THE GROWING PROSPECTS FOR MARITIME SECURITY COOPERATION IN SOUTHEAST ASIA

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The sea dominates Southeast Asia, covering roughly 80 percent of its area. The region's islands and peninsulas, wedged between the Pacific and Indian oceans, border major arteries of communication and commerce. Thus the economic and political affairs of Southeast Asia have been dominated by the sea. In the premodern period, ports such as Svirijaya and Malacca established empires based upon sea power in area waters. In succeeding centuries European warships and their heavy guns were the keys to colonization. Today more than half of the world's annual merchant tonnage traverses Southeast Asian waters; its oceans and seas yield vast revenues in such industries as fishing, hydrocarbon extraction, and tourism. In fact, more than 60 percent of Southeast Asians today live in or rely economically on the maritime zones. However, the sea is also the source of a variety of dangers that not only menace the prosperity of local populations but directly threaten the security of states. Those dangers include territorial disputes, nonstate political violence, transnational crime, and environmental degradation. Maritime security, accordingly, is at the forefront of Southeast Asian political concerns.

Successful response to maritime security threats requires international cooperation, because those threats are primarily transnational. As Singapore's deputy prime minister has eloquently explained, "individual state action is not enough. The oceans are indivisible and maritime security threats do not respect boundaries."[1] Southeast Asian cooperation is currently inadequate in terms of the maritime threat;

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however, structural, economic, and normative factors are leading to greater cooperation. In the last four years there have been notable steps forward, and the factors responsible for them should soon produce greater cooperation.

This article discusses the threats to maritime security in Southeast Asia, describes the factors tending toward strengthened maritime security cooperation, and argues that networks of bilateral relationships may be more fruitful than purely multilateral arrangements. The first section, a historical overview of maritime cooperation in Southeast Asia from the end of the Cold War through December 2004, is followed by a survey of contemporary maritime security threats. The article then discusses five significant factors that now favor improved maritime cooperation. It concludes with the various forms that future cooperation might take and speculation as to which are mostly likely in light of evolving state interests and constraints.

It is necessary first to limit the scope of analysis. Warfare is unlikely to break out among members of the Association of Southeast Asian Nations (ASEAN). Accordingly, the focus here is on cooperation to counter extraregional and transnational threats, rather than to prevent interstate conflict. In that context, the concern is not simply cooperation but *operationalized security cooperation*. Cooperation, in its broad sense, occurs when states, in order to realize their own goals, modify policies to meet preferences of other states. "Operationalized" security cooperation is a specific type and degree of cooperation in which policies addressing common threats can be carried out by midlevel officials of the states involved without immediate or direct supervision from strategic-level authorities. Consultation and information sharing between security ministries are examples of "cooperation," whereas the data assessment and intelligence briefing by combined teams of analysts would involve operationalized cooperation. In the maritime environment, international staff consultations exemplify cooperation. A highly orchestrated and closely supervised combined search-and-rescue exercise would be considered very thinly operationalized at best. Complex naval exercises and regularly scheduled combined law enforcement patrols are more substantial examples of operationalized cooperation.

MARITIME SECURITY COOPERATION IN SOUTHEAST ASIA SINCE THE COLD WAR

In 1991, Southeast Asia was regarded as a relatively stable region in which the maturity of ASEAN had made significant contributions to management of disputes between member states. During the Cold War, the region had been polarized between the communist and free market states, but the collapse of Soviet support relaxed tension and produced a general reconciliation between the two camps. The addition of Laos and Vietnam in 1992, and of Cambodia and

Myanmar in 1995, to the Treaty of Amity and Cooperation—originally concluded in 1976 for the peaceful settlement of intraregional disputes in a framework of absolute respect for state sovereignty—cemented the inclusion of the former communist-bloc states into the ASEAN community. Similarly, by 1991 the region's few remaining communist-inspired insurgencies had been localized, and almost all of its states had earned unquestioned international legitimacy.[2]

The revolutionary structural changes that accompanied the end of the Cold War complemented regional dynamics already in motion—improvements in domestic security, rapid economic development, and the maturing of regional identity—to produce an environment conducive to increased cooperation and the reorganization of security priorities in Southeast Asia. Analysts quickly identified maritime security as a major concern.[3] Many studies focused on state-to-state naval conflict, but some looked beyond "traditional" threats to examine a diverse range of broader, "nontraditional" maritime concerns, such as ocean resource management, changes in patterns of commercial shipping,

transnational crime, and environmental pollution.[4] Even as these studies were going on, regional states launched cooperative efforts to address maritime security issues.

The enhanced maritime security cooperation developed during the decade immediately following the Cold War has been called "particularly noteworthy" and "notable."[5] In 1992, ASEAN's first communiqué on a security issue, "Declaration on the South China Sea," emphasized "the necessity to resolve all sovereignty and jurisdictional issues pertaining to the South China Sea by peaceful means" and urged "all parties concerned to exercise restraint with the view to creating a positive climate for the eventual resolution of all disputes." In the same period, a handful of new institutions emerged. For example, the Indonesian South China Sea Workshops (known as the SCS Workshops) sought to reduce the likelihood of interstate conflict in the South China Sea, while the Council for Security Cooperation in the Asia Pacific Maritime Cooperation Working Group (CSCAP-MCWG), the Asia-Pacific Economic Cooperation (APEC) Working Group on Maritime Security, and the Western Pacific Naval Symposium (WPNS) tackled Southeast Asian issues within the broader Asia-Pacific maritime context.[6] However, progress at this point was almost entirely limited to transparency, dialogue, pledges of greater future cooperation, and other maritime confidence- and security-building measures (MCSBMs).[7]

Though transnational maritime crime rarely presents a direct threat to states, piracy and robbery at sea are such severe problems that they are now perceived to do just that.

