



Asean maritime security cooperation

Rosnani^{1,*}, Dudi Heryadi², Yanyan M.Yani², Obsatar Sinaga²

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ABSTRACT

The maritime environment has become a contested zone by many countries in the world. Despite being an arena for competition, it also provides space for cooperation. This article will show how maritime security concerns influence state decision to work jointly particularly in Southeast Asia Region that transform their focus from low-political issue to maritime security. The author argues that ASEAN maritime security cooperation is needed due to the significant change in political constellation that mainly related to maritime security both traditional and non-traditional threats. Problems such as maritime terrorism, armed robbery, piracy, and illegal trade activities grow rapidly and affect the international shipping security such as Malacca, Singapore and Lombok Strait. Based on the data analysis, ASEAN should establish a comprehensive model of cooperation on combatting various non-traditional crimes in its Region. Leadership and trust are essential to establish stronger maritime security cooperation related to the security of sea routes in the Southeast Asian Region.

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1. Introduction.

For thousands of years, the sea has been the source of people's lives because it contains abundant natural resources. Aside as a mean of transportation, sea becomes the main media for global trade. 80% of international goods trade transactions are carried out at sea, and in most developing countries, the proportion is even higher. (UNCTAD.org, 2021). That is why the value of the sea as a transport mode is very large. However, the great value and benefits of the sea are inseparable from the many potential threats arising from various types of crime like traditional and non-traditional crime. Particularly, non-traditional crimes are increasingly rampant along with the acceleration of sea transportation. Piracy, armed robbery, illegal trade, smuggling are non-traditional crimes that cross national borders and pose a threat to world maritime security.

The increasing prevalence of various transnational threats has encouraged the formation of international cooperation. By

combining the resources and capabilities of the state, security which tends to be defined rigidly and limited in national scope can be understood from a flexible and cooperative perspective (Dabova, 2013). That today's non-traditional security threats can no longer be handled by one country alone due to the emergence of new actors makes them also face the existing threats. Although the nature and scale of involvement of these actors depends on their motivation, capacity and interests, their involvement can also be seen in terms of effectiveness. Their participation could be ineffective in overcoming the security problems but otherwise can be considered successful in fulfilling security needs and providing alternative in dealing with security threats (Liss, 2013). The existence of a common interest in combatting the maritime transnational crime threat can lead to an interest readjustment in various regions including the Southeast Asia Region. Cooperation in the Southeast Asian Region in the maritime environment does not compromise the national interests of regional countries in defending their maritime sovereignty.

Security cooperation in the Southeast Asia Region has been going on for decades. Even though at the beginning of formation, the members of ASEAN more focus on economic, social and cultural development, global dynamics and changes at the international level have made security as important issue in ASEAN cooperation. According to Thayer (2010), there are 4

¹Doctoral Candidate in the Department of International Relations, Faculty of Social and Political Science, Universitas Padjadjaran, Bandung, Indonesia.

²Department of International Relations, Faculty of Social and Political Science, Universitas Padjadjaran, Bandung, Indonesia.

*Corresponding author: Rosnani. E-mail Address: rosnani17001@mail.unpad.ac.id

primary patterns of security cooperation in Southeast Asia: the first pattern includes multilateral protection cooperation among external powers and every Southeast Asian country that designed to cope with particular security issues. The examples of this pattern are The Five Forces Defense Arrangement (FPDA) and Japan's anti-piracy efforts. The second pattern is defense and security cooperation led by United States which cooperate with treaty allies, strategic partners, and others in the Asia-Pacific region. The third pattern targeted on multilateral efforts led by China. This attempts tries to bind ASEAN security cooperation shape with the main concern is on on non-traditional security issues. The last pattern includes ASEAN- centered multilateral efforts to enhance security cooperation each amongst its members and ASEAN Regional Forum members (Thayer, 2010).

The Southeast Asian security environment can be seen as a layer of the four security cooperation patterns, including the regional maritime security cooperation pattern. Discussions on maritime security are often carried out with reference to threats that apply in the maritime domain (Klein, 2011; Kraska & Pedrozo, 2013). Southeast Asia is one of area that is vulnerable to various maritime crimes. This area has 4 lanes out of 9 lanes of Sea Lines of Communication (SLOCs) in the world and also links two oceans, namely the Indian Ocean and the Pacific Ocean. That is why the sea route in the Southeast Asia Region is important for the flow of goods and energy transportation along with the appearance of various interests such as Japan, China, Australia and the United States in this region. Increased sea trade activities trigger the emergence of threat in which since 2013 piracy and armed robbery are on the rise. Various cooperative efforts have been carried out by countries in the Southeast Asian Region to overcome these crimes bilaterally, trilaterally and multilaterally. ASEAN as an organization of countries in the region has various cooperation mechanisms to overcome crimes that threaten maritime security in the region.

