

MARITIME SECURITY COOPERATION IN ASEAN: CHALLENGES AND PROSPECTS

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Introduction

We are witnessing the emergence of a post cold war order in today's Southeast Asia. The region is so diverse in history, culture, religion, colonial heritage and ethnicity that the new regional structure is evolving from a cold war structure to a multilateral framework; from traditional security, overall military and ideological concerns, to non-traditional security which pays more attention on economic as well as social and environmental issues. Such evolving regional structure depends not only on the states in the region but also on the policy and role of major actors outside the region, particularly the United States, China, Japan and India. As the sea dominates Southeast Asia, covering roughly 80 percent of its area, the economic and political affairs of the region have been dominated by maritime security concerns. Today's globalized economy is intricately interconnected and is heavily dependent on maritime trade in order to sustain the movement of energy, raw materials, and industrial products. Islands and peninsulas of Southeast Asia, wedged between the Pacific and Indian oceans, border major arteries or Sea Lines of **Communications** (SLOCs) of maritime trade. As China and India continue their strong economic growth, maritime trade through regional SLOCs, particularly the

Straits of Malacca and Singapore, is expected to increase correspondingly. Major economic states and the littoral states of Southeast Asia all have stakes in ensuring the safe passage of shipping through the region. Any disruption in shipping through such passage could have disastrous consequences. The other maritime security concerns are more effective maritime law enforcement and maintenance of maritime order. The challenges are part constabulary, part economic and part human welfare.

Successful response to current maritime security concerns, within the globalized environment, cannot be managed by any littoral state in the region alone because they are transnational in nature. It needs some kinds of cooperation among member states of ASEAN and its dialogue partners with a good mechanism. Therefore, this paper examines maritime security issues and current security cooperation in ASEAN then following by an analysis of challenges and prospects of maritime security cooperation in ASEAN.

Maritime Security Issues

Maritime Boundary Disputes

The most troublesome maritime boundary disputes are those in the South China Sea, where Indonesia, Malaysia, Brunei, the Philippines, Vietnam, China, and Taiwan claim their sovereignty to some parts of the sea and island territories. These claims are believed to be very important because the archipelagic seas may have vast petroleum resources and the islands are strategically positioned for support of sea lanes control or amphibious warfare. Several occasions such claims escalate to military clashes. Examples of the clashes in the South China Sea are; a clash between Chinese and Vietnamese navies at

Johnson Reef in the Spratly Islands which caused several Vietnamese boats sunk and over 70 sailors killed in 1988, a clash between China and the Philippines after China occupied Philippine-claimed Mischief Reef when Philippine forces evicted the Chinese and destroyed Chinese markers in 1995, and a clash between the Philippines and Vietnam when Vietnamese soldiers fire on a Philippine fishing boat near Pigeon Reef in 1998.¹ The possibility of renewed clashes clearly exists because the current situation is still volatile as a resolution for each maritime boundary dispute is still pending. Although the ASEAN member states and China indicated their desire to minimize the risk by agreeing to a Declaration on the Conduct of Parties in the South China Sea in 2002, the declaration is something less than a binding code of conduct or a consensus about the way forward.²

SLOCs Security

International sea lanes through Southeast Asia, particularly the Straits of Malacca and Singapore, Sunda as well as Lombok, are important to the economic and political well being of billions of people throughout the world. They are the lifeline of East Asian economies heavily dependent on unimpeded access to raw materials and market as well as investment opportunities throughout the region. Moreover, despite the end of the cold war, the strategic importance of many international straits in the region for global and regional powers continues to be regarded as vital, because of the link they provide between naval deployment in the different regional or sub-regional seas. And as the interdependence of nations continues to grow, the issue of concrete cooperation and

¹ "Military Clashes in the South China Sea," (online). from <http://www.globalsecurity.org/military/world/war/spratly-clash.htm>.