By the end of the twentieth century, cooperation was not yet sufficiently oriented to the region's new nontraditional security threats, and the few examples of operationalized cooperation were very weak. Several Cold War–era defense arrangements, such as the Five Power Defense Arrangements (FPDA) and various bilateral U.S. security agreements, were adapted to new functions. However, the usefulness of the FPDA was questioned, and the American presence in Southeast Asia had decreased with the withdrawal of military forces from the Philippines in 1991 and limitations placed by Congress on military-to-military contacts with Indonesia beginning in 1993.[8] There were new operationalized cooperation endeavors; such pairings as Indonesia-Malaysia, Malaysia-Cambodia, Brunei-Australia, Singapore-India, and Malaysia-Philippines initiated bilateral naval-exercise programs. Of these new bilateral agreements, the Malaysia-Singapore, Singapore-Indonesia, and Malaysia-Indonesia coordinated patrols in the Strait of Malacca were the most operationalized. However, shipboard officers privately lamented that bilateral coordination of these patrols amounted to little more than exchanges of schedules, to which in many cases partners did not adhere.[9]

From 2000 to 2002, a series of events propelled the Southeast Asian maritime sector from the post–Cold War years into the new world of the twenty-first century. The first was the February 2000 bombing of the Philippine ferry *Our Lady Mediatrix,* which killed forty people and wounded another fifty. The attack was blamed on the Moro Islamic Liberation Front; however, being regarded as just another statistic of the ongoing violence in the southern Philippines, it had less psychological impact than the next transformative event, the October 2000 suicide-boat attack on the guided-missile destroyer USS *Cole* (DDG 67). Although the attack on *Cole* occurred in Aden, outside Southeast Asia, the publicity generated and the fact that this powerful attack had succeeded against one of the U.S. Navy's most sophisticated warships raised awareness about the maritime terror threat in Southeast Asia and started security experts there thinking about the dangers in their own region. Third, a rash of amphibious kidnapping operations carried out by the Abu Sayyaff Group—especially high-profile kidnappings of Western tourists from resorts on Sipadan, Malaysia, in March 2000 and in Palawan, Philippines, in May 2001—demonstrated the capabilities of Southeast Asia's indigenous transnational maritime terrorists.

The possibility of truly unbearable terrorist attacks was driven home for Southeast Asians on 11 September 2001. A few months later, Singaporean intelligence discovered a series of al-Qa'ida-related plots to attack several international targets, including visiting American warships, in that island state. These findings were corroborated by the discovery of planning videos and documents in Afghanistan. In December 2001 the ferry *Kalifornia,* transporting Christians in Indonesia's Maluku Archipelago, was bombed. The attack killed ten, injured forty-six, and began a cycle of violence in which several other passenger vessels were attacked.[10]

Maritime Southeast Asia completed its initiation into the "age of terror" in October 2002. On the 6th, Islamist terrorists struck the tanker *Limburg* in the Arabian Sea, demonstrating that international maritime trade was a target. Finally, the 12 October triple bombing in Bali proved that Southeast Asia was on the front lines of international terrorism. Today, while some Southeast Asia officials and captains of industry remain "in denial," terrorism has become the preeminent security issue in the region, and maritime terror is broadly recognized as a very dangerous threat.

Accordingly, maritime security cooperation in Southeast Asia is now developing more quickly than in the preceding decade. States have demonstrated greater commitment to expanding MCSBMs and operationalizing cooperation. Appropriately, the bulk of the new cooperation has been oriented toward such transnational threats as terrorism and piracy. Although considerable obstacles remain and states have not been equally proactive, commitments have been reinvigorated

and several new arrangements created. Clear statements of renewed interest in improving cooperation include the June 2003 "ASEAN Regional Forum [ARF] Statement on Cooperation against Piracy and Other Threats to Maritime Security" and the "Work Programme to Implement the ASEAN Plan of Action to Combat Transnational Crime," which was endorsed by the January 2004 ASEAN Ministerial Meeting on Transnational Crime. More concretely, most regional shippers and nearly all major port facilities achieved compliance with the International Maritime Organization's December 2002 International Ship and Port Facility Security Code (ISPS Code) before or shortly after its July 2004 deadline. Also in 2004, Singapore acceded to the Rome Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (known as the SUA Convention). Singapore's accession was considered by many analysts as an important step toward wider regional acceptance of the SUA Convention.

Examples of new operationalized interstate cooperation began to emerge almost immediately after 9/11, when the United States began including counterterrorism packages in its bilateral exercises with regional states and sent naval forces to assist the Philippines against the Abu Sayyaff Group. Indigenous operationalized cooperation also began to grow. In September 2003 Thailand and Malaysia announced that, concerned about insurgents and terrorists, they had invigorated cooperative maritime patrols in the northern Strait of Malacca. In June 2004, a meeting of FDPA defense ministers in Penang, Malaysia, decided to orient their organization for the first time toward nontraditional maritime security, focusing on counterterrorism, maritime interception, and antipiracy.

In July 2004 Singapore, Indonesia, and Malaysia began a program of trilateral coordinated patrols throughout the Strait of Malacca. These patrols are of particular significance, for a number of reasons. First, the strong endorsement given by regional media and the positive public response to the first patrols demonstrated the desire of governments to appear committed to the program and widespread support for the project. Indonesia's December 2004 mobilization of two maritime patrol aircraft and four warships to recover a hijacked Singaporean tug exemplifies the program's positive benefits. Second, this is the first significantly operationalized multilateral cooperation in Southeast Asia to develop without an extraregional partner. Commitment to operationalizing maritime security cooperation continues to grow; India and Thailand, neighboring states that control the northern approaches to the Strait of Malacca, have

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expressed interest in joining the patrols, and the founding states have responded favorably. Nonetheless, officers directly involved in the patrols state privately that the trilateral patrols are often matters more of "show" than of real utility and that it is too soon to assess their impact on piracy, smuggling, and other maritime crimes in the strait.

