BUILDING MARITIME SECURITY IN SOUTHEAST ASIA

Outsiders Not Welcome?

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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 finished goods. The arteries of global trade include the narrow waterways of Southeast Asia, with about a third of the world's trade and half its oil transiting through the Straits of Malacca and Singapore alone.[1] As China and India continue their strong growth, sea trade through the straits is expected to increase correspondingly.[2] Major economies such as the United States, China, Japan, and India all have stakes in ensuring the safe passage of shipping through the region. The littoral states of Southeast Asia may be the most concerned of all; any interruption in shipping would heavily impact their economies by disrupting port operations and the smooth flow of raw materials and finished products. Armed robbery at sea is a persistent problem in the area, and maritime hijackings and kidnappings continue to occur.[3] There are fears that the straits could become a target for terrorism and a haven for illegal trafficking of people and weapons.[4] Many states are interested in the strengthening of maritime security in Southeast Asia in order to protect their trade and prevent illegal activity.

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While the littoral states have recently overcome historical mistrust sufficiently to engage in basic maritime cooperation, the efforts of extraregional players to introduce security frameworks from without have been met with ambivalence or outright rejection. For example, the Regional Maritime Security Initiative (RMSI), proposed by the United States, was strongly

criticized after the media incorrectly reported that U.S. high-speed vessels would conduct antiterrorist patrols in the Strait of Malacca;[5] similarly, the Proliferation Security Initiative (PSI) continues to be viewed with suspicion.[6] Resistance to the establishment of security frameworks can arise from outside Southeast Asia as well. In 1999, a proposal of the Japanese prime minister, Keizo Obuchi, that a regional coast guard be created as an antipiracy measure was strongly opposed by China.[7]

The resulting absence of extraregional states in operational maritime security initiatives is depriving the region of important resources and capabilities such as information sharing and responsive multinational decision making, which are especially important in view of the multinational nature of maritime trade.[8] The rejection of outside help by the littoral states is puzzling, since its presence would contribute to the shared goal of improving overall security. Are outsiders simply not welcome in Southeast Asian maritime security cooperation?

This article argues that effective maritime security cooperation in Southeast Asia can be achieved only under a neutral multinational framework. The effort must be largely led and implemented by the littoral states themselves, in order to avoid power rivalries. At the operational level, effective cooperation can be achieved through information sharing and operational coordination among states.[9] However, the conduct of patrols and enforcement actions within a littoral state's territorial seas must remain the responsibility of that state, in order to protect coastal state sovereignty.

To date, effective operational cooperation has been achieved only under regional agreements that are limited in scope and goals, whereas extraregional efforts have been hobbled by politics. By studying these efforts as case studies and recognizing the issues that inhibit or facilitate regional cooperation, extraregional states can devise strategies to increase their participation in regional security cooperation and apply lessons to promote such international frameworks as PSI and the "thousand-ship navy."

This article evaluates how the willingness of the littoral states to cooperate varies according to differing threat perceptions, concern over sovereignty, and a desire for geostrategic nonalignment. It surveys recent attempts at maritime cooperation and analyzes the factors for success or failure. Finally, the article discusses how extraregional players could contribute toward meaningful maritime security cooperation without causing affront to regional sensitivities.

THE LITTORAL STATES

We begin by examining the littoral states that border the Malacca and Singapore straits (see map), which are the waterways in the region that have attracted the greatest attention.

THE MALACCA AND SINGAPORE STRAITS

Singapore

The city-state of Singapore is heavily dependent on maritime trade to fuel its export-driven economy and its hub status in the transshipment trade and in oil refining. Among the three littoral states, Singapore's economy would be most severely affected by a disruption in the free flow of shipping through the region. Singapore also keenly feels the threat of maritime terrorism. First, its advanced infrastructure—including its container port, its petrochemical refineries, and the city itself—would suffer the greatest economic damage from a terrorist attack. Second, its city center and critical industries are situated on its southern coast adjacent to the busy Singapore Strait, exposed to possible maritime attack with minimal time and space for reaction should one of the vessels in the busy waterways have hostile intent. This heightens Singapore's desire for advance warning through information sharing. Third, Singapore is an ideologically attractive target because of its close links with Western states, which offend radical religious fundamentalists.[10] This threat environment has heightened Singapore's sense of vulnerability; Teo Chee Hean, Singapore's minister for defense, has consistently maintained that maritime terrorism remains "a clear and present danger."[11] A recent article in *Pointer*, the official journal of the Singapore Armed Forces, reasoned that terrorist organizations have the "capability, intent and opportunity" to conduct a maritime attack.[12] Singapore is eager to enhance further international and interagency cooperation in order to defend against the threat of maritime terrorism.

Recognizing the importance of maritime security, Singapore has built a modern and capable navy and police coast guard that effectively protect the sixty-mile-long Singapore Strait. In 2003, Singapore established the interagency Maritime and Port Security Working Group, which brings together the navy,

police coast guard, and the maritime and port authority. The group implemented regulatory measures to improve port security and control the movement of shipping within the port.[13] Singapore also monitors the vessels that pass through the Singapore Strait, via its vessel traffic information system.[14] This system uses coastal radars to track up to five thousand vessels; it is integrated with electronic navigational chart displays and synchronized voice, track, and data recording, allowing historical and real-time traffic analyses.[15] Within the region, Singapore is one of the most vocal advocates of international cooperation;[16] it enjoys close ties with regional countries, as well as with the United States, China, and Japan.[17]

Malaysia

Like Singapore, Malaysia is dependent on maritime trade. Eighty percent of its trade passes through the Strait of Malacca, and major Malaysian ports are situated on the strait itself. Malaysia is also concerned with protecting its fishing and tourism industries, which would be adversely affected by collisions and groundings and any oil spills that might result. Accordingly, Malaysia is focused on ensuring navigational safety and protecting against environmental threats, in addition to countering piracy.[18] Previously, Malaysian policy makers had downplayed the threat of maritime terrorism and argued that no proof existed of a "concrete nexus" between piracy and terrorism.[19] Recently, however, Malaysia has warned of the possibility of terrorist attacks using hijacked ships, including those carrying dangerous materials. In June 2007, Malaysia's top police official stated that maritime terrorism was a "real and possible" threat that could "devastate Southeast Asia's economic environment and severely disrupt trade."[20] The Malaysian deputy prime minister, Najib Razak, has called for greater vigilance and intelligence sharing to combat piracy and prevent terrorism along the Malacca Strait.[21]