2. Non-Traditional Maritime Threats and ASEAN Maritime Security Cooperation.

The era of globalization has made national boundaries irrelevant. Various actors emerged and placed themselves in different roles at the international level. The complexity of globalization then produce many non-traditional threats that are increasingly cross-border, particularly those taking place in the maritime domain such as Transnational Organized Crime (TOC) or transnational crime. Transnational criminal groups operate across national boundaries and exist in developed and underdeveloped countries in the Asia-Pacific region. Even some of these groups are more highly structured hierarchically or formally than others like Yakuza in Japan. The TOC has about 86,000 gang members armed with heavy weapons, such as hand grenades and anti-personnel mines (Peou, 2010). TOC according to the United Nations (UN) convention is defined as a structured group formed for a certain period of time and commits one or more serious crimes which are usually aimed at obtaining profit or material either directly or indirectly. The conven-

tion states several conditions for an attack to be transnational if (Finckenauer & Chin, 2007):

1. Take place in multiple countries.
2. The attack takes place in one country, but some preparation, planning, direction and control, and takes place in another country.
3. occurs in one country, but involves organized crime groups that commit criminal activity in multiple countries
4. Take place in one country, but have a big impact on other countries.

In addition, in terms of Non-Traditional Threats that is perpetrated by transnational organized crime consist of five elements. First, non-traditional security approaches concentrate exclusively on states, governments and society at large (as opposed to individual and sub-national groups). Second, it aims at protecting against indirect violence, specially economic and criminal activities, and does now no longer point out the opportunity of the nation being a risk to its very own citizens. Third, in responding to non-traditional security threats, the state becomes an important aspect where cooperative action is needed with neighboring governments. In this context, the role of non-state actors or civil society is not mentioned as an actor in building security. Fourth, as mentioned by Capie and Evans cited in Chang (2011), it emphasizes the principle of sovereignty and non-intervention, avoiding human rights, humanitarian intervention and democracy. In this addendum to the Secretary-General's Report on the Law of the Sea (A/63/63), Ocean Security addresses three issues. That is, (1) terrorist attacks on ships and offshore facilities (2) piracy and armed robbery, (3) traffic in illegal drugs and narcotics and psychotropic substances (Secretary-General & Nations, 2008). Threats that arise are transnational threats so that the handling of these threats is not carried out unilaterally but regionally and multilaterally. In addition, there is also an agreement that the scope of maritime security threats is global and therefore requires international cooperation, especially from coastal countries (Keliat, 2009). ASEAN itself responds to non-traditional threats by taking a different approach to multilateral security cooperation, namely security cooperatives. This approach does not prioritize conflict resolution but aims to build trust, dialogue and avoid potential conflicts. Its main character also does not use a military approach, particularly in the context of Southeast Asian maritime communication line (SLOC).

As a mention previously, SLOCs are an important route for world trade while one-third of world trade and half of oil supply traffic takes place in the Southeast Asia region namely strait of Malacca. Ships that transit in these waters are very vulnerable when entering the narrow strait such as small tankers and fishing vessels that particularly being a vulnerable target for pirate ships. The high volume of traffic in the maritime areas of Southeast Asian countries also encourages pirates to attack (Zara in Kwa and Guan, 2007:65). Threats such as piracy and armed robbery in certain territorial waters in the Southeast Asia Region have contributed to major losses for business actors passing through. In 1996-1997, countries in the Southeast Asia Region began to add TOC issues to their security agenda when

ASEAN leaders considered TOC a threat to security, the rule of law, and the social and moral fabric of society in the Southeast Asia Region. ASEAN countries convened an ASEAN Ministerial Meeting on Transnational Crime and a Senior Meeting by adopting the 1999 ASEAN Action Plan to combat transnational attacks, to enhance their joint efforts and consolidate their co-operation (Emmers, 2003).