In November 2004 sixteen countries (the ASEAN members plus China, South Korea, Japan, Bangladesh, India, and Sri Lanka) concluded the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP). This agreement, first proposed by Japanese prime minister Junichiro Koizumi at the 2001 ASEAN-plus-Three Summit in Brunei, had been deadlocked for months by disagreement over where to locate the ReCAAP Information Sharing Center (ISC), which would maintain databases, conduct analysis, and act as an information clearinghouse. As explained by the Indonesian Foreign Ministry's Director for ASEAN Politics and Communications, sensitivity stemmed from the possibility that the ISC might publish reports unfairly critical to member states. This official shared that concern, arguing that the International Maritime Bureau Piracy Reporting Center has misrepresented incidents in Malaysia waters as having occurred on the Indonesian side of the Strait of Malacca because the center is located in Kuala Lumpur.[11]

ReCAAP is a positive step, being an indigenous pan-Asian initiative devised primarily to deal with piracy, a phenomenon most conspicuous in Southeast Asia. The fact that members ultimately agreed to locate the ISC in Singapore demonstrates willingness to compromise in order to advance maritime security issues. However, the agreement does not obligate members to any specific action other than sharing information that they deem pertinent to imminent piracy attacks; furthermore, the ISC's funding will be based on "voluntary contributions."[12] Although not insignificant, ReCAAP alone will not eradicate Asian piracy.

Taken together, these many developments constitute significant progress. Dialogue and information sharing have been enhanced, states seem firmly committed, and some states have begun to operationalize their maritime security cooperation. However, the few operational arrangements that have been created are insufficient to counter the grave maritime threats the region faces.

CONTEMPORARY MARITIME SECURITY THREATS IN SOUTHEAST ASIA

Although the regional states have declared commitments to settling differences peacefully, the threat of traditional conflict cannot be completely ruled out, and the proximity of international sea lanes guarantees that any such conflict would have very serious implications. One potential trigger for such conflict is the remaining territorial disputes between states. Other, less traditional security

concerns pose a more immediate threat. These include terrorism and insurgency; transnational maritime crime; and harm to the maritime environment.

Territorial Disputes

Territorial disputes, most of them maritime in nature and involving conflicting claims to either islands or littoral waters, contribute to interstate tension in Southeast Asia. Among the disputes with significant maritime dimensions are the Philippine claims to Sabah, overlapping claims to economic exclusive zones, and multilateral disputes over islands and waters in the South China Sea. One such issue was seemingly resolved in 2002, when the International Court of Justice (ICJ) ruled in favor of Malaysia over Indonesia with regard to claims to Sipadan and Litigan islands. Similarly, Malaysia and Singapore have submitted to the ICJ for arbitration a dispute regarding sovereignty over Pedra Blanca (Pulau Batu Puteh), an island in the Singapore Strait with an important aid to navigation that is passed by about fifty thousand ships every year. However, given the history of Malaysian activities that Singapore regards as provocative, the latter still devotes sizable forces to sustaining its claim. Other disputes have even less prospect for resolution in the near future.

The most troublesome disputes are those in the South China Sea, where Indonesia, Malaysia, Brunei, the Philippines, Vietnam, China, and Taiwan assert conflicting claims to sea and island territories.[13] These claims are deemed to be of vital importance, because the archipelagic seas may have vast petroleum resources and the islands are strategically positioned for support of sea-lane control or amphibious warfare. In recent history claimants have clashed violently, and the possibility of renewed fighting (short of open warfare) clearly exists. The current situation is “volatile and could, through an unexpected political or military event, deteriorate into open conflict.”[14] Any escalation could disrupt the South China Sea’s huge volume of shipping, with grave consequences.[15] In 2002 the ASEAN members and China indicated their desire to minimize the risk by agreeing to a Declaration on the Conduct of Parties in the South China Sea. However, the declaration is something less than a binding code of conduct or a consensus about the way forward; the South China Sea remains a flashpoint.[16]

Terrorism and Insurgency

Several Southeast Asian guerrilla and terrorist groups possess substantial maritime capabilities. Since 2000, al-Qa‘ida, the Moro Islamic Liberation Front, the Abu Sayyaff Group, Jemaah Islamiyah, the Kumpulan Militan Malaysia, the Gerakan Aceh Merdeka, and Laskar Jihad have all been suspected of planning or executing maritime attacks. Other groups have used the sea to transport weapons, move forces, and raise funds.

The most successful has been Abu Sayyaff, which has conducted dozens of successful maritime operations in the southern Philippines, metropolitan Manila, and East Malaysia. In 1995, Abu Sayyaff conducted its first large-scale attack: amphibious forces landed by boat, torched the Philippine town of Ipil, robbed seven banks, and killed about a hundred people. Abu Sayyaff gained global notoriety in 2000 and 2001 when it kidnapped dozens of people, among them Filipinos, Malaysians, Chinese, Europeans, and Americans, in a series of raids on villages, resorts, and ships in and near the Sulu and Celebes Seas. Despite a large-scale government offensive backed by American forces, Philippine officials have confirmed Abu Sayyaff claims of responsibility for the 26 February 2004 sinking of *Superferry 14* near Manila, in which 116 people were killed.[17]

Although so far less successful in maritime Southeast Asia than Abu Sayyaff, al-Qa'ida and its close regional allies Jemaah Islamiyah and the Kumpulan Militan Malaysia have demonstrated their intent to conduct large-scale operations against the U.S. Navy and global trade. Since 2000, regional security forces have disrupted half a dozen plots to attack American warships transiting narrow waterways or visiting ports in Southeast Asia.[18] The 2002 attack on the *Limburg* demonstrated al-Qa'ida's desire to strike the petroleum distribution infrastructure, a desire also confirmed by al-Qa'ida literature, including a December 2004 edict issued by Osama bin Laden. There has also been increasing concern that al-Qa'ida or its affiliates might use a merchant vessel to administer a cataclysmic attack—perhaps a nuclear bomb, radiological "dirty nuke," or other weapon of mass destruction—in a shipping container. Alternatively, a large petroleum, liquefied gas, or chemical carrier could be hijacked and either sunk in a key waterway or crashed into a port facility or population center, turning the vessel's cargo into a gigantic bomb. Many of these scenarios could cause unprecedented loss of life and economic disruption.[19]

