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**REGIONAL MARITIME SECURITY INITIATIVES IN THE ASIA PACIFIC:
PROBLEMS AND PROSPECTS FOR MARITIME SECURITY COOPERATION**

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Introduction

Maritime security cooperation in the Asia Pacific region is still in the early stages of formation where interests, agenda, and strategies of concerned countries somehow overlap but are also in conflict. This paper examines the state of maritime security cooperation in the Asia Pacific by looking into the various regional maritime security initiatives of major powers (Japan and the US) as well as littoral states in Southeast Asia. It also looks into the role of the ARF in dealing with transnational security issues that relate to maritime concerns. It then assesses the problems and prospects for maritime security cooperation based on issues and concerns of stakeholder states in the region.

Maritime Security in the Asia Pacific: An Overview

Since 9-11, maritime security has increasingly become a prominent concern for many countries in East Asia as well as the United States. Much of this may be attributed not only to the reportedly growing piracy attacks on shipping in the region (especially in the Malacca and Singapore Straits) but also to the potential threat posed by maritime terrorism that aims at hub ports and merchant shipping.² Notwithstanding the decreasing number of piracy incidents worldwide, attacks in the Malacca and Singapore Straits have in fact increased in recent years. Piracy attacks in Indonesia also remain high, accounting for 29 percent of incidents worldwide in 2004 and 2005. Already, in the first six months of 2006, piracy attacks in the East Asian region reached a total of 54 (or 42 percent of world total for the period) with Indonesia accounting for 61 percent (33 attacks) of the total. Table 1 below shows actual and attempted attacks on ships in Asia Pacific countries between January and December in the period 1994-2005.

Maritime terrorism is also an important security concern for many states in the region as hub ports and merchant shipping could be the target of terrorist attacks. Specifically, carriers of liquefied petroleum gas may be used by maritime terrorists as “floating bombs” that could disable ports, which could then create havoc and destruction resulting in a large number of casualties and fatalities. It is also possible for these terrorists to detonate “dirty bombs”, “dirty nuke” or other weapons of mass destruction that disperse radioactive materials that could be smuggled through container ships. Commercial ships could also be targets of terrorist groups, which could then cripple global trade and impact negatively on the economy of many developing countries in the region.³ The mining of busy channels or straits and the sinking of ships at entrances of major ports aimed at crippling trade or commercial activities are also potential

² For a comprehensive discussion of the relationship between piracy and maritime terrorism, see Andrew J. Young and Mark J. Valencia, “Conflation of Piracy and Terrorism in Southeast Asia: Rectitude and Utility,” *Contemporary Southeast Asia*, Volume 25, Number 2, August 2003.

³ Joshua Ho, *The Security of Regional Sea Lanes*, Institute of Defense and Security Studies Working Paper No. 81, June 2005, pp. 8-9.

maritime terrorist activities.⁴ As one Singaporean official noted, the shift to maritime targets (in particular commercial shipping) by terrorist groups is a possibility given the hardening of land and aviation targets.⁵

Table 1. Actual and Attempted Piracy and Armed Robbery Attacks, 1994-2005

Asia Pacific Countries	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006*
Cambodia	1	1	1	1									
Indonesia	22	33	57	47	60	115	119	91	103	121	94	79	33
Malacca Straits	3	2	3		1	2	75	17	16	28	38	12	3
Malaysia	4	5	5	4	10	18	21	19	14	5	9	3	9
Myanmar (Burma)			1	2		1	5	3			1		
Philippines	5	24	39	16	15	6	9	8	10	12	4		2
Singapore Straits	3	2	2	5	1	14	5	7	5	2	8	7	3
Thailand		4	16	17	2	5	8	8	5	2	4	1	1
China/Hongkong/Macau	6	31	9	5	2		2			1	3	4	1
East China Sea	6		1	1			1	2	1				
Hong Kong Luzon Hainan Area (HLH)	12	7	4	1									
South China Sea	6	3	2	6	5	3	9	4		2	8	6	1
Taiwan		2						2	1	1			
Vietnam	2	4		4		2	6	8	12	15	4	10	1
Asia Pacific Region (as % of World Total)	77	44	60	44	33	55	55	50	45	42	52	44	42
World Total	90	188	228	248	292	300	469	335	370	445	329	276	127

Source: Piracy and Armed Robbery Against Ships Annual Report, 1 January-31 December 2005, ICC International Maritime Bureau. * Data for 2006 is only for the first six months (1 January-30 June 2006)

That some Southeast Asian insurgents and terrorist groups have substantial capabilities to stage maritime attacks are not in dispute. Some have reportedly transported weapons, moved forces, and raised funds through seas. Specifically, the Abu Syyaf had successfully conducted a number of maritime guerrilla operations in southern Philippines and claimed responsibility for sinking a passenger ship in Manila in February 2004 that resulted in over 100 civilians

⁴ Premvir Saran Das, "Maritime Security in Southeast Asia – Indian Perspective," a paper presented in the 20th Asia Pacific Roundtable, Kuala Lumpur, 31 May 2006, p. 5.