In recent years, transnational crime such as piracy, armed robbery, human trafficking, goods and people smuggling, has become one of the most significant threats. In terms of piracy, this threat is not a new phenomenon in Southeast Asia. Piracy has been going on for centuries and has continued to increase since the early 1970s (Liss, 2003). Although according to Liss piracy in the past had a different structural role in global and local interactions compared to contemporary piracy today. A number of major developments triggered the rise of contemporary piracy, including the acceleration of globalization and intensification of the world economy, the end of the Cold War and technological progress. The progress of globalization and the intensification of the global economy have brought major changes in the Southeast Asian region, especially after the cold war. Political and economic transformation is one of factors that triggers increasing maritime commercial traffic then providing a potential target for pirates and robbers at sea. On the one hand, the significant development of global economy provides benefits for some people, while others experience misfortune because it also produce social gaps where piracy and robbery are alternatives to support hungry families (Liss, 2003).

These threats then transform national maritime security issue to regional and international maritime security. At the regional level, events in Southeast Asia may affect maritime safety in neighboring countries as well as on the international community. It is therefore important for ASEAN as an organization in the Southeast Asia Region to response not only with a policy making but also a consistent legal framework that accordance to international law of the sea to address the various threats and challenges of today's maritime security. Strengthening cooperation is important as an effort to respond to various security challenges, especially in the maritime sector. Regional Security is one of the seven aims and objectives of the ASEAN Declaration that was formed to ensure disputes among Southeast Asian countries can be resolved peacefully (Severino, 2008). The nature of ASEAN institutions that uphold the principles of ownership of their member countries through the principle of non-intervention is one of the efforts to create a peaceful, conflict-free region.

For countries in the Southeast Asia Region, there is a need to maintain their political bargaining power in order to have influence both regionally and internationally so they keep showing their willingness to cooperate. Thus, ASEAN was formed as a capable regional organization of managing various regional issues. Since its commencement, ASEAN's goal refers to regional peace and security through non-military means and focus to the low-political issues such as economics and socio-culture. Along with the development of the international world and security issues, ASEAN expanded the cooperation agenda towards security issues. One of the security agendas that be-

come ASEAN concern is the issue of maritime security considering Southeast Asian region is dominated by coastal countries. The security of the Southeast Asian region under the ASEAN umbrella is discussed in one of ASEAN community Pillars, namely the ASEAN Political Security Community (APSC). In ASEAN Summit on December 1997 at Kuala Lumpur, ASEAN Heads of State reached an agreement to establish Southeast Asian countries outward-looking, stability and prosperity, living in peace, partnering with dynamic development and a caring community (ASEAN.org). For making this vision concrete, the ASEAN Heads of State adopted the ASEAN Concord II Declaration (Bali Concord II) in 2003, which formed three pillars of ASEAN Community in 2020. The pillars are the ASEAN Economic Community (AEC), ASEAN Socio-Cultural Community (ASCC) and ASEAN Political Security Community (APSC) which focus on all kinds of regional security.

Having the same values and norms, being cohesive, peaceful and highly resilient, as well as dynamic and outgoing are the characteristic of APSC (APSC Blueprint). In the 2009-2015 APSC Blueprints, it is explained that ASEAN has consolidated ASEAN political and security cooperation for four decades in a comprehensive and concrete manner with the aim of ensuring peaceful coexistence between the people of ASEAN and member states in the democratic and harmonious environment. During the seven years APSC Blueprint implementation, ASEAN has deepened and expanded political and security cooperation to strengthen ASEAN's ability to tackle regional and international challenges and strengthen the foundation of the APSC from 2015 as well. This blueprint also takes a holistic approach to security and an outward approach to ASEAN's external relations. Meanwhile, the APSC Blueprint 2025 is intended to continue building on the achievements that have been made in the previous APSC blueprint therefore can increase ASEAN political and security cooperation to a higher level. In APSC, everyone enjoys their human rights, basic freedoms and social justice, lives in a safe environment and has more capacity to respond effectively an emerged new challenge in a lawful and inclusive manner. ASEAN in all sectors of society, regardless of gender, race, religion, language or sociocultural background, are encouraged to participate in and benefit from the process of integration and development of the ASEAN community. (Secretariat of the Directorate General of ASEAN Cooperation, Directorate General of ASEAN Cooperation, 2017).

In 2018, the Sectorial Bodies of the ASEAN Political Security pillar have formulated an appropriate framework that will enable each sector to face challenges under their fields such as the defense sector having adopted the *Guidelines for Air Military Encounters (GAME)*. The set of guidelines adopted in 2017 complements and builds the maritime interaction concept, which serves as a practical trust-building measure for the military to improve operational safety in the air. It also adopts *Concept Paper on Our Eyes Initiative*, to create a platform for intelligence exchange strategies to counter terrorism. Meanwhile, the ASEAN sector on transnational crime adopted the ASEAN Action Plan to Prevent and Counter the Rise of Radicalization and Violent Extremism. The two frameworks are a joint effort of the defense and law enforcement sectors which are expected

to complement each other in efforts to tackle terrorism, violent extremism, and radicalization.