To improve its effectiveness at policing its own waters, Malaysia took the major step of reorganizing its five maritime agencies to form the Malaysian Maritime Enforcement Agency, which was established in May 2004 and officially launched in March 2006. The agency will buy new vessels, refurbish many of its seventy-plus existing craft, and acquire six helicopters for surveillance, enforcement, and search-and-rescue duties.[22]

Malaysia contends that the littoral states themselves have the capacity to safeguard the straits. Nonetheless, the Malaysians "find it difficult to accept that while international users consider the straits as an international sea lane which they have the right to use," the effort and heavy financial cost of securing the straits and ensuring navigational safety are regarded as the responsibilities of the littoral states.[23] Therefore, "modalities for burden sharing" should be explored.[24]

This will become more important in the future, as traffic volumes are expected to increase. Malaysia is wary, however, of "internationalization" of the straits, which would impinge upon regional security interests.[25]

Indonesia

Indonesia has a smaller economic stake than Singapore or Malaysia in the safety of the Malacca and Singapore straits, because the majority of its trade is conducted through the Lombok and Sunda straits.[26] Indonesia's attention is more focused on such domestic issues as economic development, political reform, territorial integrity, and militant Islamism.[27] For the Indonesian navy, countering piracy may also be less important than patrolling its extensive maritime borders; handling maritime border disputes; and countering smuggling, illegal fishing, and environmental degradation.[28] Indonesians are particularly sensitive to border disputes after the painful experience of losing two small islands off eastern Borneo, Sipadan and Ligitan, to Malaysia as the result of an International Court of Justice decision in 2002.[29] The adjoining oil-rich Ambalat region of the Celebes Sea is still disputed;[30] it is highly valued by Indonesia, which sent seven warships and four F-16s there in March 2005 after alleged incursions by Malaysian warships and aircraft.[31]

In addition, Indonesia's enforcement capacity is stretched by lack of funding and poor maintenance of its ships. According to the Indonesian defense minister, Juwono Sudarsono, only 60 percent of Indonesia's fleet of 124 ships is operational;[32] in contrast, the chief of staff of the Indonesian navy, Admiral Slamet Soebijanto, estimates that at least 302 ships and 170 aircraft are required to protect the nation's archipelago of seventeen thousand islands.[33] Although Indonesia is acquiring new patrol boats, it has asked the United States for military assistance in the form of training and support in order to build its enforcement capacity.[34] Indonesia has stressed, however, that foreign military presence is out of the question.

Indonesia's incentive to protect the straits is to demonstrate sovereignty over its waters, while promoting good international relations, especially since it receives security assistance and counterterrorism funding from the United States and Australia and aid from Japan.[35] Indonesia has also promoted cooperation between the littoral states;[36] held biannual coordinated patrols with India since September 2002;[37] and signed agreements with Australia, Japan, and India to increase cooperation in security matters, including maritime security. Indonesia also expanded its defense interactions with the United States after the restoration of U.S. international military education and training (IMET), and operational exchanges, such as the annual "Cooperation Afloat Readiness and Training" (CARAT) exercises, were broadened to build understanding and interoperability

further. For example, the sea phase of exercise CARAT was lengthened to five days in July 2006, more than double the length of the previous year's exercise.

ATTEMPTS AT REGIME BUILDING

There have been several efforts to involve the littoral states in maritime cooperation. These efforts can be split into two types: top-down frameworks proposed by extraregional stakeholders, and bottom-up efforts agreed among the littoral states themselves. These efforts are aimed at shaping the regional maritime security environment, and some states hope that they will result in regional maritime regimes favorable to their interests.

An *international regime* implies "regulated patterns of practice on which expectations converge [that] govern state behavior in specific areas of international relations."[38] There are many maritime regimes that cover the rights of states in the protection of shipping, fishing, marine resources, and other areas. The most comprehensive and important maritime regime today is the UN Convention on the Law of the Sea (UNCLOS). In the Malacca and Singapore straits, all three littoral states are party to UNCLOS, which specifies the rights and obligations of international-strait states in their territorial seas versus the right to transit passage of foreign states.

The idea of a maritime regime is an appealing one. Since the regional states have a common interest in enhancing maritime security, it would be in the national interest of each of them to participate.[39] In 1991, Michael Leifer, for example, envisaged a stable and peaceful maritime regime in East Asia whereby states could pursue their interests and manage their resources in accordance with the principles of international law and without the risk of conflict.[40] While many conferences have been held to improve understanding and build confidence, the region's states have been reluctant to move beyond the status quo.[41] Nevertheless, the ideal of building a maritime security regime has remained attractive to the present day, especially for the stakeholders with the most to gain, such as the United States, Japan, and Singapore. The U.S. *National Strategy for Maritime Security,* published in 2005, states that "regional maritime security regimes are a major international component of this Strategy and are essential for ensuring the effective security of regional seas."[42] Let us now survey several initiatives aimed at maritime security regime building, beginning with those initiated by extraregional stakeholders and aimed at direct operational cooperation.

Top-Down Frameworks

Southeast Asia is a region of not only many diverse states but also of overlapping spheres of influence between rival extraregional powers. Attempts by one to

introduce a security regime have been rebuffed by others who perceive them as upsetting the regional balance.