² "2002 Declaration on the Conduct of Parties in the South China Sea," (online). from <http://cil.nus.edu.sg/rp/pdf/2002%20Declaration%20on%20the%20Conduct%20of%20Parties%20in%20the%20South%20China%20Sea-pdf.pdf>.

communication for the management and safeguarding of these passages has become **indispensable** in the political agenda of different states and institutions. Regional and greater powers, in term of regional maritime security, stability and seaborne trade, consider the Straits of Malacca and Singapore as well as the sea lanes passing the Spratly Islands in the South China Sea to be the most important. Threats to such sea lanes throughout Southeast Asia may arise from environmental conditions such as grounding and collision. In addition, they may arise from domestic instability of the littoral states and the policies they pursue that affect the freedom of navigation such as piracy, armed robbery, their policies to control the shipping passage, and territorial disputes among the littoral states. Given the possibility of mutual or common perception and understanding of the forms of such threats to the security of the sea lanes in Southeast Asia, it may help to determine not only the forms of interstate maritime security cooperation, but also the possible areas to be covered and the states to be involved accordingly. In fact, it is precisely in the basic requirement of mutuality or commonality in perception that is lacking among the ASEAN member states.

Transnational Maritime Crimes

With the advent of globalization, all movements and activities at sea are increasing significantly. They cause the sea to be more porous and vulnerable for shipping. Hence, it benefits many transnational maritime crimes such as piracy, armed robbery, weapons smuggling, narcotics smuggling, and human smuggling. All littoral states concerned agreed that the issued should be cooperatively tackled. However, there are diverse perspectives and solutions that still needed to be discussed and resolved.

Marine Resources Security

Southeast Asia is also rich in gas, oil and mineral resources. A lot of offshore energy installations are operating in many countries in the region. Companies extracting oil, gas or other natural resources depend on offshore platforms or terminals along the coast from which the extracted goods are shipped to various destinations around the world. A large number of those mining sites and oil or gas fields in Southeast Asia are located in economically less developed or politically volatile areas, some with ongoing armed conflict. The exploitation of these fields is therefore only possible with efficient security arrangements in place.

Another resource security issue is more problematic. It is the issue of fishery which is a main source of food security in the region. The need for food and economic income leads to rapid depletion of fish stocks in the region, particularly in the Gulf of Thailand. With the Exclusive Economic Zone (EEZ) and archipelagic states jurisdictions established by the United Nations Convention on the Law of the Sea (UNCLOS) 1982, there are no more high seas in Southeast Asia. Many traditional fishing ground formerly free for all to fish have been changed into either Archipelagic waters or EEZ where the littoral state has the sole jurisdiction over living resources. Although the UNCLOS 1982 calls upon the coastal and archipelagic states to respect traditional fishing rights, no proper provision is made in the Southeast Asian waters and fishermen fishing in traditional fishing ground are often considered to be engaged in illegal fishing. There is also the related issue of fishery disputes, including the passage of fishing vessels through the EEZ of a third country. Thailand has many problems with its neighbors such as Malaysia, Myanmar, Cambodia and Indonesia. So far, there is no regional mechanism to settle such disputes.

Maritime Environmental Security

It is gaining attention as the world is encountering global warming and increasing natural disaster. The most important issue concerning shipping is the navigational safety and the environmental security of narrow passages particularly the Straits of Malacca and Singapore. On average more than two hundred vessels of various types pass through the Straits everyday. These include deep-draft vessels, the Very Large Crude Carriers (VLCCs), other merchant ships, warships and fishing vessels.³ Such conditions have contributed increasingly to ships groundings and vessel collisions which cause oil spills and finally pollution in the sea. In addition to crude oil and fuel oil, marine pollution also arises from land-based activities such as industries, agriculture, land use and coastal construction, sewage discharge, solid waste disposals, and disposal of hazardous wastes. Although many international conventions on the maritime environment have been produced by related organizations under the United Nations, there is little commonality among regional states of the conventions that they have ratified. This is due to differences in the legal systems in each state, different interpretations of the conventions, different interests, and different views of the existing situations and conditions on maritime environment security.

Current Security Cooperation in ASEAN

ASEAN Regional Forum (ARF)

³ Ji Guoxing. "SLOC Security in the Asia Pacific," (online). from <http://www.apcss.org/Publications/Ocasional%20Papers/OPSloc.htm>.

