rapid depletion of fisheries has contributed to tensions between Thailand and Malaysia and between Thailand and Myanmar.[31] While environmental degradation is unlikely to be the direct cause of military conflict in Southeast Asia, it poses a real threat by undermining international relationships, economic development and social welfare. As regional industries continue to abuse the environment, these security threats will continue to rise.

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[28] Lorraine Elliot, "Regional Environmental Security: Pursuing a Non-Traditional Approach," in *Non-Traditional Security Issues in Southeast Asia,* Andrew Tan and J.D.K. Boutin, eds., Select Publishing for IDSS, Singapore, 2001, p 438.
[29] Frank McNeil and Jeffrey Stark, "Thinking About Environmental Security: Southeast Asia and the Americas in Comparative Perspective," Working Paper No. 2, The Dante B. Facell North South Center, Oct 2001.
[30] United States, Pacific Command Virtual Information Center, "Islamic Insurgency in the Philippines," 06 Sept 2000.
[31] N. Ganesan, "Illegal Fishing and Illegal Migration."

4. FACTORS ENABLING GREATER COOPERATION

Structural, normative and economic changes to the regional system are enabling greater maritime security cooperation in the Age of Terror. Some of these changes are direct results of the global recognition of terrorism as a preeminent security threat, while others are a continuation of older regional trends already visible in the post-Cold War era. The changes can be summarized by looking at five key factors: (1) relaxing sovereignty sensitivities, (2) alignment of extra-regional power interests, (3) increasing prevalence of cooperation norms, (4) improving state resource capabilities, and (5) increasing prioritization of maritime security. These five factors are not necessarily distinct from one another, but are analytical concepts used to describe interrelated and complementary themes present in the evolving regional orchestra.

4.1 RELAXING SOVEREIGNTY SENSITIVITIES

Sovereignty sensitivities are extremely high among Southeast Asian states and play defining roles in their foreign policy formulations. These sensitivities have guaranteed that the principle of non-intervention forms the bedrock standard for intra-regional state relations and are undoubtedly the single-most powerful inhibitor of maritime cooperation in Southeast Asia. In fact, they have been until very recently seen as almost completely eliminating the possibility of cooperative ventures which appear to potentially compromise or qualify exclusive sovereign rights over sea territory. Even cooperative ventures which do not directly undermine sovereignty, such as joint exercises or voluntary information sharing, are viewed with caution by the sovereignty-sensitive regional states out of fear that such activities might lead to creeping sovereignty infringement.

In some cases, policymakers worry that a reduction of sovereignty is intrinsically equivalent to decreased security. In other cases, leaders fear cooperation will highlight the problems which they desire to downplay before their domestic constituencies. Finally, national pride and the desire for prestige contribute to sovereignty standards because policymakers worry that cooperation may reveal their inadequacies to their neighbors.[32] However, there are some signs that sovereignty sensitivities may be relaxing and given the

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[32] J. N. Mak, "Maritime Co-operation and ASEAN: Conflict, Competition, and Co-operation," lecture, Singapore, Institute of Southeast Asian Studies, 3 Dec 2003.

strength of the sovereignty sensitivity inhibitor, even a slight easing of this barrier marks a notable improvement for the prospects of cooperation.

Many Southeast Asian states have very strong practical reasons for maintaining exclusive sovereignty over their waters. Most of the coastal states rely heavily on offshore resources as vital contributors to their economies. Furthermore, several of the states have undergone historic experiences in which foreign powers operating forces within their national waters undermined state security. In more recent years, regional states have seen ample need to exercise uncommon legal restrictions on shipping in their waters. For example, in May 2003, Indonesia supported military operations in Aceh by banning foreign vessels from operating in adjacent waters without explicit permission. Similarly, Malaysian authorities have restricted maritime traffic to specific corridors in order to improve security on Sabah's eastern coast and off-shore islands. The region's few operationalized cooperation arrangements have been carefully crafted to minimize their potential to qualify or otherwise undermine state sovereignty. For example, coordinated maritime patrols have not been coupled with extra-territorial law enforcement rights, extradition guarantees or "hot pursuit" rights.

Although they remain few in number, in recent years there have been increasing numbers of cooperative agreements in which partners have voluntarily agreed to allow infringement upon or qualification of their sovereignty for the sake of improved maritime security. Perhaps most significantly, in 1998, Malaysia and Indonesia requested the International Court of Justice (ICJ) arbitrate over the ownership of Litigan and Sipadan Islands and then apparently accepted the 2002 ruling in favor of Malaysia. In July 2003, Singapore and Malaysia submitted a similar request for ICJ arbitration concerning Pedra Blanca (Pulau Batu Puteh) and its adjacent features. Providing another example, Singapore and Malaysia have accepted qualification of their sovereign rights by allowing the stationing of U.S. personnel in their ports to ensure the fulfillment of International Maritime Organization and American security standards. Thailand has accepted similar arrangements in principle.