Transnational Maritime Crime

Transnational maritime crime involves such economically motivated activity as piracy, smuggling, and illegal migration. Transnational maritime crime has substantial security ramifications. It is costly in human terms and is a major drain on national resources. Furthermore, it has a synergetic effect that exacerbates interstate conflict and nonstate political violence. For instance, illegal migration fuels tension between Malaysia and Indonesia. Transnational maritime crime provides terrorist and guerrilla groups the means to move weapons and personnel, raise funds, and recruit new members. For example, the Gerakan Aceh Merdeka is heavily involved in the smuggling of people, weapons, and other contraband across the Strait of Malacca to sustain its struggle against the Indonesian

government. Similarly, Islamist terrorists are believed to maintain routes in the Celebes Sea to move operatives, explosives, and firearms between Indonesia, Malaysia, and the Philippines.[20]

Though transnational maritime crime rarely presents a direct threat to states, piracy and robbery at sea are such severe problems that they are now perceived to do just that. These attacks take a variety of forms. In their most innocuous form, unarmed robbers slip on board ships and remove such valuables as cash, jewelry, and electronics. At the other extreme, pirates hijack ships outright, killing the crews or setting them adrift, removing the cargo, and fraudulently altering the ship's identity. As shown by the table, the frequency of pirate attacks, though apparently not increasing, is already of dangerous proportions. Piracy is also growing more violent and complex. First around the Sulu Sea, and since 2001 in the Strait of Malacca, pirates have been taking crew members prisoner and ransoming them from hidden jungle camps. Similarly, automatic weapons and grenade launchers, previously found mainly in the hands of Filipino pirates, have also become commonplace in the Strait of Malacca.[21]

REPORTED PIRACY AND SEA ROBBERY ATTACKS IN SOUTHEAST ASIA

	2003	2002	2001	2000	1999	1998
Global Attacks	445	370	335	469	300	202
Attacks in Southeast Asia	189	170	170	257	167	99

Source: International Maritime Bureau, *Piracy and Armed Robbery against Ships Annual Report,* 1 January–30 December 2003 ([Kuala Lumpur]: January 2004), p. 5.

Piracy may have a nexus with terrorism. Security officials have suggested that terrorists might work with pirates or adopt their techniques. A case in point was the March 2003 hijacking of the chemical tanker *Dewi Madrim,* during which pirates wielding assault rifles and VHF radios disabled the ship's radio and took over the helm for about half an hour before kidnapping the captain and first officer for ransom. What looked like just another act of piracy may in fact have been—as many observers, including Singapore's deputy prime minister, Tony Tan, have suggested—a training run for a future terrorist mission.[22]

Harm to the Maritime Environment

The power of environmental phenomena is unquestionable, given the recent memory of the December 2004 Indian Ocean tsunamis that killed (according to estimates at the time of publication) well over two hundred thousand people. In addition, environmental damage not only causes direct harm to land, water, and populations but can precipitate tension or conflict within or between states. This being the case, resource depletion and human degradation of the environment have been recognized as directly relevant to Southeast Asia's security agenda.[23] Hydrocarbon resources are central factors in the strategic calculus in

such conflicts and disputes as those in Aceh and the South China Sea. Although less frequently discussed, damage done to the marine environment—damage to tropical reefs, oil spills, overexploitation of fisheries, etc.—has also impacted Southeast Asian security. For example, the destruction of reefs and overexploitation of fishing groups are contributing to Indonesian poverty and exacerbating domestic violence.[24] Similarly, foreign trawlers have been targeted by guerrillas in the southern Philippines because these are seen as holding unfair technical advantages in the race to harvest fish from traditional Moro fishing grounds.[25] At the interstate level, rapid depletion of fisheries has contributed to tension between Thailand and Malaysia and between Thailand and Myanmar.[26] While environmental degradation is unlikely to be the direct cause of military conflict in Southeast Asia, it poses a real threat by undermining international relationships, economic development, and social welfare. As regional industries continue to abuse the environment, these security threats will continue to rise.

FACTORS ENABLING GREATER COOPERATION

Structural, normative, and economic changes to the regional system are enabling greater maritime security cooperation. Some of these changes are direct results of the global recognition of terrorism as a preeminent security threat, while others are a continuation of older regional trends already visible in the post–Cold War era. The changes can be summarized by looking at five key factors: relaxing sovereignty sensitivities, extraregional power interests, increased prevalence of cooperation norms, improving state resources, and increasing prioritization of maritime security. These five factors are not necessarily distinct; they are analytical concepts used to describe interrelated and complementary themes present in the evolving regional "orchestra."

Relaxing Sovereignty Sensitivities

Sovereignty sensitivities are traditionally extremely high among Southeast Asian states, and they play defining roles in the foreign policy formulations of these states. These sensitivities have made the principle of nonintervention the bedrock of intraregional state relations; they are undoubtedly the single most powerful inhibitor of maritime cooperation in Southeast Asia. In fact, they have until very recently been seen as almost completely eliminating the possibility of cooperative ventures that even might compromise or qualify exclusive sovereign rights.[27] Even cooperative ventures that do not directly undermine sovereignty, such as joint exercises or voluntary information sharing, are viewed with caution lest they lead to creeping infringement. In some cases, reduction of sovereignty seems tantamount to decreased security; in other cases, leaders fear that cooperation might expose to their domestic constituencies problems that they

desire to downplay. In yet other cases, national pride and the desire for prestige make governments reluctant to reveal inadequacies to their neighbors.[28]