Japan's Ocean Peacekeeping Force concept is an example of an initiative by an extraregional power that was stifled.[43] Throughout the 1990s, Japan tried to increase regional cooperation and enhance security by providing much-needed training and assistance to the littoral states. Building upon these efforts, Prime Minister Keizo Obuchi formally proposed, at the Association of Southeast Asian Nations (ASEAN) Plus Three (Japan, South Korea, and China) summit in 1999, the formation of a regional coast guard to combat piracy. It was to be based on multilateral patrols by forces from Japan, South Korea, China, Malaysia, Indonesia, and Singapore. The proposal was immediately and strongly opposed by China, which saw in it a Japanese move to extend its security role in East Asia and contain Chinese maritime influence.[44] Subsequent Japanese-proposed initiatives, like the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP), have been much less ambitious in scope, covering only voluntary information submission, and funded by voluntary contributions. This episode suggests that, in general, attempts by extraregional powers to exert leadership are likely to trigger unfavorable reactions from rivals. Since the littoral states can ill afford to offend any of the extraregional powers, externally led efforts at leading change are unlikely to meet with success.

Another difficulty faced by externally led efforts is that they may raise sovereignty concerns. This was the situation faced by the Regional Maritime Security Initiative, a conceptual framework proposed by the United States in 2004 for neutral, multilateral maritime security cooperation. RMSI was intended to be a voluntary partnership of regional states to share information and provide cueing (early warning) to counter transnational threats.[45] Unfortunately, the media incorrectly reported that Admiral Thomas Fargo, Commander, U.S. Pacific Command (USPACOM), had testified to Congress on 31 March of that year that American Special Forces and Marines would patrol the Malacca Strait in high-speed vessels.[46] Although this was untrue, RMSI was permanently tainted by this misunderstanding, even in academic papers.[47] RMSI was immediately blasted by the leaders of Malaysia and Indonesia, who condemned the proposed deployment of U.S. forces in the strait as a direct affront to their sovereignty.[48] (While Chinese analysts wondered whether RMSI was designed to contain China, Chinese officials said little and seemed content to stand aside in this diplomatic fracas.)[49] As a result of widespread condemnation, USPACOM allowed the RMSI concept to wither away, and "RMSI" vanished from the command's official communications in 2005.[50]

Even when considered under its true spirit, RMSI would likely not have succeeded. While Admiral Fargo pitched it as a voluntary partnership of the willing, it appeared that the United States would take a leadership role in concept development and implementation. That would have raised fears that it sought to assume the initiative in the region, especially in light of the U.S. history of hub-and-spoke military diplomacy (notably in the organization of the Iraq invasion of 2003). This would surely have provoked the ire of China and other powers. As it happened, no objections were raised, because the issue of U.S. forces stationed in the Malacca Strait proved much more sensitive, and sovereignty concerns in that connection provided a convenient diplomatic "out" for the rejection of RMSI. China was wise to keep silent, because its concerns over American leadership would have seemed insensitive next to the more important issue of sovereignty.

Concern about international law and U.S. leadership was also evident in the region's response to the Proliferation Security Initiative. The PSI is a U.S.-led global initiative to prevent traffic of weapons of mass destruction (WMD). PSI requires the political cooperation of many other countries to succeed; flag-state permission is often necessary for interdiction at sea. PSI is an interesting test case for the region, because it has the appearance of a top-down framework designed to achieve the common goal of nonproliferation, and the obligations of PSI "participants" (as opposed to "members") are recommendatory and legally nonbinding. To emphasize this, PSI is deliberately marketed as an "activity" and not an "organization." Although PSI participants have declared that they are committed to certain principles to impede and stop shipments of WMD, including searching in their waters vessels "reasonably suspected" of carrying such cargoes, they are not obliged to take part in any specific activities that they oppose. Also, they need only "seriously consider" providing consent for their vessels and aircraft to be searched when suspected of carrying WMD. All in all, PSI could be seen as an effort to facilitate operational cooperation and by which participants can signal political support for nonproliferation. It attempts to promote multilateral cooperation without a cumbersome treaty apparatus.[51] In addition, the spirit of PSI was emphatically affirmed by the passage on 28 April 2004 of UN Security Council Resolution (UNSCR) 1540, requiring all states to take measures to prevent proliferation.[52]

Nonetheless, participation in PSI by Asian states was initially very low. Only Japan and Singapore expressed early public support and formally signed on. Other states might have refrained from participating because of concern about its "ad hoc, extra–United Nations, U.S.-driven nature."[53] In September 2004, the Malaysian prime minister, Abdullah Badawi, declared to the UN General Assembly that while Malaysia was committed to nonproliferation, there was a need for multilateral negotiations for "universal, comprehensive and non-discriminatory

agreements and arrangements."[54] This statement reflects fears that American leadership would be nonconsultative and unilateral, that implementation of PSI would "constitute a major shift from negotiated multilateralism of the post-war system to cooperative unilateralism under post–Cold War American hegemony."[55] There were also concerns that the United States would use the Proliferation Security Initiative in an inequitable manner against countries, such as Iran and North Korea, that it designates as "rogue states."[56]

Some countries cited concern over the legality of the initiative as well. Since the U.S. national security strategy states that the United States will, if necessary, act preemptively against WMD threats, some states are concerned that it would use the PSI to conduct interdictions in ways that violate international law.[57] In September 2005 China declared that it would not join PSI due to concerns over legality.[58] In March 2006, Indonesia declined Secretary of State Condoleezza Rice's request that Indonesia join the PSI.[59] Subsequently, on 10 June 2006, the Indonesian minister of defense, Juwono Sudarsono, wrote in the *Jakarta Post* that Indonesia would not join PSI because it "contravenes provisions of [UNCLOS]."[60] He further explained in his official "weblog" that "it was impossible for Indonesia in strictly legal terms to accept the total package of the PSI, as it endorsed interdiction of vessels passing through Indonesia's territorial waters [as] in the high seas."[61] In fact, PSI is intended to operate in a manner "consistent with national legal authorities and relevant international law and frameworks."[62] This example shows how concern over legality and neutrality can persist even over an initiative that has been deliberately designed to be legal and neutral.