Indonesia's and Malaysia's choice not to protest against the Indian and U.S. Navy escort operations in the Straits of Malacca in 2001 and 2002, provides another example of increasing flexibility with regards to maritime sovereignty. Although the extra-regional

navies only escorted vessels through the international Straits of Malacca, an activity clearly legal under the terms of UNCLOS, these operations could easily have been construed by sovereignty sensitive states as something more akin to law enforcement than transit passage. Indeed, media outlets commonly referred to the operations as "patrols", activities which would exceed the user states' right of transit passage. Furthermore, it was reported that both Indian and American officials made statements implying that the operations were more than just escorting.

The Straits Times, which described the operations as "the joint patrolling of sensitive, pirate-prone waters" quoted an Indian official as describing the mission as, "regional policing".[33] Similarly, *The Navy Times* referred to "joint patrols" and reported American sailors as saying that "attention to detail on [the] patrol mission" was heightened by anger over the over the events of September 11.[34] *The Navy Times* also quoted the Assistant Operations Officer from a ship actually conducting the operations as saying "we didn't catch anybody", which could have been interpreted as evidence that the crew was seeking out criminals rather than simply safeguarding ships exercising free navigation.[35] The restraint of the coastal states resulted from considerable U.S. preemptive diplomacy, careful mission planning to insure compliance with legal standards and a reluctance to interfere with U.S. security efforts in the immediate wake of the 9/11 attacks. However, the behavior nonetheless demonstrates Malaysian and Indonesian willingness to make concessions when the perceived cost and benefits suggest doing so is advantageous.

Indonesian and Malaysian officials did not show the same restraint in 2004 when reacting to misleading media reports regarding the Regional Maritime Security Initiative (RMSI), a U.S.-suggested protocol to foster the sharing of information. When international media sources incorrectly reported that Admiral Thomas Fargo, Commander, U.S. Pacific Command, had testified before Congress that a plank of RMSI was the deployment of special forces and marines in small craft to safeguard the Straits of Malacca, Malaysian and Indonesian officials reacted with strong language to reassert their sovereign control over the waterway. While those statements did not completely bar the possibility of consensual cooperation, the very public, highly rhetorical and inflammatory nature of the discourse

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[33] Nirmal Ghosh, "India's Navy Joins US War on Terrorism," *Straits Times,* 24 April 2004.
[34] William McMichael, "U.S. Vessels Patrol for Pacific Pirates," *Navy Times,* 17 June 2002;
[35] ibid.

clearly put the United States on the diplomatic defensive.[36] As the RMSI had been discussed openly for months prior to Fargo's testimony and would have in no way challenged the sovereign rights of regional states, there would seem to be little reason for the sudden vehement reactions.[37] However, the fallout was so severe that the U.S. State Department issued special press releases correcting the media reports regarding Admiral Fargo's testimony.[38]

Senior Malaysian and Indonesian officials, such as Malaysian Deputy Prime Minister Najib Tun Razak and Indonesian Navy Chief Bernard Kent Sondahk, continued to criticize perceived American intentions to violate their sovereignty more than six month later.[39] The continuation of the RMSI-related criticisms at such a high political level demonstrates that although sovereignty sensitivities have relaxed, they remain a vital concern to regional policymakers and their public constituencies. Taken together, these examples show that sovereignty sensitivities remain very strong inhibitors, but they do not equate to absolute limits on maritime cooperation when the perceived benefits of cooperation are suitably high.

4.2 ALIGNMENT OF EXTRA-REGIONAL POWER INTERESTS

Maritime cooperation in Southeast Asia has been historically limited by extra-regional power rivalries. During the Cold War, all security arrangements were managed within the context of the Soviet-United States-China bi/tri-polar structure.[40] In the post-Cold War, the Soviet Union's role in Southeast Asian affairs evaporated, but developing rivalry between China and the United States continued to constrain cooperation. Many American policymakers advocated the containment of China, while China's realpolitik outlook made it distrustful of increased regional maritime security cooperation through the 1990s.[41]