There are signs, however, that sovereignty sensitivities may be relaxing, at least in the maritime area. Even a slight easing would be remarkable, since aside from the factors above, many Southeast Asian states have strong practical reasons for maintaining exclusive sovereignty over their waters. Most of the coastal states rely heavily on offshore economic resources. Furthermore, foreign powers have historically operated within the national waters of several, specifically to undermine state security. In more recent years regional states have seen ample need for legal restrictions on shipping in their waters. For example, in May 2003 Indonesia banned foreign vessels without explicit permission from waters adjacent to the province of Aceh, where it was attempting to suppress a rebellion. Similarly, Malaysian authorities have restricted maritime traffic to specific corridors in order to improve security on Sabah's eastern coast and offshore islands. In general, the region's few operationalized cooperation arrangements have been carefully crafted to minimize their impact upon state sovereignty. For example, coordinated maritime patrols have not been coupled with extraterritorial law-enforcement rights, extradition guarantees, or "hot pursuit" arrangements.

Nonetheless, in recent years states have been increasingly willing to allow infringement upon or qualification of their sovereignty for the sake of improved maritime security. Perhaps most significantly, in 1998 Malaysia and Indonesia requested the ICJ to arbitrate the ownership of Litigan and Sipadan Islands, and in 2002 Indonesia accepted a ruling in favor of Malaysia. To provide another example, Singapore and Malaysia have also accepted what they might have considered infringement of their sovereign rights by allowing the stationing of American personnel in their ports to ensure the fulfillment of International Maritime Organization and U.S. security standards. Thailand has accepted similar arrangements in principle.

The decision by Indonesia and Malaysia not to protest Indian and U.S. naval escort operations in the Strait of Malacca in 2001 and 2002 is a further example of increasing flexibility with regard to maritime sovereignty. Although these extraregional navies only escorted vessels through the Strait of Malacca—an activity clearly legal under the terms of the Third UN Convention on the Law of the Sea—these operations could easily have been construed by sovereignty-sensitive states as akin more to law enforcement than to transit passage. Indeed, media outlets commonly (and incorrectly) referred to the operations as "patrols." Furthermore, both Indian and American officials were reported as making statements that could imply that the operations were more than just escorting. The *Straits Times,* which characterized the operations as "the joint

patrolling of sensitive, pirate-prone waters," quoted an Indian official as describing the mission as "regional policing."[29] Similarly, *Navy Times* referred to "joint patrols" and reported American sailors as saying that their "attention to detail on [the] patrol mission" had been heightened by anger over the events of 11 September.[30] *Navy Times* also quoted the assistant operations officer of one of the ships involved as saying, "We didn't catch anybody," which could have been interpreted as evidence that the crew was seeking out criminals rather than simply safeguarding ships exercising free navigation.[31] Although the regional accommodativeness followed considerable U.S. preemptive diplomacy and a reluctance to interfere with American security efforts in the wake of 9/11, it nonetheless demonstrates Malaysian and Indonesian willingness to make concessions when doing so seems advantageous.

Indonesian and Malaysian officials did not show the same restraint in 2004 after misleading reports regarding the Regional Maritime Security Initiative (RMSI), a U.S.-suggested protocol to foster the sharing of information. When international media sources incorrectly reported that Admiral Thomas B. Fargo, USN, Commander, U.S. Pacific Command, had testified before Congress that Special Forces and Marines in small craft would be deployed under RMSI to safeguard the Strait of Malacca, Malaysian and Indonesian officials asserted in strong language their sovereign control over the waterway. Though their statements did not completely bar cooperation, the very public, highly rhetorical, and inflammatory nature of the episode put the United States on the diplomatic defensive.[32] RMSI had been discussed openly for months and would have in no way challenged the sovereign rights of regional states.[33] Nonetheless, the fallout was so severe that the U.S. State Department issued special press releases correcting the media reports of Admiral Fargo's testimony.[34] Six months later senior Malaysian and Indonesian officials, such as Malaysian deputy prime minister Najib Tun Razak and Indonesian navy chief Bernard Kent Sondahk, were still criticizing perceived American intentions to violate their sovereignty.[35] If sovereignty sensitivities have relaxed, then, they remain central. Still, they do not amount to absolute limits on maritime cooperation when the perceived benefits are suitably high.

Extraregional Power Interests

Maritime cooperation in Southeast Asia has been historically limited by extraregional rivalries. During the Cold War all security arrangements were managed within the context of the Soviet-U.S.-Chinese bi/tripolar structure.[36] In the immediate post–Cold War era, the Soviet Union's role in Southeast Asian affairs evaporated, but developing rivalry between China and the United States now constrained cooperation. Some American policy makers sought to contain

China, while China's generally realpolitik outlook made it distrustful of maritime security cooperation through the 1990s.[37]

Today, however, all extraregional powers involved in Southeast Asian maritime affairs have aligned their interests toward maritime security cooperation, especially protecting navigation in strategic sea lanes from transnational threats. Most important among these powers are the United States, Japan, and China, but Australia and India, two large neighbors with substantial navies, have also demonstrated commitment to maritime security cooperation in Southeast Asia. This convergence of interests not only removes inhibitors previously at play but encourages new cooperation.

Since 11 September 2001, the United States has furthered regional maritime security in a number of ways, including promoting an "alphabet soup" of antiterrorism-focused cooperation in Southeast Asia. Two such initiatives are the CSI (Container Security Initiative) and PSI (Proliferation Security Initiative), global initiatives that focus to a considerable degree upon Southeast Asia. In contrast, the RMSI and its follow-on programs are limited to the Asia-Pacific. American maritime authorities like Secretary of Navy Gordon England and Admiral Fargo have used speaking engagements to draw attention to transnational maritime threats and the desirability of greater international cooperation.[38] An April 2004 joint U.S.-ASEAN workshop on "Enhancing Maritime Anti-Piracy and Counter Terrorism Cooperation in the ASEAN Region" reflected American commitment to that end. In fact, U.S. enthusiasm for maritime security cooperation is so strong that it risks being seen as hegemonic and inspiring a regional backlash, like that surrounding RMSI.