⁵ Remarks by Singapore Deputy Prime Minister Tony Tan in May 2003, as footnoted in Ho, *ibid.*

killed.⁶ There were also reported attempts by terrorist groups linked with Al-Qaeda to attack US warships that were in transit in narrow straits or visiting ports in Southeast Asia but were thwarted by security forces in the region.⁷

Apart from piracy and terrorism, there are other transnational maritime crimes that involve smuggling (drugs and arms), human trafficking, and illegal migration in the region. These illegal activities enable terrorist groups and insurgents to move weapons and personnel, raise funds, and recruit new members. Illegal migration in turn exacerbates conflicts between countries and violence among peoples, such as those between Indonesia and Malaysia.⁸

The human security dimension of maritime security is something that cannot be ignored as well. For instance, resource depletion and degradation of the maritime environment are quite harmful to land, sea, as well as human populations, which consequently create conflicts between states and societies. Depletion of fisheries, in particular, has contributed to tensions between Thailand and its neighbors, Malaysia and Myanmar. Meanwhile, Islamist guerrillas in southern Philippines have reportedly targeted some foreign trawlers due to perceived unfair use of more advanced technology in harvesting fish from traditional Moro fishing grounds.⁹ Poverty in remote areas of some littoral states like Indonesia – particularly those that border Malacca and Singapore Straits and other areas that are close to sea lanes of communications (SLOC) – contributes to illegal maritime activities such as piracy, smuggling, human trafficking.¹⁰

Given the foregoing maritime security problems, littoral states in Southeast Asia have individually adopted some counter-measures. Improving their capacities in dealing with piracy threats is a priority, which includes reform and modernization of their navies to enhance their capabilities to interdict and patrol their waters against illegal activities. Indonesia, for example, has created its Navy Patrol Command Centers (Puskodal) in Batam and Belawan with special forces that are equipped to respond to armed attacks from pirates and hijackers. It has also adopted poverty alleviation programs in coastal areas close to the SLOCs to improve the welfare of people in these areas. For its part, Malaysia's navy built a network of radar tracking stations along the Malacca Straits to monitor traffic in the area even as it has also acquired new boats to counter piracy activities. Kuala Lumpur also formed the Malaysian Maritime Enforcement Agency (MMEA), which brings together all of the country's maritime enforcement agencies under one command to effectively deal with maritime related problems. The MMEA is also expected to engage in enforcement duties as well as search and rescue operations.¹¹

⁶ John F. Bradford, "The Growing Prospect for Maritime Security Cooperation in Southeast Asia", *Naval War College Review*, Summer 2005, Vol. 58, No. 3, pp. 70-71.

⁷ *Ibid.*, p. 71

⁸ *Ibid.*

⁹ *Ibid.*, pp. 72-73

¹⁰ Joshua Ho, *ibid.*, p. 11

¹¹ *Ibid.*, pp. 11-12

Meanwhile, Singapore had adopted certain measures to deal with maritime security problems. Among these are: 1) integrated surveillance and information network for tracking and investigating suspicious movements; 2) increased coastguard and navy patrols; 3) random escorts of high value merchant vessels; 4) re-designation of shipping routes; 5) cooperation with the International Maritime Organization (IMO) in implementing amendments to international conventions on safety at sea through the ISPS Code; 6) signing the 1988 Rome SUA convention; and 7) creation of sea marshals called Accompany Sea Security Team (ASSET).¹²

Apart from self-help measures, countries in Southeast Asia have entered into bilateral agreements in dealing with maritime security threats. These include a bilateral coordinated patrols and surveillance in the Singapore Straits between Indonesia and Singapore and a similar agreement between Indonesia and Malaysia. Negotiations have been conducted by Indonesia vis-à-vis India, China, and Thailand for maritime security cooperation, even as Indonesia has also conducted joint anti-piracy exercises with the US in 2005.¹³ The US in particular has been conducting a series of bilateral naval exercises with countries in the region called Cooperation Afloat Readiness and Training (CARAT) to improve maritime security capabilities of Southeast Asian nations.¹⁴ Prior to being transformed into CARAT, the US has conducted since 2002 annual maritime exercises with countries in the region under the Southeast Asia Cooperation Against Terrorism (SEACAT), which is a week-long naval exercise at sea designed to highlight the importance of information exchange and coordination among the among maritime security forces in the region. The participating Southeast Asian countries were Brunei, Indonesia, Malaysia, the Philippines, Singapore, and Thailand.¹⁵

Regional Maritime Security Initiatives: Overlapping Interests, Complementary Strategies?