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[36] Mushahid Ali and Jeffrey Chen, "Maritime Security Cooperation in the Malacca Straits: Prospects and Limits," *IDSS Commentaries,* 1 July 2004.
[37] An early example of public discussion of RMSI is Doran, Walter, Commander U.S. Pacific Fleet, 18th Asialink Lecture Address, Sidney Myer Asia Center, Melbourne, Australia, 09 Sept 2003 [online]. available: http://www.cpf.navy.mil/speech/speeches/030909.html [2003, 24 Jan].
[38] For example see, John Medeiros, Charge d'Affaires, U.S. Embassy Singapore, "Littoral States Have Say Over Straits Security," *Business Times*, 6 April 2004.
[39] For examples see, Marcus Hand "Malaysia Blasts 'Lack of Respect' for Malacca Straits States." Loyd's List Website. 11 Oct 2004. Available: http://www.lloydslist.com/bulletin [2004, Oct 22]
[40] Pauline Kerr, "The Security Dialogue in the Asia-Pacific," p. 397.
[41] Ger Teitler, "Piracy in Southeast Asia: A Historical Comparison**,"** *MAST,* Vol. 1 No.1, 2002, p. 7 and Mark Valencia, "Rampant Piracy Posing Political Problems for Southeast Asia's Policymakers," *The Japan Times,* 24 May 2001 [Online]. Available: http://www.japantimes.co.jp [2004, 3 Feb].

In the Age of Terror, all of the extra-regional powers involved in Southeast Asian maritime affairs have aligned their interests to promote maritime security cooperation, especially cooperation focusing on protecting navigation in strategic SLOCs from transnational threats such as terrorism and crime. Most important among these powers are the United States, Japan and China. Australia and India, two large neighbors with significant naval capabilities, have also demonstrated their commitment to promoting maritime security cooperation in Southeast Asia. These converging interests not only remove inhibitors previously at play, but also encourage improved cooperation.

Since September 11, the United States has demonstrated its clear commitment to regional maritime security in a number of ways, including promoting an "alphabet soup" of cooperation initiatives in Southeast Asia. Two such initiatives are the CSI (Container Security Initiative) and PSI (Proliferation Security Initiative), global initiatives in which Southeast Asia is a significant focus area. In contrast, the RMSI and its follow-on programs are exclusively focused on the Asia-Pacific with Southeast Asia as the primary focus area. American maritime policy leaders such as Secretary of Navy Gordon England and Admiral Fargo have used speaking engagements to draw attention to transnational maritime threats and emphasize their desire to see greater international cooperation.[42] The April 2004 joint US-ASEAN workshop on "Enhancing Maritime Anti-Piracy and Counter Terrorism Cooperation in the ASEAN Region" provided a demonstration of U.S. commitment to operationalizing regional maritime security cooperation in Southeast Asia. In fact, U.S. enthusiasm for maritime security cooperation is so strong that, if not managed properly, it risks being seen as overly hegemonic and inspiring a regional backlash, similar to the clamor surrounding RMSI.

Japan's steadfast devotion to improving Southeast Asian maritime security cooperation pre-dates the events of 2001 and should be regarded as something separate from, but in alignment with, American interests. Japan is economically dependent on Southeast Asian sea lanes which deliver to Japan more than 80% of its petroleum as well as other strategic commodities such as coal, uranium, grain and iron ore. These waterways also carry Japanese manufactured goods to Europe, Australia, the Middle East and Africa. Therefore, safety of navigation in the region's sea lanes is vital to Japanese comprehensive security and

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[42] David Munns, "Rise in Murders, Kidnappings at Sea Makes Piracy a Top Naval Priority Worldwide," *Seapowe*r, October 2004, p. 11.

a major policy objective. Therefore, Japanese NGO's and the Japanese government have funded the installation and maintenance of navigation aides, conducted hydrographic surveys, and funded various other maritime safety programs for several decades.

Since 1999, Japan has vigorously promoted a number of initiatives to more directly enhance regional maritime security cooperation. The most radical of these, the Ocean-Peacekeeping concept which called for a multinational naval force to patrol both international and national waters has been tabled, but Japanese NGOs such as the Nippon Foundation, the Ship & Ocean Foundation, and the Okazaki Institute continue to press for multilateral operationalized maritime security solutions. Since 2000, Japan has successfully reached bilateral training and exercise agreements between the Japan Coast Guard and the maritime law enforcement agencies of six Southeast Asian states. Its endeavors to create the multilateral ReCAAP organization have also been successful, although far less ambitious that the Japanese ideal concept.[43]

Since the mid-1990's, China's stance on maritime security cooperation has changed from a belligerent position characterized by hard stances emphasizing the absolute value of sovereignty to a position that is favorable to managing disputes and enhancing discussion.[44] As late as 2000, China continued to be strongly opposed to multilateral maritime cooperation as demonstrated by its positions at an ARF anti-piracy meeting in Mumbai and Japanese-sponsored cooperation conferences in Tokyo.[45] Since then, its position has grown considerably less obstructive and it has positively contributed to discussions concerning enhancing security cooperation. This trend seems to mirror, but perhaps run a couple of years behind, a general shift in Chinese security attitudes away from defensive realpolitik and towards a more cooperative posture. Ending a long period of maritime security isolation, in late 2003, China demonstrated its new capacity for maritime engagement by conducting international maritime exercises, brief search and rescue programs with India and Pakistan. China then broke new ground in 2004 by carrying out exercises with Russia and Australia.