Officers directly involved in the trilateral patrols state privately that the patrols are often matters more of "show" than of real utility.

Japanese devotion to improving Southeast Asian maritime security cooperation predates the events of 2001 and should be regarded as separate from, if in alignment with, American interests. Japan is economically dependent on Southeast Asian sea lanes for more than 80 percent of its petroleum, as well as other strategic commodities, such as coal, uranium, grain, and iron ore. These waterways also carry Japanese manufactured goods to Europe, Australia, the Middle East, and Africa. Therefore, safety of navigation is vital to Japanese comprehensive security and a major policy objective. To this end, Japanese nongovernmental organizations (NGOs) and the government in Tokyo have funded navigation aids, conducted hydrographic surveys, and supported various other maritime safety programs for decades. Since 1999, Japan has vigorously promoted a number of more direct security initiatives. The most radical of these,

the Ocean-Peacekeeping concept, which called for a multinational naval force to patrol both international and national waters, has been tabled; nonetheless, Japanese NGOs like the Nippon Foundation, the Ship and Ocean Foundation, and the Okazaki Institute continue to press for multilateral operationalized maritime security solutions. Since 2000, the Japanese Coast Guard has formed bilateral training and exercise agreements with the maritime law enforcement agencies of six Southeast Asian states. Its ReCAAP endeavors have also been successful, although ReCAAP's results are far less ambitious than the Japanese ideal concept.[39]

Since the mid-1990s China's stance on maritime security cooperation has been reoriented away from a belligerent position characterized by hard stances and the absolute value of sovereignty toward a posture favorable to discussion and dispute management.[40] As late as 2000 China was still strongly opposed to multilateral maritime cooperation, as demonstrated by its positions at an ARF antipiracy meeting in Mumbai and Japanese-sponsored conferences in Tokyo.[41] Since then its position has grown considerably less obstructive, and it has positively contributed to discussions on enhancing security cooperation. This trend seems to mirror, but perhaps run a couple of years behind, a general Chinese shift away from defensiveness and toward cooperativeness. In late 2003, China conducted its first international maritime exercises in decades—brief search-and-rescue programs with India and Pakistan.

Australia—with a longtime involvement in Southeast Asian security exemplified by its deployment of troops to fight communist insurgents in Malaya and Vietnam, continued commitment to the FPDA, and its peacekeeping mission in East Timor—has made recent contributions to regional maritime and nontraditional security. The Royal Australian Navy has increasingly assumed constabulary roles appropriate to transnational threats, and in 2004 it carried out command-level sea-lane security exercises with several regional states.[42] Strong Australian support for improved regional maritime security is reflected in Prime Minister John Howard's commitment to fighting terrorism and to a vast new program that includes a maritime security zone reaching into Southeast Asian waters.[43]

India also has become increasingly involved in Southeast Asian maritime security, as part of its reinvigorated activism in the wider Asia-Pacific region and its "Look East" policy, aimed at strengthening its influence in Southeast Asia specifically. As seen above, in 2002 the Indian and U.S. navies worked together to ensure the safe transit of high-value units through the Strait of Malacca. In 2003 a Singapore-India agreement to improve maritime and counterterrorism cooperation resulted in the planning for joint exercises on sea-lane control, the first Indian exercise in Singaporean waters. Shortly after the previously described Indonesia-Malaysia-Singapore coordinated trilateral patrols of the Strait of

Malacca began, India raised the possibility of contributing itself. In September 2004, India and the Indonesian navy began joint patrols of the Six Degree Channel, the waterway just west of the Strait of Malacca, which lies between Indonesia's Aceh Province and India's Nicobar Islands. These active measures have been complemented by Indian navy port visits throughout the region and training exercises with the navies of almost every coastal state.[44] In addition, India has sought to coordinate with other extraregional maritime powers, such as the United States, Australia, and Japan. For example, New Delhi has suggested to Prime Minister Koizumi that Japan resume some of its more aggressive initiatives.[45]

Increasing the Prevalence of Cooperation Norms

Although the Southeast Asian states coexist peacefully, their conflicting interests, contrasting populations, nationalistic tendencies, and histories of warfare continue to burden interstate relations. Even disputes without specific maritime dimensions inhibit maritime security cooperation, by limiting dialogue and aggravating distrust. However, since the end of the Cold War regional institutions and NGOs have made considerable progress in fostering cooperation norms.

The blossoming of maritime confidence- and security-building measures and other cooperation agreements have established such norms of cooperation and made the operationalizing of future endeavors much easier. The dialogue norms are embodied in and sustained by institutions like CSCAP-MCWG, SCS Workshops, WPNS, the ARF Maritime Focus Group, the APEC Working Group on Maritime Security, and ReCAAP (all mentioned above). Although obligating member states to relatively little and consistently reaffirming the "ASEAN way" norms of sovereignty preservation and nonintervention, recent ARF and ASEAN documents exemplify the increasing prevalence of cooperation norms. Although some scholars might debate their specifics, the value of dialogue and MCSBMs cannot be simply disregarded.[46] Even the most skeptical would not suggest that the new cooperation norms in Southeast Asia reflect a negative trend. Regular cooperation improves the information available to states, builds familiarity, lowers transaction costs, reduces distrust, and creates habits of consultation. Therefore, it may be that the decade of maritime confidence and security building that preceded the emergence of terrorism as a major threat enabled the relatively rapid development of cooperation in the last two years.