The ARF was established in 1994, two years after the ASEAN Heads of State and Government declared that ASEAN should intensify its external dialogues in political and security matters as a means of building cooperative ties with states in the Asia Pacific region. It comprises 27 countries the 10 ASEAN member states, the 10 ASEAN dialogue partners (Australia, Canada, China, the EU, India, Japan, New Zealand, South Korea, Russia and the United States), one ASEAN observer (Papua New Guinea), as well as the North Korea, Mongolia, Pakistan, East Timor, Bangladesh and Sri Lanka.⁴ The ARF is characterized by consensus decision making and minimal institutionalization. It has focused on confidence building measures and has made modest gains in building a sense of strategic community. Efforts to develop tools of preventive diplomacy and conflict management are at an early stage. Through such efforts only a few tension have escalated into armed conflict among ASEAN member states, such as armed conflict between Thailand and Cambodia during 2009 and 2011, since its establishment more than three decades ago.

ASEAN Defence Ministers' Meeting (ADMM)

The ADMM is the highest mechanism at ministerial level for defence, security and cooperative consultation in ASEAN. The Working Group on Security Cooperation of the ASEAN Special Senior Officials' Meeting (Special SOM) in Jogjakarta in 2004 agreed that ADMM would contribute to the objectives of the ASEAN Security Community as stated in the declaration of ASEAN Concord II in 2003.⁵ The first ADMM meeting was held in Kuala Lumpur in 2006. The annual ADMM facilitates the ASEAN defence

⁴ Australian Government: Department of Foreign Affairs and Trade. "ASEAN Regional Forum (ARF)," (online). from <http://www.dfat.gov.au/arf/index.html>.

⁵ Association of Southeast Asian Nations. "Concept Paper for the Establishment of an ASEAN Defence Ministers' Meeting," (online). from <http://www.asean.org/18511.htm>.

ministers to discuss and exchange views on current defence and security issues and challenges faced. The ADMM also aims to promote mutual trust and confidence through greater understanding of defence and security challenges as well as enhancement of transparency and openness. In addition, it continues to exchange views on addressing non-traditional security challenges and discuss the need to strengthen and take more practical steps in defence cooperation in order to make further contribution to regional peace and stability.⁶

ASEAN Military Leaders Interactions

Within the ASEAN security cooperation framework, various military-to-military interactions and activities have been held over the years, namely ASEAN Chief of Defence Forces Meeting, ASEAN Chief of Army Multilateral Meeting, ASEAN Naval Chiefs' Meeting (ANCM), ASEAN Air Force Chiefs Conference, ASEAN Military Intelligence Meeting, and ASEAN Armies Rifles Meet. For the ANCM, it is held for the fifth time on 26-29 July 2011 in Hanoi, Vietnam with the pledge of ASEAN Navy Chiefs to implement deeper cooperation in the region for the sake of peace, stability, security and safety at sea for the common prosperity of the ASEAN Community.⁷

ASEAN Maritime Forum (AMF)

The AMF was also rooted from the declaration of ASEAN Concord II in 2003. It reiterated that maritime issues and concerns are trans-boundary in nature, and therefore should be addressed regionally in a holistic, integrated and comprehensive manner. Hence, the **AMF** was established as a follow up to the objectives of the ASEAN Security

⁶ Association of Southeast Asian Nations. "ASEAN Defence Ministers Meeting (ADMM)," (online). from <http://www.aseansec.org/18816.htm>.

⁷ People's Army Newspaper Online. "ASEAN Navies pledge to further cooperate for Peace and Security at Sea," (online). from <http://www.qdnd.vn/qdndsite/en-US/75/72/183/251/252/155644/Default.aspx>.

Community. It is viewed that a forum to exchange ideas is not only for maritime security issues but also other broad as well as cross-cutting issues such as the protection of marine environment, illegal fishing, smuggling and maritime transportation. The first AMF was held on 28-29 July 2010 in Surabaya, Indonesia⁸ and the second one was held on 17-19 August 2011 in Pattaya, Thailand.⁹

Challenges

Integration of ASEAN Community

ASEAN have been progressing to strengthen the cooperation and relation among member states since its beginning in 1967. The first significant step for the ASEAN integration is ASEAN Free Trade Area (AFTA) agreement which was proposed by Thailand and signed in Singapore in 1992 by all six member states namely Brunei, Indonesia, Malaysia, the Philippines, Singapore and Thailand. Vietnam joined in 1995, Laos and Myanmar in 1997 as well as Cambodia in 1999. The AFTA aims to promote the region's competitive advantage as a single production unit. In 2002, the ASEAN Heads of Government recommended the creation of an ASEAN Economic Community (AEC) by 2020. The following year, in 2003, ASEAN resolved to pursue comprehensive integration towards the establishment of an ASEAN Community by 2020 in the Declaration of ASEAN Concord II in Bali, also known as Bali Concord II. According to the Concord,

⁸ Association of Southeast Asian Nations. "The 1st ASEAN Maritime Forum Convened," (online). from <http://www.aseansec.org/24842.htm#Article-27>.