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[43] Susumu Takai, "Suppression of Modern Piracy," p. 56 and John F. Bradford "Japanese Anti-Piracy Initiatives in Southeast Asia: Policy Formulation and the Coastal State Responses," *Contemporary Southeast Asia,* vol. 26, no. 3, 2004, pp. 488-93.
[44] Leszek Buszynski, "ASEAN, the Declaration on Conduct, and the South China Seas," *Contemporary Southeast Asia,* Vol. 25, No. 3, 2003, p. 344.
[45] P.T. Bangsberg, "China Says No to Joint Anti-Piracy Patrols," *Journal of Commerce,* May 2000 and Russell Working, "Fight Against Pirates Slowed by China," *The Japan Times,* 14 May 2000.

Australia has been long involved in the Southeast Asian security as clearly exemplified by its deployment of troops to fight communist insurgents in Malaya and Vietnam, its continued commitment to the FPDA and its peacekeeping mission in East Timor. It has in the Age of Terror enhanced its contributions to regional maritime and non-traditional security. The Royal Australian Navy has increasingly taken on constabulary roles which might be applied to against transnational threats in the region and in 2004 successfully initiated command-level sea lanes security exercises with several regional states.[46] The Howard administration's commitment to fighting terrorism in Southeast Asia and vast new maritime security program which includes a maritime security zone reaching into Southeast Asian waters show the continuation of Australia's strong support for improved regional maritime security.[47]

As a part of its reinvigorated activism in the wider Asia-Pacific region and its "Look East" policy aimed at strengthening its influence in Southeast Asia, India has also become increasingly involved in Southeast Asian maritime security. In 2002 the Indian Navy worked with the U.S. Navy to ensure the safe transit of high value units through the Straits of Malacca. In 2003, Singapore and India agreed to improve their maritime and counter terrorism cooperation, the direct result of this dialog being plans for joint exercises which will focus on sea lane control. Although Singapore and India have conducted joint naval exercises for about a decade, these will be the first such exercises to be held in Singaporean waters. Shortly after the Straits of Malacca states began their coordinated trilateral patrol, India initiated dialogue with those states to explore the possibility of its own contribution.

In September 2004, India and the Indonesian Navy began joint patrols of Six Degree Channel, the waterway just west of the Straits of Malacca which lies between Indonesia's Aceh Province and India's Nicobar Islands. These active measures have been complemented by Indian Navy port calls throughout the region and training exercises with the navies of almost every coastal state.[48] In addition, India has sought to coordinate its pro-cooperation

[46] Australia, Department of Defence Media Liaison, "Navy and Shipping Authorities Working to Protect Our Shipping Lanes," 7 May 2004; John Kerin, "Navy to Shift Focus from Battles to Piracy," *The Australian,* 6 Feb 2004; and Hasjim Djalal, "Maritime Security in East Asia," Paper presented at: *Maritime Security in East Asia,* CSIS/Sealanes Institute, Honolulu, Hawaii, 18 Jan 2004.

[47] Catherine Zara Raymond, "Australia's New Maritime Security Strategy," *IDSS Commentaries,* 16 Nov 2004 and Roger Maynard, "Storm Brewing Over Aussie Maritime Zone Plan," *The Straits Times,* 17 Dec 2004.

[48] Donald Berlin, "Navy Reflect India's Strategic Ambitions," *Asia Times*, 6 Nov 2004; Mushahid Ali and Manjeet Pardesi, "ASEAN-India Strategic Engagement: Singapore-India Synergy," IDSS Commentaries, IDSS, Singapore, Oct 2003; "Indian Navy Tours East Asia," *Far East Economic Review,* 17 Aug 2002; and Shishir

programs with other extra-regional maritime powers such as the United States, Australia and Japan. For example, its most senior leadership has suggested to Japanese Prime Minister Koizumi that Japan reopen some of its more aggressive maritime security cooperation initiatives.[49]

4.3 INCREASING PREVELANCE OF COOPERATION NORMS

Although the ASEAN states coexist peacefully, conflicting interests, contrasting populations, nationalistic tendencies and historical conflicts continue to burden Southeast Asian interstate relations. As discussed previously, many of these conflicts are inherently maritime in nature, but those without specific maritime dimensions also inhibit maritime security cooperation by limiting dialogue and strengthening distrust. However, since the end of the Cold War regional institutions and non-governmental organizations have made considerable progress fostering cooperation norms.