Apart from individual and bilateral approaches in dealing with maritime security threats, a number of regional maritime security initiatives have been proposed by interested states. These proposals basically involve cooperation among and between littoral and user states in protecting important sealanes of communications against illegal activities. To some extent, some of these proposals are linked to regional and international counter-terrorism measures by proponent states, such as those of the United States, which make it difficult for some Southeast Asian countries to accept.

¹² Ibid., p. 12

¹³ Ibid., p. 13

¹⁴ Melinda Larson, "Final Phase of CARAT 2006 Exercise Series Begins in the Philippines," 15 August 2006, from Navy Newsstand, http://www.navy.mil/search/display.asp?story_id=25122, accessed on 07 September 2006.

¹⁵ "Navies Partner for Southeast Asia Maritime Security Exercise," 19 May 2006, from Navy Newsstand, http://www.navy.mil/search/display.asp?story_id=23727, accessed on 07 September 2006.

Japanese Initiative: ASEAN Plus 3 and ReCAAP

During the ASEAN Plus Three Summit in Brunei in November 2001, Japanese Prime Minister Koizumi proposed the creation of a Regional Cooperation Agreement on Combating Piracy and Armed Robbery Against Ships in Asia (ReCAAP). Essentially a government-to-government agreement, it aims to enhance cooperation among 16 Asian countries composed of the ASEAN members, China, Japan, Korea, Bangladesh, India, and Sri Lanka. In November 2004, the ReCAAP agreement was finalized and parties agreed to set up an Information Sharing Center (ISC) in Singapore when the agreement comes into force. As of 29 June 2006, only 12 of the 16 Asian countries have signed the agreement, with 11 of these ratifying the agreement. The ReCAAP agreement entered into force on 4 September 2006 following India's move to be the tenth signatory to the agreement. Table 2 below indicates the status of the agreement among the signatory countries.

The specific obligations of the ReCAAP signatory countries are as follows:¹⁶

“1. Each Contracting Party shall, in accordance with its national laws and regulations and applicable rules of international law, make every effort to take effective measures in respect of the following:

- (a) to prevent and suppress piracy and armed robbery against ships;
 - (b) to arrest pirates or persons who have committed armed robbery against ships;
 - (c) to seize ships or aircraft used for committing piracy or armed robbery against ships, to seize ships taken by and under the control of pirates or persons who have committed armed robbery against ships, and to seize the property on board such ships; and
 - (d) to rescue victim ships and victims of piracy or armed robbery against ships.
2. Nothing in this Article shall prevent each Contracting Party from taking additional measures in respect of subparagraphs (a) to (d) above in its land territory.”

Table 2. Signatories to ReCAAP¹⁷

¹⁶ ReCAAP Agreement (Regional Cooperation on Combating Piracy and Armed Robbery Against Ships in Asia), from <http://www.recaap.org/html/RecaapAgreement.htm>, accessed on 07 September 2006.

¹⁷ “Update on the ReCAAP Agreement,” ReCAAP Information Sharing Centre, from <http://www.recaap.org/html/RecaapUpdate.htm>, accessed on 08 September 2006.

Country	Signed	Ratified
Brunei Darussalam	Yes	
Cambodia	Yes	Yes
India	Yes	Yes
Japan	Yes	Yes
Laos	Yes	Yes
Myanmar	Yes	Yes
Philippines	Yes	Yes
Singapore	Yes	Yes
South Korea	Yes	Yes
Sri Lanka	Yes	Yes
Vietnam	Yes	Yes

The ISC was commissioned on the day that ReCAAP came into force, and will be operational before the end of 2006. The primary tasks of the ISC are: 1) to collate information and intelligence obtained from participating countries, from affected vessels, or non-government agencies; 2) disseminate these information to alert ships of possible dangers in the Asian region; and 3) conduct research and make recommendations on best practices.¹⁸ The ISC also hopes to provide opportunities for signatory countries to build regional capacity and extend mutual assistance both at the technical and legal aspects.¹⁹

It is interesting to note that two littoral states in Southeast Asia – Indonesia and Malaysia – have so far not signed the ReCAAP agreement. During a meeting of foreign ministers from Indonesia, Malaysia, and Singapore in Batam in August 2005, Malaysian Foreign Minister Datuk Seri Syed Hamid Albar reportedly expressed unhappiness with the way Japan and Singapore had pushed through with the agreement. Indonesia and Malaysia apparently believe that the ReCAAP is not in accord with the sovereignty of the three littoral states in the Malacca and Singapore Straits. Both countries are also unhappy with the idea of having the ISC based in Singapore. An Indonesian defense official was quoted as saying that Jakarta would only sign the agreement as long as the ReCAPP aims to secure only the Malacca Straits instead of three littoral countries in the area.²⁰

China has also not signed the ReCAAP and is apparently reluctant to join a Japanese-initiated maritime security cooperation framework that allows Japanese coast guards extended range into the South China Sea and the Malacca and Singapore Straits. In February 2000, Beijing strongly protested Tokyo's announcement that it was considering deployment of vessels to the Malacca

¹⁸ Vijay Sakhuja, "Regional Cooperation Agreement on Anti-Piracy," ORF Strategic Trends, Vol. IV, Issue 22-23, 10 July 2006, from Observer Research Foundation, <http://www.observerindia.com/strategic/st060710.htm>, accessed on 07 September 2006.