While the Proliferation Security Initiative has had some successes, until very recently it appeared unable to make further inroads into Southeast Asia after its rejection by China and Indonesia.[63] American statements aimed at depoliticizing PSI and emphasizing its multilateral, voluntary nature failed to produce new participants in Asia willing to declare their support publicly. Paradoxically, the passage of UNSCR 1540 in April 2004 made open participation in PSI less politically attractive, in that the resolution *requires* states to conduct counterproliferation. Participating in PSI would no longer signal support for counterproliferation in general but support for U.S.-led operational cooperation in particular. This situation was exacerbated by the fact that the founding PSI members were the United States and other Western nations. Following an apparent U.S. lead in an initiative supported by only two states within Asia was something that most regional states, in particular Malaysia and Indonesia, were unwilling to do, as it might have antagonized China.

Many states took the politically expedient option of being a "supporting" country without making a "public statement of support," as encouraged by the United States.[64] From 2003 to 2007, such states took part in PSI conferences but

their identities were not known.[65] This situation changed on 1 May 2007, when the United States published a list of participants—eighty-two countries;[66] this was a staggering increase from the seventeen countries listed in September 2006.[67] Within Southeast Asia, Brunei, Cambodia, Papua New Guinea, and the Philippines are now listed by the United States as participants, although they have not made public declarations of support.[68] It remains to be seen whether the large number of participants will confer an air of neutrality on PSI and pave the way for the recruitment of more participants. Also, the commitment level of these "revealed" PSI supporters remains in doubt in the absence of public statements of support.

Several lessons can be drawn from these three attempts at regime building. First, ambitious attempts at regime building by extraregional powers are unlikely to succeed, because of major-power rivalries. This leads to inaction on the part of regional states who wish to preserve their nonalignment. China's economic influence in the region and suspicion toward American and Japanese motives in particular will continue to deter smaller states from allowing any of the major powers to play too great a role in regional regime building.

Second, offers of external operational assistance run up against sovereignty concerns related to direct intervention by foreign powers. The littoral states do not wish their waters patrolled by other countries, desiring to prevent major-power rivalries and to retain tight control over their territorial seas. Some of this reluctance can be attributed to enduring postcolonial nationalism and to popular antagonism toward the United States.[69] Extraregional players should also keep in mind that Indonesia, the world's fourth-most-populous country, has historically regarded itself as a regional power and remains fiercely nationalistic.

Third, there is evidence of a strong desire to preserve the status quo under existing international law and of resistance to new precedents that might compromise future actions or negotiations. Thus, Indonesia has taken a "wait and see" stance toward PSI since 2003; while it has declined to become a participant, it has not ruled out partial adherence to PSI provisions on an ad hoc basis, thereby keeping its diplomatic options open without compromising any of its interests.[70]

In summary, if a littoral state is to participate in a formal maritime security regime, it must be prepared to give up some of its political freedom of action in exchange for greater security. At present, the threats are not sufficiently compelling, and the political costs, both foreign and domestic, are too great for Malaysia and Indonesia to do so.

Bottom-Up Building Blocks

An alternative approach to deliberate regime building is to put in place mechanisms or even institutions to perform the tasks necessary for operational

cooperation. For example, coordinating patrols and sharing information are relatively simple, unobjectionable actions that can be undertaken by the littoral states among themselves. A long tradition of confidence building through bilateral, coordinated antipiracy patrols, bilateral and multilateral exercises, and personnel exchanges and interactions has built a firm foundation from which the region might progress to noncoalition operational cooperation.[71] An additional benefit of these relatively humble initiatives is that they tend to originate within the region itself (an exception was ReCAAP, initiated by Japan).

The Malacca Straits Patrols was the first multilateral initiative to be implemented in the region.[72] It was deliberately designed to be modest, originating from and limited to the three littoral states, and restricted in scope so as to avoid sovereignty issues. The three littoral states, expanding on long-standing bilateral coordinated patrols in order to enhance operational cooperation, launched trilateral coordinated patrols on 20 July 2004.[73] Since the sea patrols are coordinated, not joint, each littoral state's force patrols only within its own territorial seas, with no right of pursuit across territorial sea boundaries; the states rely on a hand-off mechanism to handle cross-boundary enforcement. Therefore, they gained in operational effectiveness without the issues of legality that would arise from intrusion into other states' waters. A conceptually linked but officially unrelated boost to the initiative's effectiveness was Project SURPIC, a technical system that allows information sharing between Singapore and Indonesian command and control (C2) centers in order to achieve a common operating picture in the Singapore Strait, facilitating communication and enforcement.

An "Eyes in the Sky" initiative to enhance surveillance by combined maritime air patrols was launched by the littoral states and Thailand on 13 September 2005.[74] Previously, each state had conducted air surveillance patrols only within its own airspace. This new program allows combined air patrols across territorial boundaries, allowing for better effectiveness in the narrow straits as well as promoting operational cooperation. A foreign liaison on board each aircraft controls actions over the waters of that officer's state, assuaging concerns over sovereignty and ensuring that states do not abuse the flights for other purposes, such as intelligence gathering. The use of air assets, which have less psychological "presence" than surface craft, also alleviates sensitivity about sovereignty. Since the aircraft can conduct only surveillance, not enforcement—in fact, they carry no weapons that could be used for enforcement purposes—there is no possibility of one state enforcing laws in another state. Overall, such efforts as these have no impact on foreign-power rivalries or international law, and they demonstrate the ability of the littoral states to police their own waters and airspace under initiatives limited in scope and purpose.

Similarly, working under the principles of regional inclusiveness, neutrality, and noninterference, Japan managed to refashion its Ocean Peacekeeping (known as OPK) concept into the more conservative and ultimately successful ReCAAP proposal made by Prime Minister Junichiro Koizumi in 2001. ReCAAP is a broadly based initiative, involving all the ASEAN nations plus Bangladesh, China, India, Japan, South Korea, and Sri Lanka.[75] ReCAAP, which came into force on 4 September 2006, is "the first regional government-to-government agreement to promote and enhance cooperation against piracy and armed robbery at sea in Asia."[76] The operational heart of ReCAAP is its Information Sharing Centre (ISC), located in Singapore, which reports and coordinates responses to incidents at sea. The member states also agree to cooperate in capacity building, legal assistance, and extradition.