The blossoming of MCSBMs and other cooperation agreements have established norms of cooperation and made the operationalizing of future endeavors much easier. The dialogue norms are embodied in and sustained by institutions such as CSCAP-MCWG, SCS Workshops, WPNS, the ARF Maritime Focus Group, the APEC Working Group on Maritime Security, and ReCAAP. Although obligating member states to relatively little and consistently reaffirming the "ASEAN-way" norms of sovereignty preservation and nonintervention, the recent ARF and ASEAN documents pertaining to better maritime security exemplify the increasing prevalence of cooperation norms. Although some scholars might debate their specifics, the positive value of the norms created through dialogue and MCSBMs cannot be simply disregarded.[50]

The maritime cooperation norms in Southeast Asia are certainly a positive development; not even the most skeptical would suggest that they reflect a negative trend. In fact, the regular cooperation improves the information available to states, builds familiarity, lowers transaction costs, reduces distrust and creates habits of consultation and cooperation.

Gupta, "Delhi Gets Indian Ocean Coalition to Guard the Seas," *The Indian Express,* 16 March 2004 [Online]. Available: http://www.indianexpress.com/print.php?content_id=43074 [2004, 24 Mar]

[49] Susumu Takai, personal interview, Tokyo, 4 Mar 2004 and Shishir Gupta, "Delhi Gets Indian Ocean Coalition."

[50] Pauline Kerr, "The Security Dialogue in the Asia-Pacific," p. 407.

Therefore, it is not unreasonable to conclude that the decade of maritime confidence and security building that preceded the Age of Terror contributes to the relatively more rapid pace of cooperation development being demonstrated by states in the last two years.

4.4 IMPROVING STATE RESOURCE CAPABILITIES

Regional maritime security cooperation has also been limited by a lack of resources. Not only have many of the Southeast Asian states faced challenges to their economic development, but most of them also possess sea territories that are unusually large in proportion to their land territory. As a result, most of the states lack the resources necessary to properly patrol their vast territorial waters. Only Singapore and Brunei, relatively wealthy states with limited territorial seas are capable of adequately securing their maritime territory. Given these resource shortages, states have generally prioritized unilateral domestic operations over international cooperation.[51]

Resource shortages were exacerbated by the Asian Financial Crisis of 1997 which caused several states, including Malaysia, Singapore and Thailand, to delay plans to expand and improve their maritime capabilities. The effect was more profound in Indonesia where economic hardship and an American spare-parts embargo immobilized the national fleet to such an extent that only about fifteen percent of Indonesia's naval and law enforcement ships could get underway at any one time.[52]

In recent years, as Southeast Asian economies have recovered, most states have begun improving their maritime forces once again. Since 2001, Malaysia, Singapore, the Philippines and Thailand have all taken possession of new ships. Malaysia, for example, is committing the resources necessary to establish a new coast guard force to relieve its currently overburdened navy and maritime police. These trends are expected to accelerate in the near future and regional governments are expected to double their expenditures on new naval ships by 2010.[53] This is not to say that the problem of resource shortages has been solved. Most significantly, in the state with the largest sea territory, the Indonesian maritime

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[51] J. N. Mak, "Piracy in Southeast Asia: Priorities, Perspective and Hierarchy of Interests," *Maritime Security in East Asia*, CSIS/Sealanes Institute, Honolulu, Hawaii, 19-20 Jan 2004.

[52] Hashim Djalal, "Maritime Security," and Slobodan Lekic, "Indonesia's Navy Says It Needs Hundreds Of Boats To Keep Out Terrorists," Associated Press, 09 May 2003.

[53] Joshua Ho, "Prospective Maritime Challenges In East Asia: A Singaporean Perspective," Paper presented at: *Maritime Security in East Asia*, CSIS/Sealanes Institute, Honolulu, Hawaii, 18 Jan 2004.

forces continue to suffer from a critical lack of resources to consistently maintain and operate their ships.