Improving State Resources

Regional maritime security cooperation has also been limited by a lack of resources. Not only have many of the Southeast Asian states faced challenges to their economic development, but most of them possess sea territories disproportionately large with respect to their land areas and cannot properly patrol them. Only Singapore and Brunei, relatively wealthy states with modest

territorial seas, are capable of adequately securing their maritime territories. This is one of the reasons states have generally given their own operations priority over international cooperation.[47]

Resource shortages were exacerbated by the Asian financial crisis of 1997, which caused several states, including Malaysia, Singapore, and Thailand, to delay plans to expand and improve their maritime capabilities. The effect was especially profound in Indonesia, where economic hardship and an American spare-parts embargo have so immobilized the national fleet that only an estimated 15 percent of Indonesia's naval and law enforcement ships can get under way at any one time.[48]

In recent years, Southeast Asian economies have recovered, and the resources necessary to sustain the deployment, and in some cases even expand the capabilities, of maritime forces are again available. Since 2001, Malaysia, Singapore, the Philippines, and Thailand have all taken possession of new naval ships. Malaysia is committing the resources necessary to establish a new coast guard force to relieve its currently overburdened navy and maritime police. These trends are expected to accelerate in the near future, and regional governments are expected to double their expenditures on new naval ships by 2010.[49] This is not to say that the problem of resource shortages has been solved. Most significantly, in the state with the largest sea territory, the Indonesian maritime forces continue to suffer from a critical lack of resources to maintain and operate their ships. However, speaking generally of the region, economic recovery is encouraging improved maritime security cooperation.

Increasing Prioritization of Maritime Security

Maritime security concerns compete for attention with traditional military threats, guerrilla insurgencies, narcotics production, organized crime, and poverty; accordingly they have historically held rather low positions in the interest hierarchies of most Southeast Asian states, even those with large maritime territories, such as Indonesia and the Philippines. Since the Cold War ended, and even more so in the twenty-first century, however, maritime threats have been steadily rising as state priorities. Singapore, which sees maritime security as an existential issue, has clearly taken the most interest in improving it.[50] However, Thailand, Malaysia, Indonesia, and the Philippines are all giving maritime security increasing priority as well. This shift has been due to a combination of the disappearance of Cold War menaces and the increasing recognition of maritime dangers.[51] Deadly terrorist attacks like those against *Our Lady Mediatrix, Cole, Lindberg, Kalifornia,* and *Superferry 14,* let alone those in New York City, Bali, and Madrid, have further sensitized policy makers to the need for action. Their growing concern is clearly reflected in their public comments.

THE FUTURE OF COOPERATION

The structural, economic, and normative changes that have accompanied Southeast Asia's transition from the immediate post–Cold War years into the twenty-first century are creating unprecedented opportunities for maritime cooperation. However, powerful constraints, most notably acute sensitivities over sovereignty, interstate distrust, resource competition, and fiscal shortages, remain. Therefore, cooperation will not be unlimited, but will grow incrementally. Within this framework certain forms of cooperation—those that maximize perceived benefits but minimize perceived costs—will develop more quickly than others.

Global Cooperation

Global cooperation is characterized by the accession of states to international conventions or other cooperative agreements of worldwide scale. Although global institutions like the United Nations, the International Maritime Organization, and the International Chamber of Commerce's International Maritime Bureau are proactive about improving maritime security through increased cooperation, the diverse interests of their constituencies suggest that their measures will progress slowly. Southeast Asian states, with the exception of Singapore, will most likely be followers rather than leaders in the development of these measures, complying with initiatives that offer net advantages. Singapore, a relatively rich nation with a strong maritime outlook, a critical dependence on international trade, and a security strategy that relies heavily upon international cooperation, may lead the way.

The regional responses to global cooperation initiatives will be similar to those executed in response to the International Maritime Organization's comprehensive ISPS Code, which came into force on 1 July 2004. In general, and as noted, Southeast Asian states, ports, and shippers have made significant progress toward compliance; Singapore did so months ahead of schedule, implementing measures significantly beyond the minimum requirements. Nonetheless, and despite the threat of lost tonnage and increased insurance rates, there are still port facilities—less prosperous, many of them handling only small volumes of cargo bound outside the region—that remain noncompliant several months after the deadline.

Regional Cooperation

Even when extraregional powers participate, a multilateral cooperative arrangement may be considered regional if its goals are primarily regional. In Southeast Asia, the development of stronger multilateral arrangements for maritime security cooperation has received wide discursive endorsement. Such cooperation could come in the form of new multilateral agreements or be superimposed on

an existing organization, such as ASEAN, ARF, or APEC. In particular, it seems quite likely that existing regional organizations will develop new initiatives, most probably expanded dialogue, issuance of declaratory statements of intent, and improved information sharing. However, considering the diverse interests of their members, sensitivities, and long-standing insistence upon nonintervention, they are unlikely to institute major operational measures.

New regional agreements, however, are less promising than those that build on existing institutions, for a number of reasons. Most importantly, regional states are distrustful of new organizations for fear of hidden agendas or that improperly crafted entities may spiral out of control and infringe upon state sovereignty and resources. Not surprisingly, extraregional powers prefer new multilateral frameworks, precisely because the protocols can be customized for their purposes. The result is typically an unsatisfactory compromise; the newly formed ReCAAP is a case in point. After long negotiations, this Japanese-sponsored group emerged as a nonbinding, externally funded organization empowered only to collate information voluntarily submitted. A senior Japanese government official directly involved in operationalizing maritime security efforts calls it "a very, very small step forward."[52]

Bilateral Cooperation

Bilateral cooperation, though it involves only two states, can be more productive than multilateral initiatives in producing operational maritime cooperation. Where multilateral cooperation often develops only to the level acceptable to the least keen partner, bilateral arrangements match the aligned interests and so maximize productivity. Bilateral approaches can also minimize distrust and sovereignty sensitivities; areas of disagreement can be more readily identified and then capitalized upon or adapted around, as appropriate, when only two states are involved.