The establishment of ReCAAP was a breakthrough. It is an international institution to fight piracy, not merely a set of multilateral arrangements and exercises. The inclusion of regional powers such as China, India, Japan, and South Korea and the basing of the ISC in a littoral state have also given the initiative neutrality and inclusiveness. Malaysia and Indonesia have not yet ratified the agreement, though they are expected to do so.[77] Their hesitation is attributed to concern over the location of the ISC in Singapore;[78] this concern, in turn, reflects rivalry among the littoral states, as well as fear that the ISC would publish reports unfair to other member states.[79] This delay suggests that the neutrality of such initiatives is important not just among powers but also among the littoral states themselves.

On 27 March 2007, Singapore announced that it would construct a command and control center to "house the Singapore Maritime Security Centre (SMSC), an Information Fusion Centre (IFC), and a Multinational Operations and Exercise Centre (MOEC)."[80] The IFC will facilitate information fusion and sharing among "participating militaries and agencies," and the MOEC will provide the infrastructure for multinational exercises, maritime security operations, and humanitarian assistance and disaster relief should the need arise.[81] In essence, Singapore is offering a ready-made capability that can be leveraged for regional cooperation at any time. This will allow a rapid operationalization of cooperation initiatives should the political environment be conducive. Singapore's action could also reflect the hope that the existence of an additional C2 facility will spur international cooperation. While it is still too early to see the impact of Singapore's announcement, Singapore's command and control center looks to be an important seed crystal for future cooperation when it becomes operational in 2009.

TOWARD WIN-WIN SOLUTIONS

When it comes to maritime security cooperation in Southeast Asia, are outsiders not welcome? The evidence shows that extraregional stakeholders *are* welcome

in Southeast Asia. The littoral states appreciate the assistance of outside states—but only within limits that are highly circumscribed and not politicized. The region is unreceptive to regime building that sets off power rivalries and sovereignty concerns. In contrast, the efforts of the littoral states themselves have been more modest in scope, characterized by bottom-up cooperation that incrementally builds operational cooperation.[82] This cooperation has been facilitated by the absence of an overarching framework, which would be political baggage. ReCAAP, for its part, was successful only because it was seen by extraregional powers as neutral and was limited to operational information sharing and low-level, nonmilitary assistance.

Such experience suggests several options extraregional states could take to strengthen regional maritime security. These are in line with the need for multilateralism and neutrality. First, they can share ideas and build understanding through multilateral forums. The annual Shangri-La Dialogue in Singapore, attended by defense ministers, has proved useful for exchanging viewpoints and building understanding.[83] The Western Pacific Naval Symposium is similarly valuable at the operational level. Second, they can support intraregional initiatives. Support of such existing initiatives as ReCAAP would improve the prospects for security. Although the United States is not a member of ReCAAP, it can assist that effort by not establishing parallel or competing initiatives. Singapore's new C2 center is also a possible nexus for future multilateral cooperation.

Extraregional powers can promote confidence and increase interoperability through exercises. Bilateral and multilateral exercises build the operational expertise of local navies, improving their abilities to secure the straits. Such exercises also increase interoperability, which would facilitate future operational cooperation should the opportunity arise. These exercises include CARAT and SEACAT between the U.S. and Southeast Asian navies, and the Five Power Defence Arrangements exercises among the United Kingdom, Australia, New Zealand, Malaysia, and Singapore.* PSI exercises and discussions should continue to be inclusive in order to build understanding of that initiative.

They can offer technical assistance to build capacity. Such help is welcome in the region, especially by Indonesia.[84] Outside assistance would render Indonesia, with its limited budget and other priorities, better able to promote maritime security. Japan has installed navigational aids in the Malacca Strait and, through the Nippon Foundation, donated a training ship to Malaysia in June 2006.[85] While such assistance is not multilateral in nature, it takes place within normal bilateral frameworks, and outside powers have not protested such interactions; political sensitivities can also be somewhat lessened by rendering the assistance

* SEACAT (Southeast Asia Cooperation against Terrorism) promotes information sharing and multinational cooperation in maritime interception scenarios.

in low-key, behind-the-scenes ways. Goodwill can also be built through humanitarian civic assistance. Political and operational payoffs accrued to the United States, Japan, and other nations from the tsunami humanitarian relief mission in northern Indonesia, and humanitarian civic assistance should be continued in peacetime.[86] Humanitarian aid does not directly strengthen regional maritime security, but it can promote mutual understanding and goodwill.

Finally, external powers can work through international organizations. New international frameworks established through the UN and International Maritime Organization would be the most effective way of introducing new norms to the region. Security Council resolutions are difficult to bring to adoption, but the legal authority of such resolutions and the moral authority arising from such focused expressions of international opinion make them highly effective. For example, many of the goals of the Proliferation Security Initiative, as we have seen, were achieved with the passage of UNSCR 1540. In this regard, ratification by the United States of the UN Convention on the Law of the Sea would increase the legitimacy of that vehicle and facilitate the success of future initiatives.

There has been considerable progress in international understanding and cooperation in Southeast Asia. The norms for acceptable participation by outside actors in the region have become more clearly defined through the region's experience with OPK, RMSI, PSI, and ReCAAP. Future cooperation initiatives can thereby be tailored to avoid regional sensitivities. Although the main focus of such initiatives has been the Malacca and Singapore straits, the inclusion of Thailand in combined air patrols and the establishment of ReCAAP, involving sixteen countries, suggest a potential to increase the geographical scope of regional cooperation. Ultimately, extraregional players need to appreciate the differing needs and preferences of the littoral states and other extraregional powers and to act accordingly to find a win-win solution for all parties.