¹⁹ Ibid.

²⁰ "Indonesia Not Keen on ReCAPP at Present," 2 September 2006, Nam News Network, <http://namnewsnetwork.org/read.php?id=93>, accessed on 07 September 2006.

Straits to deal with increased piracy attacks, in joint cooperation with other patrol and navy vessels from other countries including China. This forced Japan to put the idea on hold.²¹

Other issues have been raised regarding the relationship of ISC under ReCAAP with other regional non-government entities dealing with maritime security problems. For instance, the utility of the Piracy Reporting Center under the International Maritime Bureau (PRC-IMB) of the IMO in Kuala Lumpur emerges. The PRC-IMB has been publishing the Annual Piracy Report since 1991 and will likely compete with (more than complement) the ISC's efforts. Given that ReCAAP is a government-initiated framework, it is feared that some states may be prone to underreporting piracy cases in their ports and maritime areas.²² Notwithstanding these concerns, the Indonesian and Malaysian foreign ministers in August 2005 expressed readiness to cooperate with the ISC.²³

US Initiative: RMSI and PSI

The Regional Maritime Security Initiative (RMSI) of the US was made known in March 2004 during the testimony of former US Pacific Command Chief Admiral Thomas B. Fargo before the House Armed Services Committee. Specifically, the RMSI is considered as the US Pacific Command's attempt to implement the Proliferation Security Initiative (PSI) and the State Department's Malacca Strait Initiative in the Asia Pacific through cooperating with other navies in the region to combat "threats that use maritime space to facilitate their illicit activity."²⁴ Following strong objections from Indonesia and Malaysia to his speech on grounds that RMSI impinges on sovereignty of littoral states, Fargo clarified on 3 May 2004 the fundamental goal of RMSI "is to develop a partnership of willing regional nations with varying capabilities and capacities to identify, monitor, and intercept transnational maritime threats under existing international and domestic laws."²⁵ He also pointed out that the RMSI's "collective effort will empower each participating nation with the timely information and capabilities it needs to act against maritime threats in its own territorial seas" and that "each nation will have to decide for itself what response, if any, it will take in its own waters."²⁶

²¹ Vijay Sakhuja, *ibid.*

²² *Ibid.*

²³ See The Batam Joint Statement of the 4th Tripartite Ministerial Meeting of the Littoral States on the Straits of Malacca and Singapore, 1-2 August 2005, Batam, Indonesia, from http://app.mfa.gov.sg/internet/press/view_press.asp?post_id=1406, accessed on 07 September 2006.

²⁴ Testimony of Admiral Thomas B. Fargo, United States Navy Commander, U.S. Pacific Command Before the House Armed Services Committee, United States House of Representatives Regarding U.S. Pacific Command Posture, 31 March 2004. Available from <http://131.84.1.218/speeches/sst2004/040331housearmedsvcscomm.shtml>, accessed on 07 September 2004.

²⁵ Speech by Admiral Thomas B. Fargo, USN Commander, US Pacific Command, at the Military Operations and Law Conference Victoria, British Columbia, 3 May 2004. Available from <http://131.84.1.218/speeches/sst2004/040503milops.shtml>, accessed on 07 September 2006.

²⁶ *Ibid.*

The RMSI has five components, namely: 1) increased situational awareness and sharing; 2) responsive decision-making architecture; 3) maritime interdiction capabilities; 4) littoral security; and 5) inter-agency cooperation.²⁷ These components essentially require improvement in surveillance systems and technology, efficient and timely response, exchange of information and intelligence, as well coordination of protocols and procedures among participating countries. In order to downplay the fears of some littoral states in the region, Fargo emphasized that RMSI: 1) is not a treaty or alliance; 2) will not result in a standing force patrolling the Pacific region; 3) not a challenge to state sovereignty; and 4) activities will be undertaken within existing international and domestic laws.²⁸