4.5 INCREASING PRIORITIZATION OF MARITIME SECURITY

Given the resource constraints inherent in even the richest of states, hierarchies of interest emerge with the concerns at the top receiving the most attention. In competition with other security threats such as those posed by conventional military forces, guerilla insurgencies, narcotics production, organized crime and dire socio-economic poverty, maritime threats have historically held rather low positions in the interest hierarchies of most regional states. This has especially been the case for the more intensely maritime states such as Indonesia and the Philippines, which are also among those facing the greatest development challenges. In the post-Cold War Era and even more so in the Age of Terror, maritime threats have been steadily rising in the interest hierarchies of many Southeast Asian states. As a state which has defined maritime security as an existential threat, Singapore has clearly taken the most interest in improving maritime security.[54] However, Thailand, Malaysia, Indonesia and the Philippines are all giving maritime security increasing priority.

This improved awareness regarding maritime security has been due to the reduction of competing threats (especially those posed by ideologically communist actors) and the increasing recognition of the dangers posed by maritime threats.[55] Deadly terrorist attacks such as those against *Our Lady Mediatrix*, *Cole*, *Lindberg*, *Kalifornia,* and *Superferry 14*, let alone New York City, Bali and Madrid, have further sensitized policymakers to the need to take action. This growing concern among policymakers is clearly reflected by the increasingly common public comments on the importance of maritime security and the need for improved international cooperation.

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[54] Ralf Emmers, *Non-Traditional Security in the Asia-Pacific: The Dynamics of Securitization,* Singapore, Marshall Cavendish, 2004, pp. 35-60 and J.N. Mark, "Maritime Co-operation and ASEAN."
[55] J. N. Mak, "Maritime Co-operation and ASEAN."

5. THE FORM OF FUTURE COOPERATION

The structural, economic, normative changes that have accompanied Southeast Asia's transition from the post-Cold War to the Age of Terror are creating unprecedented opportunities for maritime cooperation. However, powerful constraints, most notably strong sovereignty sensitivities, interstate distrust, resource competition and fiscal shortages remain. Therefore, cooperation will not be unlimited but only grow incrementally. Within this framework certain forms of cooperation will develop more substantially than others. In particular, those forms of cooperation which maximize perceived benefits, but minimize perceived costs are mostly likely to expand.

5.1 GLOBAL COOPERATION

Global cooperation is characterized by states acceding to international conventions or other cooperative agreements of a worldwide scale. Although existing global institutions, such as the United Nations, International Maritime Organization and the International Chamber of Commerce's International Maritime Bureau, take proactive stances for improving maritime security through increased cooperation, the diverse interests of their constituencies suggest that their measures will expand at a slow pace. Southeast Asian states, with the exception of Singapore, will most likely be followers rather than leaders in the development of these measures. States will move at their own pace to comply with global cooperation initiatives as they select to comply with those that offer net advantage. Typically, Singapore, a relatively rich nation with a strong maritime outlook, a critical dependency on international trade, and a security strategy which relies heavily upon international cooperation, will lead the way. Less wealthy and more insularly focused states such as Indonesia, Vietnam and Cambodia will lag furthest behind.

The regional responses to global cooperation initiatives will be similar to those executed in response to the International Maritime Organization's comprehensive ISPS which came into force on 1 July 2004. In general, Southeast Asian states, ports and shippers have made significant progress towards fulfilling their obligations and completing the necessary steps to bring their port facilities into compliance. Having identified maritime security as a concern of the highest priority, Singapore not only reached compliance months ahead of schedule, but implemented security measures significantly superior to the minimum ISPS

requirements. Other major ports, some only moderately concerned about security threats but recognizing the crippling financial cost non-compliance would bring in terms of lost tonnage and increase insurance rates, also met the July deadline. On the other hand, several months after the deadline there are still less wealthy port facilities that focus on intra-regional trade and carrying small volumes of cargo bound outside the region remain non-compliant

5.2 REGIONAL COOPERATION

Regional cooperation is multilateral cooperation which involves a significant number of regional states. Even when extra-regional powers participate, an arrangement may be considered regional cooperation as long as the goals of the program are primarily focused on regional gains. The development of stronger multilateral arrangements for maritime security cooperation in Southeast Asia has received positive discursive endorsement by regional states and extra-regional maritime powers. Maritime security cooperation at the regional level could either come in the form of a new multilateral agreement or be superimposed onto an existing organization such as ASEAN, the ARF or APEC. Given the general support being allocated to improving maritime security, it seems quite likely that existing regional organizations will develop new initiatives to enhance maritime security cooperation. These initiatives will probably include expanded dialogue, issuance of declaratory statements of intent and improved information sharing. However, considering the diverse interests of their members, high sovereignty sensitivities and their institutionalized norms of nonintervention, existing regional organizations are unlikely to institute significant operational cooperation.