NOTES

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1. *The National Strategy for Maritime Security* (Washington, D.C.: White House, 2005), p. 15, www.whitehouse.gov/homeland/maritime-security.html.
2. Teo Chee Hean (speech at RSN fortieth anniversary and commissioning of RSS *Formidable,* Changi Naval Base, Singapore, 5 May 2007).

3. According to the International Maritime Bureau of the International Chamber of Commerce, the annual rates of reported piracy incidents in the Malacca Strait have varied over the years: sixteen in 2002, twenty-eight in 2003, thirty-eight in 2004, twelve in 2005, and eleven in 2006. These rates have been falling in recent years and the level of violence has decreased, but it is too early to conclude that they would continue to trend downward. Also, there is concern that pirates will resort to "more violent and sophisticated operations." Jane Chan and Joshua Ho, "Piracy and Armed Robbery against Ships," *RSIS Commentaries,* 21 March 2007, p. 2, available at www.rsis.edu.sg/publications/Perspective/RSIS0182007.pdf.

4. See Catherine Zara Raymond, "The Malacca Straits and the Threat of Maritime Terrorism," *Power and Interest News Report,* 24 August 2005, www.pinr.com.

5. John F. Bradford, "The Growing Prospects for Maritime Security Cooperation in Southeast Asia," *Naval War College Review* 58, no. 3 (Summer 2005), p. 75.

6. David Rosenberg, "Dire Straits: Competing Security Priorities in the South China Sea," *Japan Focus,* 13 April 2005.

7. Donald E. Weatherbee, *International Relations in Southeast Asia: The Struggle for Autonomy* (Lanham, Md.: Rowman and Littlefield, 2005), p. 175. The term "piracy" will be used to refer broadly to piracy in international waters as well as to acts of armed robbery within territorial seas. However, strictly speaking, under UNCLOS definitions, piracy takes place only on the high seas.

8. The situation improved recently when the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) entered into force in September 2006. Malaysia and Indonesia have signed but have not yet ratified the agreement.

9. In addition, useful cooperation can be achieved among governmental agencies, such international organizations as the International Maritime Organization, and the shipping industry. These modes of cooperation will not be discussed in this article.

10. These fears proved well founded in 2003, when local members of the terrorist group Jemaah Islamiyah were caught plotting bomb attacks on American sailors on shore leave and small-boat attacks on U.S. warships transiting off Changi.

11. Teo Chee Hean (speech at groundbreaking ceremony for the Changi Command and Control Centre, Changi Naval Training Base, Singapore, 27 March 2007). This phrase was also used in Teo's previous speeches.

12. Serene Chua, "Maritime Security: Possibilities for Terrorism and Challenges for Improvement," *Pointer* 32, no. 2 (September 2006), pp. 31–32.

13. Ibid., p. 33.

14. Ibid.

15. Maritime and Port Authority of Singapore, "Safety & Environment: Introduction," *Building an International Maritime Center,* www.mpa.gov.sg/safetyenvironment/intro/intro.htm.

16. Singapore has been vocal in urging the region to "move beyond principles" in terms of military cooperation. For example, in 2005 Singapore's defense minister, Teo Chee Hean, expressed the nation's interest in introducing joint military activities under the Association of Southeast Asian Nations (ASEAN) Regional Forum (ARF) umbrella (Robert Karniol, "Singapore Calls on Allies to 'Move beyond Principles,'" *Jane's Defence Weekly,* 15 June 2005). In January 2007, Singapore hosted the first ARF maritime-security shore exercise ("Singapore Hosts First Ever ASEAN Regional Forum Maritime Security Shore Exercise," *Ministry of Defence, Singapore,* 23 January 2007, www.mindef.gov.sg/imindef).

17. Notably, it was the first country within ASEAN to conclude, in 2003, a free-trade agreement with the United States, which was in part a reward for its partnership in the war on terrorism. Weatherbee, *International Relations in Southeast Asia,* p. 37.

18. Dato' Sri Mohd Najib Tun Abd Razak, "The Security of the Straits of Malacca and Its Implications to the South East Asia Regional Security" (speech, Seoul, 13 March 2007), available at www.pmo.gov.my/WebNotesApp.