Indonesia and Malaysia have been quite sensitive about sovereignty issues related to RMSI. Much of this stems from assertions made by these countries that, under the UNCLOS, the Malacca Strait is not an international strait and the primary responsibility for keeping the area safe for navigation rests on the littoral states.²⁹ As well, it is asserted that the international society (in general through the United Nations and in particular the IMO) is the one responsible for international straits.³⁰ Indonesia has been invoking the pertinent provisions of UNCLOS pertaining to sovereignty issues, and the fact that the US has not signed the UNCLOS makes it even more difficult for littoral states to accept the RMSI. More specifically, military and intelligence gathering activities, which are essential elements of RMSI, are likely to impinge on sovereignty of littoral states. Interdiction activities in exclusive economic zones (EEZs) of coastal states could also pose serious problems in implementing the RMSI.³¹ Notwithstanding the clarifications made by Fargo about RMSI, senior Indonesian and Malaysian officials continued to criticize the initiative as undermining their sovereignty in the Malacca Straits. This prompted the US State Department to issue special press releases to correct media reports about Fargo's testimony.³² For its part, China is concerned that RMSI might abuse the right of transit passage, apart from it impinging the sovereign rights of coastal states as well as contravening the UNCLOS.³³

²⁷ Ibid.

²⁸ Ibid.

²⁹ Admiral Bernard Kent Sondakh, Chief of Staff Indonesian Navy, "National Sovereignty and Security in the Strait of Malacca," paper presented in a conference organized by the Maritime Institute of Malaysia (MIMA), Kuala Lumpur, 12 October 2004, p. 3.

³⁰ Ibid.

³¹ See Prof. Dr. Hashim Djalal, "Maritime Security in Southeast Asia: Addressing the Concerns," paper presented in the 20th Asia Pacific Roundtable, Kuala Lumpur, 29 May-1 June 2006. For more comprehensive discussions on the implications of military and intelligence gathering activities for exclusive economic zones, see the special issue of Marine Policy, Volume 29, Issue 2, March 2005 on "Military and Intelligence Gathering Activities in the Exclusive Economic Zone: Consensus and Disagreement II," especially articles by Mark J. Valencia, John M. Van Dyke, and Hasjim Djalal, Alexander Yanov, and Anthony Bergin.

³² John Bradford, *ibid.*, p. 75.

³³ Ji Guoxing, "US RMSI Contravenes UN Convention," Pacnet, Number 29, 8 July 2004, Pacific Forum CSIS, Honolulu, Hawaii, p. 1

With regard to the relationship between PSI and RMSI, Fargo explained that the former is a global approach that aims to contain the proliferation, by any means, of weapons of mass destruction and delivery systems, and does not cover other transnational threats. The latter, on the other hand, is a regional strategy to address maritime transnational security threats in the Asia Pacific.³⁴ Some critics, however, have expressed concern that the PSI could potentially undermine UNCLOS provisions on freedom of navigation, specifically in interdiction activities in the high seas. As a matter of fact, neither the UNCLOS nor the UN Security Council Resolution 1540 authorized interdiction of ships on the high seas without the consent of the ship's Flag State. In order to address such concerns, the US has negotiated bilateral agreements with concerned states to facilitate interdiction in the high seas.³⁵ Since 2003, a number of PSI maritime interdiction exercises have been conducted in different regions of the world, including the Asia Pacific and Indian Ocean. Some 70 countries have endorsed PSI, including Cambodia, the Philippines, Singapore, and Thailand in ASEAN, which have participated in many of the interdiction exercises. So far, China, India, Indonesia, Malaysia, and South Korea have not become full PSI participants (which requires endorsement of "Statement of Interdiction Principles"). However, India, Malaysia, and South Korea have participated in PSI exercises as observers. Over the long run, the PSI is expected to become an important element of US maritime security strategy.³⁶

Southeast Asia: ARF and MALSINDO

The ARF, Transnational Crime, and Maritime Security³⁷

Until the tragic event of September 11, 2001, much of the preoccupation of the ARF as a regional security forum was on: 1) norms and principles that should guide relations of states in the region; 2) confidence building measures and preventive diplomacy; and 3) residual traditional security issues involving territorial disputes among participating states (e.g., South China Sea), internal conflicts (e.g., East Timor and Myanmar), non-proliferation issues (e.g., Korean peninsula), and major power rivalries. Discussions on these issues were carried out by participating states (which will increase to 26 in July 2006 with the inclusion of Bangladesh) through the mechanism of inter-sessional support group (ISG) and inter-sessional meetings (ISM).

³⁴ Prof. Dr. Hashim Djalal, *ibid.*

³⁵ Dr. Stanley Byron Weeks, "The Proliferation Security Initiative and the Asia Pacific Maritime Context," paper presented in the 20th Asia Pacific Roundtable, Kuala Lumpur, 29 May-1 June 2006, p. 5.