⁹ Maritime Institute of Malaysia. "The Second ASEAN Maritime Forum," (online). from <http://www.mima.gov.my/index.php/component/content/article/79-general-announcement/390-the-2nd-asean-maritime-forum>.

the ASEAN Community is based on three intertwined and mutually reinforcing pillars, namely an ASEAN Security Community (ASC), an ASEAN Economic Community (AEC) and an ASEAN **Socio-Cultural** Community (ASCC) among ASEAN member states. It is a historic step towards the ASEAN integration and becomes the cradle of ASEAN Charter, a constitution for the ASEAN, which was adopted in 2007 and came into force in 2008 when it was thirty days after Thailand's delivery of the final instrument of ratification. This ASEAN Charter would serve as the legal and institutional framework for the ASEAN Community that would impact significantly on the lives of the people in Southeast Asia despite it does not take on any supranational functions. However, the evolution in the ASEAN integration is and will be going hand-in-hand with China, Japan and South Korea in the ASEAN plus Three (ASEAN+3) framework. Moreover, ASEAN+3 has expanded its engagement to India, Australia and New Zealand as ASEAN+6 together with the United States and Russia as ASEAN+8 until now. The benefits of this expansion are from ideas and understanding which are shared and built respectively through multilateral forums. Furthermore, extra-regional powers can promote confidence and increase interoperability through combined exercises as well as can offer technical assistant to build capacity. However, the challenge is that the more the number of players increases the more difficult and complicated it is in decision making.

ASEAN Security Community (ASC)

The ASC is the aspiration under the ASEAN Charter which promotes an ASEAN-wide political and security cooperation rather than a defence pact, military alliance or even a joint foreign policy. The ASC mutually reinforces the cooperation **among** ASEAN members while recognizing the rights to **pursue** their individual foreign policies and

defence arrangements. ASEAN member states will share the responsibilities to strengthening peace, stability and security in the region free from foreign military interference. The ASC also aims to promote a wider peace and security to Asia Pacific region. The six components of ASC are Political Development, Shaping and Sharing of Norms, Conflicts Resolution, Post-Conflict Peace Building and Implementation Mechanisms. The aspiration of ASC could catalyze the sincerity of ASEAN member-states to relax sovereignty sensitivities.

Extra-regional Power Interests

Maritime cooperation in Southeast Asia has been historically limited by extra-regional rivalries. During the Cold war all security arrangements were managed within the context of the Soviet-United States-Chinese bipolar or perhaps tripolar structure. In the post-Cold War era, most regional states find the presence of the United States in the region a stabilizing force. However, rivalry between the United States and China is developing as the latter is an emerging global power. Moreover, Japan, India and Australia, three regional powers with substantial maritime capabilities, have also demonstrated their maritime security interests and commitment in Southeast Asia. Fortunately, extra-regional powers involved have aligned their interests toward ASEAN maritime security cooperation, particularly protecting navigation in strategic SLOCs from transnational threats. It is a challenge towards a multilateral framework to establish the “acceptable-for-all” maritime security cooperation in Southeast Asia with the participation by outside actors.