Bilateral agreements are most likely to be operationalized between states that have generally cooperative outlooks, are least distrustful of each other, and share security interests. A prototype would be the coordinated Malaysian-Thai border patrols. The two states have a history of cooperation, going back to joint prosecution of the communist insurgents who once used bases in Thailand for attacks in Malaysia. Although tenuous at times, this cooperation eventually allowed cross-border "hot pursuit," the only such instance between ASEAN states.[53] Although the imperfection of this relationship can be seen in Thai prime minister Thaksin Sinawatra's December 2004 charges (and the angry responses to those statements) that insurgents in the south of his country had received training and support in Malaysia, this history has underlain bilateral cooperation against the current separatist insurgency in southern Thailand. Though some Malaysian

government officials may personally sympathize with the Malay rebels, who are ethnic brethren, Malaysian policy makers clearly understand the security risks involved. In addition, Thailand and Malaysia both worry that the unrest in Aceh could cross the Strait of Malacca if not managed carefully. Similar cooperation will probably occur between other states as well—though constrained by a variety of factors and emerging only where security threats are most direct and perceived costs are lowest.

Networked Cooperation

If bilateral agreements are more likely than multilateral endeavors to produce operational cooperation, the most profitable form of future cooperation will be synergetic networks of bilateral arrangements. Because they are based on bilateral agreements, networked cooperation arrangements enable states to customize the most direct relationships so as to maximize value and minimize risk. The networks, however, also increase trust and understanding between all their members, thus reducing the costs of building further cooperative relationships. Such networks would be informal at first, but once formalized would provide benefits to parallel those of multilateral arrangements. Even as informal arrangements, however, cooperative networks promote security. The idea draws upon the American "hub-and-spokes" strategy of alliance building in Asia but, as is characteristic of networks, does not necessarily require a "hub." In other words, although cooperative networks often arise through the leadership of a powerful state, they can develop without a hegemon. Simply increasing the number of bilateral agreements within the region expands the network and binds regional states more thoroughly into ever greater cooperation.

An example of a mature cooperative network underpinned by a major power is the annual COBRA GOLD military exercise held in Thailand. COBRA GOLD began as a bilateral maritime warfare exercise between the United States and Thailand in 1982. In 1999 the United States capitalized on its strong relationship with Singapore to persuade its armed forces to participate. Since then the exercise has continued to expand on the basis of American bilateral agreements and now includes the Philippines and Mongolia, as well as observers from ten other countries. Participants remark on how the exercises bring them not only closer to the United States but to each other, and how the common training experiences improve mutual understanding. With even more participants invited for future exercises, COBRA GOLD is the region's most developed formal cooperation network and a model for operational improvement in regional maritime security.

The trilateral Strait of Malacca patrols (involving Singapore, Indonesia, and Malaysia) constitute a cooperation network that developed from an informal network of bilateral agreements without external leadership. In fact, it seems

that one motivation for their development was to exclude the United States and, to a lesser extent, Japan from direct, visible roles in Strait of Malacca security. The trilateral patrols built upon bilateral patrols conducted by all possible pairs of the three states for more than a decade. Without the history of bilateral cooperation, the trilateral patrols are unlikely to have been formalized so quickly or to have reached the same level of operationalization.

The potential for the strengthening of this network is clear from suggestions that Thailand and India might join. As India already executes coordinated patrols near the Strait of Malacca with Indonesia, and Thailand does so with Malaysia, these two states are already part of an informal cooperative network. The public discussion of the potential for expanding the currently trilateral program is one way in which a five-state network may become formalized.

An example of a nascent network involves Japan, Malaysia, and the Philippines. Already the Japanese Coast Guard cooperates extensively with both Southeast Asian states. It has conducted antipiracy training with both states, has designed new training curricula for the Philippine Coast Guard, and is advising Malaysia in the establishment of that country's own coast guard. These two bilateral relationships are growing stronger and as they mature will naturally proliferate into a network by which the Malaysian and Philippine coast guards will develop greater trust and understanding of each other through their common involvement with the Japanese.[54] Although it may take time to develop, this network will reduce tension, ease the flow of information, and perhaps lay the groundwork for new bilateral relationships between Malaysia and the Philippines.

Although networked cooperation holds the most potential for improving regional security, such networks are not necessarily easy to create. An example of an unsuccessful attempt is the Japan Coast Guard's failure to organize existing exercise programs with Singaporean and Indonesian maritime security forces into a trilateral agreement. The hurdles include Indonesia's lack of resources, Japanese constitutional provisions that ban the Japan Coast Guard from working with the Indonesian navy, and the anti-Japanese sentiment that still persists more than fifty years after World War II. Still, networked cooperation holds the greatest potential for tangible improvement in regional maritime security.

CAPITALIZING ON OPPORTUNITIES

Although Southeast Asian states have taken significant steps toward improving their maritime security cooperation during the post–Cold War period, serious maritime threats endanger the regional states and their populations. At the same time, structural, economic, and normative changes in the Southeast Asian security complex are broadening and operationalizing maritime cooperation.

Despite these improvements, major obstacles remain. Although sovereignty sensitivities have relaxed slightly, states continue to be wary of even small erosions of exclusive rights. Similarly, although dialogue is becoming a behavioral norm, distrust remains high and threatens to stymie efforts to develop maritime cooperation that goes beyond discourse.

Nonetheless, neither sovereignty issues nor distrust are absolute restraints on cooperation. Given the alignment of interest among extraregional powers, the strengthening of regional cooperation norms, the higher priority now given to maritime security, and the growing resources available to regional maritime security forces, the time is right to press for enhanced maritime security cooperation. Bilateral and multilateral efforts both have potential when states can identify interests, capitalize on opportunities, and ameliorate obstructions. At the same time, governments should seek to network existing relationships, bearing in mind that while formal networks are most valuable, informal arrangements are also of benefit. Further research into how policy makers perceive the stakes would be valuable. Such studies will improve their ability to exploit current opportunities and create new opportunities for maximizing security cooperation—as they must do in the immediate future, because the maritime threats in contemporary Southeast Asia are dire.

NOTES

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