New regional agreements have less potential than agreements that build on existing institutions. The regional states have shown their preference for working with existing institutions rather than establishing new ones for a number of reasons. Most importantly, policymakers are distrustful of new organizations because they worry that those that conceptualize them may have hidden agendas or fear that improperly crafted organizations may spiral out of control to infringe upon sovereignty and resources. Not surprisingly, new multilateral frameworks have been the preferred vehicles for cooperation-building by the extra-regional powers precisely because they offer the sponsor an opportunity to customize frameworks and protocols to suit their agenda. The newly formed ReCAAP displays the characteristics expected to be typical of future regional cooperation organizations. After a relatively long negotiation period, the Japanese-sponsored group emerged as a non-binding,

externally funded organization which will only collate information voluntarily submitted. Given the resistance of regional states to sharing sensitive information, a senior Japanese government official directly involved in operationalizing regional maritime cooperation laments the agreement's final form as, "a very, very small step forward". [56]

5.3 BILATERAL COOPERATION

Bilateral cooperation involves only two states, but can offer significant contributions to regional security. Bilateral maritime security cooperation will be more productive than multilateral initiatives in producing operational cooperation. Unlike multilateral cooperation, which often develops only to the level acceptable to the least keen partner, bilateral arrangements allow for tailored approaches which maximize productivity by matching the aligned interests of only two parties. Bilateral approaches can also minimize distrust and sovereignty sensitivities by limiting themselves to areas of agreement and adapting around differences. Bilateral maritime security cooperation could take place between two regional states or between a regional state and an extra-regional maritime power.

Bilateral agreements are most likely to be operationalized between neighboring states which maintain generally cooperative outlooks, have minimal distrust, and share common security interests. A prototype of such cooperation would be the coordinated patrols in the Malaysian-Thai border areas. The two states have a history of cooperation including the joint prosecution of the communist insurgents which used bases in Thailand to execute attacks in Malaysia. Although tenuous at times, this cooperation evolved to the point that for a period it allowed for cross-border "hot pursuit", the only such agreement to have be enacted between two ASEAN states.[57] Although the continued imperfection of this relationship can be seen in episodes such as the angry responses to Thai Prime Minister Thaksin Sinawatra's December 2004 comments that insurgents in the south of his country have received training and support in Malaysia, this history has played a key role in enabling bilateral cooperation in response to the current Islamic insurgency in Southern Thailand. Although some Malaysian government officials may have some sympathies with the rebels, who are Malay ethnic brethren, Malaysian policymakers clearly understand that the security risks posed by the conflict could stretch into their territory and have been eager to minimize cross-border activity.

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[56] Privileged interview, Tokyo, March 2004.
[57] Amitav Acharya, *Regionalism and Multilateralism,* p. 83-4, 229.

Thailand and Malaysia are also worried that the unrest in Aceh could cross the Straits of Malacca and disturb their own states if not managed carefully. Faced by such risk and enabled by established norms of cooperation, Malaysia and Thailand have overcome their mutual distrust to share information and coordinate maritime patrols. Owing to the structural and normative changes previously discussed, such cooperation should continue to expand between other states. However, it will remain constrained by a variety of limiting factors and developments will only emerge where security threats are greatest and most directly effect the state.

5.4 NETWORKED COOPERATION

Bilateral agreements are more likely to produce operational cooperation than multilateral endeavors. However, the most profitable form of future cooperation will be synergetic networks of bilateral arrangements. Because they are based on bilateral agreements, networked cooperation arrangements enable states to customize their relationships in order to maximize value gained and minimize risk. The networks also serve to increase trust and understanding between all members, thus reducing the costs of building new cooperative relationships. Such networks would be at first informal, but have the potential to formalize. Once formalized, these networks provide benefits parallel to those of multilateral arrangements, however even when informal they serve valuable security functions. The idea behind networked cooperation draws upon the American "hub-and-spokes" strategy for building alliances in Asia. However, networked cooperation differs in than it does not necessarily require a "hub", but allows for enhanced security through direct relationships between states. In other words, although cooperative networks are often predicated on the leadership of a powerful state, such networks can develop without a hegemon. Simply increasing the number of bilateral agreements within the region expands the network and binds regional states more tightly into greater cooperation.

An example of a mature cooperative network underpinned by a major power is the annual Cobra Gold military exercise held in Thailand. Cobra Gold began as a bilateral maritime warfare exercise between the United States and Thailand in 1982 and soon developed multi-service components. In 1999, the United States capitalized on its strong relationship with Singapore to entice the Singaporean Armed Forces into participating. Since

then the exercise has continued to expand on the basis of American bilateral agreements and now includes participants from the United States, Thailand, Singapore, the Philippines and Mongolia, as well as observers from ten other countries. Participants in this exercise routinely reflect on how the exercises bring them not only closer to the United States, but with each other and how the common training experiences allow for better mutual understanding. With even more participants invited for future exercises, Cobra Gold embodies the region's most developed formal cooperation network and is indicative of the form of cooperation with the most potential to contribute to operational improvement in regional maritime security enforcement.