Prospects

Relaxing Sovereignty Sensitivities

Traditionally, sovereignty sensitivities are extremely high among Southeast Asian states, and they play dominating roles in the foreign policy formulations of these states. These sensitivities have made the principle of nonintervention the bedrock of intraregional state relations which are undoubtedly the single most powerful inhibitor of maritime cooperation in Southeast Asia. Even cooperative activities that do not directly undermine sovereignty, such as joint exercises or voluntary information sharing, are viewed with caution as fearing that they might lead to creeping infringement. In some cases, sovereignty interference is viewed as decreasing state security. Leaders fear that cooperation might expose to their domestic constituencies problems that they desire to downplay. However, there are signs that sovereignty sensitivities may be relaxing towards the roadmap for an ASEAN Community by 2015 after Southeast Asian states signed the ASEAN Charter, at least in the maritime area. In recent years regional states have been increasingly willing to allow infringement upon or qualification of their sovereignty for the sake of improved maritime security. For example perhaps most significantly, in 2008 Singapore and Malaysia requested the International Court of Justice to arbitrate the ownership of Pedra Branca or Batu Puteh, several islets at the eastern entrance to the Singapore Strait, and Malaysia accepted a ruling in favor of Singapore.¹⁰ In addition, Singapore and Malaysia have accepted what they might have considered infringement of their sovereignty by allowing the stationing of American personnel in

¹⁰ Ministry of Foreign Affairs Singapore. "International Court of Justice-Case concerning sovereignty over Pedra Branca, Middle Rocks and South Ledge," (online). from http://www.mfa.gov.sg/content/mfa/media_centre/special_events/pedrabranca.html.

their ports to ensure the fulfillment of International Maritime Organization (IMO) and the United States security standards. Thailand **has also** accepted similar arrangements in principle. It is noticed that sovereignty sensitivities can be relaxed and remain central as regional states perceive higher benefits from cooperation particularly in maritime area.

Increasing the Prevalence of Cooperative Regimes

The blossoming of Confidence Building Measures and various cooperation agreements have established such cooperative regimes and made the operationalizing of future endeavors much easier. Examples of dialogue norms which have established procedures and rules that become institutions are the Council for Security Cooperation in the Asia Pacific (CSCAP), the ARF, the Western Pacific Naval Symposium (WPNS), the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP), and the Asia-Pacific Economic Cooperation (APEC) Working Group on Maritime Security. Although obligating member states to consistently reaffirming the “ASEAN way” norms of sovereignty preservation and nonintervention, the mutual confidence has been built gradually by cooperative activities. It is found that sovereignty sensitivities are relaxing with incremental progress and moving at a pace comfortable to all obligating member states. Regular cooperation improves the information available to member states, builds familiarity, lowers transaction costs, reduces distrust, and creates habits of consultation. Therefore, it starts the prospect of maritime confidence and security building that would enable the rapid development of maritime cooperation in ASEAN in the near future.

Building **Aggregated** Maritime Security Cooperation Mechanism

Good mechanism makes a system function properly and effectively. In order to make maritime security cooperation in Southeast Asia work effectively, it needs maritime security cooperation mechanism that must be built by ASEAN member states from current ASEAN security cooperation. All disaggregated maritime working groups such as the ANCM, the ASEAN Maritime Transport Working Group (MTWG), the Federation of ASEAN Shipowners Association (FASA), the Federation of ASEAN Shippers Council (FASC), and the ASEAN Port Association (APA) can be aggregated under a special maritime commission umbrella, “ASEAN Maritime Council” for an example. Moreover, an “ASEAN Maritime Commissioner” can be appointed by such “ASEAN Maritime Council” to work as one of the ASEAN executive body in responsibility for proposing maritime legislation, implementing maritime decision, upholding the ASEAN maritime treaties and cooperation as well as the day-to-day running of ASEAN maritime security issues. This mechanism is the most important prospect for maritime security cooperation in ASEAN.

Conclusion

From the very brief overview above we can see that the current maritime security issues and problems in Southeast Asia are becoming increasingly vital. In the South China Sea, multiple claimant states are locked into a complex wrangle for which there is no immediate or fast solution. Each unilateral move or bilateral confrontation can upset the precarious peace. The SLOCs is increasingly vulnerable to many forms of threats particularly by pirate and armed robbery attacks. Adequate contingency to safeguard the environmental security of the Straits of Malacca and Singapore is suspended over a long-

drawn debate of responsibilities and contributions. Fortunately, the ASEAN is moving towards deeper integration as **agreements** and cooperative **arrangements** are hammered out. The ASEAN member states realize that regional cooperation together with its dialogue partners may be the only way out for ASEAN maritime security. Given the diversity among the involved states, regional leadership and multilateral approach are necessary. As a result, the prospects of maritime security cooperation in ASEAN depends heavily on relaxing sovereignty sensitivities, increasing the prevalence of cooperative regime, and the most importantly building **aggregated** maritime security cooperation mechanism.

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