³⁶ *Ibid.*, p. 7

³⁷ This section of the paper is taken from Noel M. Morada, "The ASEAN Regional Forum (ARF) and Transnational Security Challenges," unpublished paper presented in the "The Asian Organizations and Transnational Security Challenges," Beijing, People's Republic of China, 18 April 2006, organized by the Institute of Asia-Pacific Studies (IAPS), Chinese Academy of Social Sciences (CASS) and the London School of Economics and Political Science (LSE), University of London.

Reference to transnational crime as a security issue was vaguely mentioned in the 7th meeting of the ARF ministers in Bangkok in July 2000, where the Chairman's statement simply mentioned that the ARF should continue to address transnational crime issues that affect the region and explore how the Forum could increase regional awareness and complement the work undertaken in other existing fora.³⁸ In the 8th ARF ministerial meeting in Hanoi in July 2001, the ministers welcomed the Convention Against Transnational Organized Crime and its protocols even as they encouraged the ARF states to sign and ratify them as soon as possible. Even so, the issue of transnational crimes was not yet a clear priority concern in the ARF as indicated by the ministers' endorsement of the recommendations made by the senior officials and ISG on CBMs that the matter be discussed in alternative formats such as ad hoc workshop, seminar, or symposium. More importantly, reference to this issue was placed under the category of non-traditional security issue in a matrix of ARF decisions prepared by the ARF Unit of the ASEAN Secretariat, which was published in May 2005 (see attached appendix).

After September 11, 2001, transnational security issues, particularly those that are linked to terrorism, became a priority security concern for the ARF. On the 9th ARF ministerial meeting in Bandar Seri Begawan in July 2002, the participating countries reaffirmed the principles outlined in pertinent UN Security Council resolutions on the prevention and suppression of terrorist acts, expressed satisfaction that all ARF states had complied with UNSC Resolution 1373, and encouraged other states for their early accession to or ratification of relevant international conventions and protocols on terrorism. Since then, the ARF has undertaken a number of cooperative activities in dealing with the threat of terrorism. This includes: 1) the convening of inter-sessional meetings (ISMs) on counter terrorism and transnational crime (CTTC), which were held in Karambunai (March 2002), Manila (March 2004), and Bangkok (April 2005) focusing on border security, transport security, and intelligence exchange and document integrity and security, respectively; 2) a workshop on "Managing the Consequences of a Major Terrorist Attack"³⁹ in Darwin, Australia (June 2003), which focused on rapid response to terrorist attacks; 3) a workshop on "Financial Measures Against Terrorism" in Honolulu (March 2002); and 4) a workshop on prevention of terrorism in Bangkok (April 2002).

³⁸ The Third Meeting of the CSCAP Working Group on Transnational Crime Report in May 1998 cited the expressed desire of the ASEAN ministers, in the 3rd ARF ministerial meeting in Jakarta in July 1996, to consider "the question of drug trafficking and related transnational issues, such as economic crimes, including money laundering, which could constitute threats to the security of the countries of the region" as one of the regional and international initiatives relating to the threat of transnational crime. The report also cited the ASEAN Ministers' Declaration on Transnational Crime in December 1997 and the Manila Declaration on the Prevention and Control of Transnational Crime in March 1998 as related regional initiatives on the issue.

³⁹ Based on the ARF Co-Chairmen's Summary Report, the participants in the workshop recognized the importance of developing coordinated plans for efficient and rapid response to terrorist attack and identifying possibilities for future cooperation in capability development and training, through provision of technical assistance, information exchange, regional exercises, and development of common procedures.

The ARF ministers also issued a number of statements related to cooperation among participating states in various areas in response to terrorism and transnational crime, such as: 1) strengthening of transport security against international terrorism (July 2004); 2) cooperative counter-terrorist actions on border security (June 2003); 3) cooperation against piracy and other threats to maritime security (June 2003); 4) measures against terrorist financing (July 2002); and 5) ARF chairman's statement against terrorist attacks of 11 September 2001 and terrorist bombing attacks in Bali on in October 2002, Madrid in March 2004, and London and Sharm el-Sheik in July 2005. In May 2004, the ARF welcomed the establishment of the Southeast Asia Regional Center for Counter Terrorism (SEARCCT) and the Jakarta Center for Law Enforcement Cooperation (JCLEC).

With regard to maritime security, the ARF participants in Tenth ARF Ministers Meeting in Phnom Penh in June 2003 expressed their commitment to endorse ongoing efforts to establish a legal framework for regional cooperation to combat piracy and armed robberies against ships. Specifically, the ministers adopted an ARF Statement on Cooperation Against Piracy and Other Threats to Maritime Security, under which participants would endeavor to: 1) achieve effective implementation of relevant international instruments and recommendations/guidelines for the suppression of piracy and armed-robbery against ships (e.g., UN Convention on the Law of the Sea and other similar conventions and protocols; the International Maritime Organization's recommendations and guidelines; International Convention for the Safety of Life at Sea; and the International Ship and Port Facilities Security); and 2) enhance their coordination and cooperation to that end.