The trilateral Straits of Malacca coordinated patrols are an example of a cooperation network which developed from an informal network of bilateral agreements into something more formal without the leadership of an external power. In fact, it seems that one motivator for the agreement was to deny the United States and, to a lesser extent, Japan from playing direct, visible roles in Straits of Malacca security operations. Although the trilateral patrols seemed to develop rather quickly, they were in fact enabled by the network of bilateral patrols conducted by all combinations of the states for more than a decade. Without these common histories of cooperation to provide experience and confidence, it is unlikely that the trilateral patrols could have been developed so quickly or reached the same level of operationalization.

The potential for this network to grow is clearly demonstrated by the suggestions that Thailand and India might be able to join the cooperative patrols arrangement. India already executes coordinated patrols near the Straits of Malacca, while Indonesia and Thailand does so with Malaysia. Therefore India and Thailand are already linked to Malaysia, Indonesia and Singapore as part of an informal cooperative network. The public discussion about the potential for expanding the currently trilateral program to include India and/or Thailand is one way in which this five-state network may become formalized.

An example of a nascent network involves Japan, Malaysia and the Philippines. The Japanese Coast Guard already cooperates heavily with both. It has conducted anti-piracy training with both states, has designed new training curricula for the Philippine Coast Guard and is advising in Malaysia as it establishes its new coast guard. As these two bilateral relationships grow stronger, they will naturally network in the way that the Malaysian and the Philippine coast guards can develop greater trust and understanding of each other through

their common involvement with the Japanese.[58] Although it may take time to develop, this network will serve to reduce tension, ease the flow of information and perhaps lay the groundwork for new bilateral relationships between Malaysia and the Philippines.

Although networked cooperation holds the most potential for improving regional security, such networks are not necessarily easily created. The Japanese Coast Guard's attempt to network its existing exercise programs with Singaporean and Indonesian maritime security forces into a trilateral maritime exercise agreement is an example of an unsuccessful attempt. The hurdles stem from a number of sources including Indonesia's lack of resources, Japanese antimilitarist constitutional prohibitions which ban the Japanese Coast Guard from working with the Indonesian Navy, and the anti-Japanese sentiment still residual in the region more than fifty years after World War II. Despite the limitations exemplified by this Japanese experience, networked cooperation holds the greatest potential to produce tangible results for enhancing regional security.

CONCLUSION: CAPITALIZING ON OPPORTUNITY TO PROMOTE COOPERATION

Although Southeast Asian states have taken significant steps toward improving their maritime security cooperation during the Post-Cold War period, serious maritime threats continue to pose dangers to the regional states and their national populations. In the Age of Terror, those threats have become only more apparent. At the same time, structural, economic and normative changes in the Southeast Asian security complex are enabling the broadening and operationalizing of maritime cooperation. Despite these improvements, major obstacles remain. Although sovereignty sensitivities have relaxed slightly, states continue to be wary of even small erosions of their exclusive rights. Similarly, although dialogue is growing more established as a behavioral norm among regional states, levels of distrust remain high and threaten to stymie efforts to develop maritime cooperation which goes beyond discourse.

At the same time, neither sovereignty issues nor distrust are absolute restraints on cooperation. Given the alignment among the interests of the extra-regional powers, the

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[58] Japan is also working with Indonesia as it considers reorganizing its maritime security force structure and establishing a coast guard body. This process is much less mature than those at work in the Philippines and Malaysia, but might enable Indonesia to join the same network in the future.

strengthening of cooperation norms, the increasing prioritization of maritime security within states policy hierarchies and the improving resource capabilities of regional maritime security forces, the time is right to press forward for enhanced maritime security cooperation. Bilateral and multilateral efforts both have potential should policymakers properly identify interests, capitalize on the opportunities available and work to ameliorate potential obstructions. At the same time, policymakers should seek to network existing relationships bearing in mind that while formal networks are most valuable, informal networks also benefit regional maritime security. In support of these endeavors, further research should be directed into understanding policymaker perceptions of the stakes at hand. Such studies will improve capabilities to exploit existing opportunity and create new potential for maximizing security cooperation. Given the dire maritime threats present in contemporary Southeast Asia, there is little excuse for not taking greater action in the immediate future.

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