19. Ibid.

20. Agence France-Presse, "Experts Warn of Terrorism, Piracy in Malacca Straits," 13 June 2007, www.taipeitimes.com.
21. Agence France-Presse, Bernama, "Share Data to Fight Piracy: Najib," 3 September 2007, www.straitstimes.com.
22. "Malaysia's MMEA to Acquire Air Assets," *DefenseNews,* 5 February 2007, p. 18.
23. Najib, "The Security of the Straits of Malacca."
24. According to UNCLOS article 43, "User States and States bordering a strait *should by agreement* [emphasis added] cooperate: (a) in the establishment and maintenance in a strait of necessary navigational and safety aids or other improvements in aid of international navigation; and (b) for the prevention, reduction and control of pollution from ships." However, according to article 38, the right of transit passage through international straits cannot be infringed upon by coastal states. Therefore, there is no legal obligation for user states to engage in burden sharing, and participating in such initiatives would set an uncomfortable precedent that might encourage other international-strait states to demand burden-sharing agreements also. At present, the subject is under study and negotiation. The Nippon Foundation has limited its appeals for burden sharing to voluntary contributions, stating, "Shipping companies and other users should recognize their corporate social responsibility toward the promotion of navigational safety and environmental protection of the Straits and voluntarily provide the necessary assistance to the littoral States." See Agence France-Presse, "Malaysia Urges Burden-Sharing to Protect Malacca Strait," 13 March 2007, available at bpms.kempen.gov.my.
25. Najib, "The Security of the Straits of Malacca." This point is also made in Yoichiro Sato, "U.S. and Japan in the Malacca Strait: Lending Hands, Not Stepping In," *GloCom Platform: Japanese Institute of Global Communications,* 13 July 2004, www.glocom.org/debates/20040713_sato_us/index.html.
26. Barrett Bingley, "Security Interests of the Influencing States: The Complexity of Malacca Straits," *Indonesian Quarterly* 32, no. 4 (December 2004), p. 362.
27. A fledgling democracy formed after the downfall of General Suharto's authoritarian government in May 1998, followed by the fall of three presidents through 2004, Indonesia is still struggling to recover from decades of corruption and policy stagnation. Weatherbee, *International Relations in Southeast Asia,* pp. 30–31.
28. Stefan Eklöf, "Piracy in Southeast Asia," *IIAS Newsletter* 40 (Spring 2006), p. 29. Indonesia has sent patrol ships to prevent border crossings from independent East Timor into Indonesian-held western Timor (Xinhua, "Indonesian Warships Still Patrolling Border Waters with Timor-Leste," 7 June 2006, available at english.people.com.cn). Indonesian patrol ships also patrol its maritime border with Australia, to prevent Indonesian fishing vessels from infringing into Australian waters ("Indonesian Navy Send Two War Ships to Patrol Boundry Near Australia [*sic*]," *AntaraNews,* 27 January 2006, www.antara.co.id).
29. Azhar Ghani, "Jakarta Using S'pore, KL as Bogeymen?" *Straits Times,* 17 March 2007, available at app.mfa.gov.sg. ("KL" refers to Kuala Lumpur, the capital of Malaysia.)
30. See "Malaysia Minister Denies He Apologized over Ambalat," *AntaraNews,* 30 March 2007, www.antara.co.id.
31. Bill Guerin, "Sulawesi Sea Row Dredges Up Defenses," *Asia Times Online,* 9 March 2005, www.atimes.com.
32. Coordinating Ministry for Economic Affairs, Republic of Indonesia, "Trade and Investment News," 24 July 2006, www.jjc.or.id/picture/10332006133543TIN20060724.pdf.
33. Agence France-Presse, "Tsunami Opens Door for Normalization of US-Indonesia Military Ties," 13 February 2005, www.channelnewsasia.com.
34. Ibid.
35. Frederick Chew, *Piracy, Maritime Terrorism and Regional Interests,* Geddes Papers (Canberra: Australian Defence College, 2005), p. 78.
36. Indonesia helped to institutionalize the trilateral MALSINDO Malacca Strait coordinated patrols in July 2004, taking in late 2004 the positive step of inviting Thailand to join. Ibid.

37. "RI, Indian Navies Conducting Coordinated Patrols in Andaman Sea," *PR Newswire,* 20 March 2007, available at www.zibb.com.
38. Sam Bateman, "Maritime 'Regime' Building," in *The Best of Times, the Worst of Times: Maritime Security in the Asia-Pacific,* ed. Joshua Ho and Catherine Zara Raymond (Singapore: World Scientific, 2005), p. 263.
39. Arthur Stein, "Coordination and Collaboration: Regimes in an Anarchic World," in *Neorealism and Neoliberalism: The Contemporary Debate,* ed. David A. Baldwin (New York: Columbia Univ. Press, 1993), pp. 309–11.
40. Michael Leifer, "The Maritime Regime and Regional Security in East Asia," *Pacific Review* 4, no. 2 (1991), pp. 126–36.
41. Mark Valencia, "Regional Maritime Regime Building," *Ocean Development and International Law* 31 (2000), p. 241.
42. *National Strategy for Maritime Security,* p. 15.
43. Weatherbee, *International Relations in Southeast Asia,* p. 175.
44. Ibid.
45. "Regional Maritime Security Initiative," *U.S. Pacific Command,* 21 June 2004, available at web.archive.org/web/20051018030410/www.pacom.mil/rmsi.
46. Bradford, "Growing Prospects for Maritime Security Cooperation in Southeast Asia," p. 75.
47. For example, the account of RMSI in Weatherbee's *International Relations in Southeast Asia* reflects this misunderstanding. For an example media report, see "Crack U.S. Troops May Be Used to Flush Out Terrorists in Key Southeast Asian Waterway," *Channel NewsAsia,* 5 April 2004, available at web.archive.org/web/20040405202704/www.channelnewsasia.com.
48. C. S. Kuppuswamy, *Straits of Malacca: Security Implications,* Paper 1033 (India: South Asia Analysis Group, 18 June 2004), available at www.saag.org/papers11/paper1033.html.
49. Denny Roy, *Lukewarm Partner: Chinese Support for U.S. Counter-Terrorism in Southeast Asia* (Honolulu, Hawaii: Asia-Pacific Center for Security Studies, March 2006).
50. A search of Commander, USPACOM's speeches shows no references to RMSI after 2004, and its RMSI (www.pacom.mil/rmsi) website has been removed. According to Archive.org, the site was last accessible in October 2005.
51. Mark R. Shulman, *The Proliferation Security Initiative as a New Paradigm for Peace and Security* (Carlisle, Pa.: Strategic Studies Institute, U.S. Army War College, April 2006), p. 8.
52. Henry Low, "The Proliferation Security Initiative Dilemma: To Join or Not to Join?" (research paper, U.S. Naval War College, Naval Staff College, Newport, R.I., 10 May 2005), p. 8.
53. Mark J. Valencia, "Is the PSI Really the Cornerstone of a New International Norm?" *Naval War College Review* 59, no. 4 (Autumn 2006), p. 128.
54. Abdullah bin Haji Ahmad Badawi (address at General Debate of the fifty-ninth session of the General Assembly of the United Nations, New York, 27 September 2004).
55. Rosenberg, "Dire Straits."
56. Mark J. Valencia, *The Proliferation Security Initiative: Making Waves in Asia,* Adelphi Paper 376 (London: International Institute for Strategic Studies, October 2005), p. 69.
57. *The National Security Strategy of the United States of America* (Washington, D.C.: White House, 2006).
58. Center for Nonproliferation Studies, Monterey Institute of International Studies, "Proliferation Security Initiative (PSI)," *Inventory of International Nonproliferation Organizations and Regimes,* 28 September 2006, cns.miis.edu/pubs/inven/index.htm.
59. Ibid.
60. Yuwono [*sic*] Sudarsono, *Jakarta Post,* opinion, 10 June 2006, available at www.thejakartapost.com.
61. Juwono Sudarsono, "US Secretary of Defense," *Juwono Sudarsono: Integrity in the Strict Sense,* 13 June 2006, www.juwonosudarsono.com.
62. Office of the Press Secretary, White House, "Proliferation Security Initiative: Statement of Interdiction Principles," available at www.state.gov/t/isn/rls/fs/23764.htm.
63. PSI has been successful in that the major flag states and all the permanent members of the UN Security Council, except China, are full participants. UNSCR 1540 was also a spin-off success from the general acceptance of PSI, as