In the Co-Chair's Summary Report of the Second ARF Inter-Sessional Meeting on Counter Terrorism and Transnational Crime held in Manila in March 2004, the participants expressed the need to give serious attention to combat piracy and armed robbery at sea, and develop a multilateral framework for achieving cooperation in the region. Following this agreement among ARF participating states, an ARF workshop on maritime security was held in Kuala Lumpur in September 2004, which was co-hosted by Malaysia, Indonesia, and the United States. Another ARF meeting on CBM on Regional Cooperation in Maritime Security was held in Singapore in March 2005, which was co-hosted by the US and Singapore. In the July 2005 ARF ministerial meeting in Vientiane, the ministers identified four key areas of future cooperation on maritime safety and security, namely: 1) multilateral cooperation; 2) operational solution to maritime safety and security; 3) shipping and port security; and 4) application of technology for maritime safety and security.

It was only in the 12th ARF ministerial meeting in July 2005 that illicit trafficking of small arms and light weapons and human trafficking were included in the Chairman's Statement as important transnational security concerns in the region for ARF participating states. Specifically, the ARF Chairman's statement devoted two separate but short paragraphs on these security issues where: 1) the ministers noted the importance of all countries in the region taking effective measures to prevent, combat, and eradicate the illicit trafficking of small arms

and light weapons; and 2) the ministers expressed concern about problems caused by people smuggling and trafficking and welcomed ongoing practical cooperation under the Bali Process on People Smuggling and Trafficking in Persons and Related Transnational Crime to develop national and regional capacities to combat people smuggling and trafficking. This is not to say, however, that there were no working group meetings in the ARF that dealt with these issues before. In fact, following the 7th ARF SOM and 7th ARF ministerial meetings in Bangkok in May and July 2000, respectively, the ARF Experts' Group Meeting on Transnational Crime were held in Seoul (October 2000) and Kuala Lumpur (April 2001) specifically to discuss the issues of illicit trafficking of small arms and light weapons as well as human trafficking. These meetings were held back-to-back with ISG meeting on CBMs.

During the 13th ARF ministerial meeting in July 2006, the ministers of participating states welcomed the increasing importance given by countries in the region on maritime security and reaffirmed their commitment to address this issue "within a cooperative framework that recognizes the sovereign rights of littoral states and the legitimate concerns of user states." They also welcomed the meetings held separately on 1-2 August 2005 in Batam, Indonesia and Bangkok, Thailand among foreign and chiefs of defense forces, respectively, and the Jakarta meeting hosted by the IMO on 7-8 September, where maritime security cooperation among littoral states and user states were discussed.⁴⁰

MALSINDO

Partly stung by the US-initiated RMSI, the three littoral states of Indonesia, Malaysia, and Singapore on 20 July 2004 launched the trilateral coordinated patrol codenamed MALSINDO Malacca Straits Coordinated Patrol, with the defense chiefs of the three states on board the Kri Tanjung Dalpele. It is a year-round coordinated patrol of the Malacca Straits involving 17 ships of the three littoral states to combat maritime piracy and other illegal transnational crimes, as well as serve as a deterrent to potential maritime terrorists. Along with 24-hour maritime patrols in the respective territorial waters of the three countries, three naval command centers in Batam, Changi, and Lumut were set up to increase coordination through the use of hotlines and allowing merchant vessels access to radio frequencies used by navy vessels.⁴¹

Problems and Prospects for Maritime Security Cooperation

From the foregoing discussion of maritime security initiatives, it is clear that littoral states and user states in the region have to some extent overlapping interests in ensuring the safety of navigation at sea. Nonetheless, there is so

⁴⁰ Chairman's Statement of the Thirteenth ASEAN Regional Forum, Kuala Lumpur, Malaysia, 28 July 2006.

⁴¹ Joshua Ho, "Maritime Counter-Terrorism: A Singapore Perspective," from www.observerindia.com/reports/maritime/psingapore.pdf, accessed on 08 September 2006.

much controversy created by initiatives from major powers, especially the United States, because of certain sensitivities by smaller countries in the region over sovereignty, the nature of maritime cooperation, burden sharing, as well as capacity building and resource problems.