In the process, the APSC then initiated a security cooperation that focuses on the field of maritime cooperation, implementing a comprehensive approach focused on navigational safety and regional security, as shown in APSC blueprints such as the establishment of the ASEAN Maritime Forum, adding maritime issues and identification of maritime cooperation among ASEAN member and encouraging cooperation in maritime security and search and rescue (SAR). It was done through activities such as, information sharing, technical cooperation and exchange of visits by relevant authorities. ASEAN decided to promote maritime cooperation for the sake of creating order at sea for the common interest of its members where the values of maritime strategy in the Southeast Asia Region are the main responsibility of ASEAN as a regional organization. ASEAN has many cooperation mechanisms against maritime crimes such as the *East Asia Summit*, *ASEAN Regional Forum* (ARF), *Expanded-ARF*, *ASEAN Maritime Forum* (AMF), *Expanded-AMF*, *ASEAN Navy Chiefs Meeting* (ANCF), *ASEAN Law Ministers Meeting* (ALMM), *ASEAN Ministerial Meeting on Transnational Crime* (AMMTC), *ASEAN defense Ministers Meeting* (ADMM), *ADMM- Plus*, *ADMM- Plus experts' Working Group on Maritime Security* (Ikrami, 2017). In addition, ASEAN cooperation with dialogue partners also includes maritime issues on its agenda (ASEAN Insights, 2015).

As stated above, the ASEAN cooperation platforms are numerous and seem overlapping. But practically, the main venue for maritime security cooperation is carried out within the AMF, ADMM and ARF. This area requires stronger maritime security cooperation in resolving various non-traditional maritime security threats. However, cooperation in this region from the beginning has sought to build a relationship of mutual trust because ASEAN members seem realize that they experience lack of trust. This is also true due to different perception on maritime security as a result from national interest and sovereignty issue. Hence, ASEAN grows as a regional organization seeking to build a similar perception where maritime security is one of the important aspects in equalizing perceptions. Regarding the issue of sovereignty, ASEAN uses the ASEAN Way as a norm that upholds the sovereignty of member countries. This sovereignty issue often triggers territorial disputes like South China Sea conflict. Most of the islands in the South China Sea, including the Spratly Islands (Taiwan, Vietnam, Philippines, Malaysia, Brunei), the Paracel Islands (China, Vietnam, Taiwan, Philippines, Brunei), and most recently the Scarborough Shoal (China, Philippines) are subject to territorial disputes. The increasing tensions arising from territorial disputes also become the main challenge on active collaboration against maritime security threats.

Conclusions.

The sea has provided enormous resources so every country competes to control over the sea. In Southeast Asian region's context, this competition can be seen in various mechanisms particularly in dealing with maritime security. Piracy

and armed robbery, IUU fishing, smuggling and even prevention of marine pollution are major non-traditional threats to maritime security. Therefore regional cooperation conducted to overcome and prevent various non-traditional threats is of utmost importance. The problem that needs to be solved is the fact that there are not enough organizations that effectively addressed these problems and additional cooperation for strengthening operational capabilities in the sea area with the most cases of piracy. Although most of the ASEAN countries had committed to actively cooperate by conducting frequent and continuous dialogue, but the purpose only for aimed building understanding and trust between countries. There is no legally-binding framework as a result from the dialogues or meetings that are held by ASEAN member. Therefore, the non-traditional threats in Southeast Asian region still remain an issue that attracts the world's attention although various mechanisms have already held both bilaterally, trilaterally and multilaterally. ASEAN should consider this policy is possible considering ASEAN member keep showing their willingness to continue work jointly in high-political issue include maritime security.

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Notes on Contributors.

Rosnani is Doctoral Candidate in the Department of International Relations, Universitas Padjajaran, Bandung, Indonesia. She is also a lecturer in the Department of International Relations, Universitas Bosowa, Makassar, Indonesia. Her research interest includes international security, maritime security

Dudy Heryadi is a lecturer in the Department of International Relations, Universitas Padjajaran, Bandung, Indonesia. His research interest includes International Organization, ASEAN.

Yanyan M. Yani is a Professor in the Department of International Relations, Universitas Padjajaran, Bandung, Indonesia. His research interest includes terrorism, ASEAN, foreign policy analysis.

Obsatar Sinaga is a Professor in the Department of International Relations, Universitas Padjajaran, Bandung, Indonesia. His research interest includes Global Political Economy, Indonesia Foreign Policy.

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