it encapsulates many PSI principles, except for the authorization of maritime interdiction, which was opposed by China. Indonesia, although it would not join PSI, is sympathetic to its aims. President Susilo Bambang Yudhoyono has assigned the chief security minister, Widodo Adi Sutjipto, to study the possibility of undertaking PSI provisions on a partial and ad hoc basis. Sudarsono, "US Secretary of Defense."

64. See Valencia, "Is the PSI Really the Cornerstone of a New International Norm?" and Bureau of Nonproliferation, "Proliferation Security Initiative Frequently Asked Questions (FAQ)," *U.S. Department of State,* 26 May 2005, www.state.gov/t/isn/rls/fs/46839.htm.

65. Valencia, "Is the PSI Really the Cornerstone of a New International Norm?"

66. Bureau of International Security and Nonproliferation, "Proliferation Security Initiative Participants," *U.S. Department of State,* 1 May 2007, www.state.gov/t/isn/c19310.htm.

67. Sharon Squassoni, *Proliferation Security Initiative (PSI)* (Washington, D.C.: Congressional Research Service, 14 September 2006), p. 2, available at www.fas.org/sgp/crs/nuke/RS21881.pdf. Although it was known that other states had publicly declared themselves PSI participants, for a total of more than twenty, the Department of State's PSI website was not updated, resulting in some confusion over the actual number.

68. Bureau of International Security and Nonproliferation, "Proliferation Security Initiative Participants."

69. According to the Pew Global Attitudes Project report of 13 June 2006, favorable opinions of the United States among Indonesians had fallen from 36 percent to 30. In comparison, Indonesians hold generally favorable opinions of other major nations, such as Germany (56 percent), France (52 percent), Japan (78 percent), and China (62 percent). *Pew Global Attitudes Project,* pewglobal.org/reports.

70. In the *Jakarta Post* of 10 June 2006, the Indonesian defense minister wrote, "On June 7, President Susilo Bambang Yudhoyono merely requested that Chief Security Minister Widodo, Foreign Minister Hassan Wirajuda and I consider the possibility of Indonesia's partial and ad hoc adherence to the PSI on a case by case basis, within the framework of maintaining Indonesia's legal sovereignty over its land, territorial waters and airspace."

71. Exercises include the three annual bilateral events undertaken between the three littoral states (Malaysia/Indonesia, Malaysia/Singapore, Indonesia/Singapore), as well as multilateral interactions such as the Five Power Defence Arrangements (Malaysia, Singapore, the United Kingdom, Australia, and New Zealand) and Western Pacific Naval Symposium exercises.

72. The term "Malacca Straits" was introduced as a verbal shorthand in such initiatives as "Malacca Straits Security Initiative" and "Malacca Straits Patrols" to mean the Straits of Malacca and Singapore.

73. The Indonesia-Singapore Co-ordinated Patrol was started in 1992. Also see "Launch of Trilateral Coordinated Patrols—MALSINDO Malacca Straits Coordinated Patrol," *Ministry of Defence, Singapore,* 20 July 2004, www.mindef.gov.sg.

74. "Launch of Eyes in the Sky (EiS) Initiative," *Ministry of Defence, Singapore,* 13 September 2005, www.mindef.gov.sg.

75. As of the time of writing, all the nations had ratified the agreement except for Malaysia and Indonesia.

76. Singapore Ministry of Foreign Affairs, "Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP)," press release, 4 September 2006, available at app.mfa.gov.sg.

77. Vijay Sakhuja, "Regional Cooperation Agreement on Anti-Piracy," *Strategic Trend IV,* 10 July 2006.

78. Ibid.

79. John Bradford, *Southeast Asian Maritime Security in the Age of Terror: Threats, Opportunity, and Charting the Course Forward,* Working Paper 75 (Singapore: Institute of Defence and Strategic Studies, April 2005), pp. 8–9.

80. According to a press release, "The Changi C2 Centre will advance multi-agency co-operation and inter-operability amongst national maritime agencies, to enhance Singapore's maritime security capabilities. The Centre will also

enable international co-operation and interoperability between countries to promote maritime security in the region." "New Maritime Command and Control Centre at Changi," *Ministry of Defence, Singapore,* 27 March 2007, www.mindef.gov.sg.

81. Ibid.

82. For example, the trilateral coordinated patrols and combined air patrols are relatively simple and were implemented in a step-by-step, task-by-task manner. First, surface patrols were coordinated to improve response. Air surveillance was then added, to improve surveillance.

83. The countries represented at the 2007 Shangri-La Dialogue were Australia, Bangladesh, Brunei, Cambodia, Canada, China, France, Germany, India, Indonesia, Japan, Malaysia, Mongolia, Myanmar, New Zealand, Pakistan, the Philippines, the Republic of Korea, Russia, Singapore, Sri Lanka, Thailand, Timor-Leste (East Timor), the United Kingdom, the United States, and Vietnam.

84. Indonesia has accepted American and Japanese military and technical assistance and has been reinstated on the U.S. International Military Education and Training program.

85. James L. Huffman, "The Nippon Foundation Donates Training Ship to Malaysia," *Nippon Foundation,* 1 June 2006, www.nippon-foundation.or.jp.

86. For the U.S. tsunami response and the goodwill that resulted, see Bruce A. Elleman, *Waves of Hope: The U.S. Navy's Response to the Tsunami in Northern Indonesia,* Newport Paper 28 (Newport, R.I.: Naval War College Press, February 2007).