Sovereignty issues

Littoral states, particularly Indonesia and Malaysia, have been wary of major power maritime security initiatives. Both countries have not supported the US-initiated PSI and RMSI, and have not ratified the ReCAAP initiative of Japan due to sovereignty concerns. These initiatives are basically perceived as contravening certain provisions of the UNCLOS that ensure the sovereignty and sovereign rights of littoral states in the Malacca and Singapore Straits. Unless these initiatives clearly uphold the pertinent provisions of UNCLOS on this issue, and mechanisms are put in place to ensure compliance with such provisions, it would be very difficult to gain the support of these littoral states. At the very least, major powers like the US must gain the confidence of coastal countries that its PSI interdiction activities would not disregard international laws and conventions in its effort to thwart terrorist threats – directly or indirectly linked to maritime security – and proliferation of weapons of mass destruction. At the same time, however, it is unlikely that littoral states would put aside other potential gains from cooperating with major powers especially in areas where improvement in their maritime security capabilities would be served.

Nature of Cooperation

The nature of maritime security cooperation will also determine the level of support by other states in the region to initiatives by major powers. A more formal and rigid framework of maritime security cooperation is unlikely to be attractive to countries that are wary of the potential for any major power to predominate or control its structure and mechanisms, given the asymmetry in power capabilities and resources of parties. A more loose and informal set up that allows flexibility in participation and engagement, as well as one that is sensitive to the interests, value-orientations, strengths, and limitations of parties, is likely to gain support.

Burden Sharing

There is also the issue of burden sharing between littoral and user states. For example, in the Jakarta meeting organized by the IMO and the Indonesian government in September 2005, participants acknowledged the rights and obligations of both littoral and user states under the UNCLOS, in particular Article 43 on burden sharing. Specifically, the article requires user and littoral

states “to cooperate in the use and maintenance of the Straits.”⁴² The Jakarta Statement issued by participants underscored the importance of consulting with the littoral states in subsequent meetings regarding their priority needs, and called on user states to identify possible assistance to respond to these needs. On the other hand, in the Alameda meeting in February 2006 initiated by the US, littoral states were not invited even though the purpose of the meeting was to explore ways and means to provide assistance to Indonesia, Malaysia, and Singapore to improve their capabilities in protecting the Malacca and Singapore Straits.⁴³ According to Bateman, the littoral states may have been justified in perceiving the Alameda meeting as “another attempt to ‘internationalize’ security and safety in the Straits” (which impinges on sovereignty of littoral states) and appeared to have pre-empted the initial task by littoral states in identifying and prioritizing their needs and “allocate a leading role to the user states.”⁴⁴ He also pointed out that the Alameda meeting also gave little importance to Article 43 of UNCLOS, which had been a key issue for littoral states and an important cornerstone for IMO initiatives. The definition of “burden sharing” is a sticking point in this regard: for littoral states, it means sharing of financial costs in providing safety and environmental protection, while user states see it as “a matter of more directly involved in security arrangements, especially in dealing with perceptions of threats from piracy and terrorism.”⁴⁵

Capacity Building

The prospects for enhanced maritime security cooperation in the region are also influenced by the naval capability of coastal states, especially in the case of Indonesia. Specifically, the geographic structure of Indonesia as an archipelagic state is a major challenge to its capacity in dealing with maritime security threats given that it consists of thousands of islands with very long coastlines and extensive sea areas in between. This essentially makes the country’s maritime zones and coastlines vulnerable and “porous”, making quite easy for illicit activities such as smuggling, poaching, and terrorism.⁴⁶ At this time, the financial and economic capabilities of Indonesia are quite limited in order for it to deal effectively with maritime security threats, let alone the defense of the archipelagic state from unwanted intrusion. It is estimated that Indonesia requires some 300 vessels to protect its maritime space and resources, apart from more maritime port facilities, human resources, and technology. Currently, it only has 115 vessels, with only 25 of these operating at sea at a time.⁴⁷ The country also has limited capabilities in law enforcement, which stems from political, economic, and financial crises that Indonesia faced since 1997. Hence,

⁴² Sam Bateman, “Burden Sharing in the Straits: Not So Straightforward,” IDSS Commentaries (17/2006), 20 March 2006.

⁴³ Ibid., p. 1

⁴⁴ Ibid.

⁴⁵ Ibid., p. 2

⁴⁶ Prof. Dr. Hashim Djalal, *ibid.*, p. 3-4.

⁴⁷ Ibid., p. 7

it is important that regional maritime security cooperation initiatives should also enable Indonesia to improve its enforcement capability.

Conclusion

Maritime security cooperation in East Asia is still in the early stages of formation and necessitates continuing engagement of all concerned countries through dialogue and confidence building. It appears that sovereignty issues remain central to littoral states, particularly Indonesia and Malaysia. Major power initiatives, while welcomed by many in the region because of their apparent immediate objectives, are not trusted by other states because of certain strategic concerns that are perceived to impinge on sovereign rights pertaining to the control and management of maritime areas. The prospects for long-term maritime security cooperation in the region will certainly be influenced by how interested parties are able to manage their differences over sovereignty issues, the nature of maritime cooperation, the problem of burden sharing, and capacity building.