

**ASEAN MARITIME SECURITY
IN THE NEXT DECADE:
A PROPOSE WAY FORWARD**

By

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Abstract

Title: ASEAN Maritime Security in The Next Decade: A Propose Way Forward

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Maritime Security has always been complexed in nature. There are so many variables and tangible that needs to be address. Maritime security draws international attention that often put on the front page. Despite many studies and theories on maritime security, yet no international consensus over any overlapping claims and perfect definitions of a term used in the international law of the sea. The law governing the ocean is use as a principle to discuss any disagreement between parties. This paper will touch on the Maritime Security challenges in ASEAN, the mechanisms governing ASEAN actions, and deliberating the current ASEAN led activities and initiatives. Adding to the confidence building measures for ASEAN is the participation of ASEAN in the regional maritime security environment. The paper will propose three main topics for ASEAN to consider in the next decade. These proposals include human interactions, national policy, and lastly taking advantage on technological advancement.

Preface

The issue address in this paper is nothing new. It is in my interest in looking ASEAN moving forward in dealing with Maritime Security. It is the vision of ASEAN and the region to have a stable and peace maritime region in order to prosper economically. Maritime Security has always been a hot and sensitive issue, as it will trigger several underlying issues and actors. The term Maritime Security need to be understood clearly as different people or organisations would look at it in different perspective depending on what standpoint they are looking at. This is important because the argument would lead to political or security complications.

The research reflects my own understanding of maritime security and only focuses on ASEAN led mechanisms, ASEAN actions, and proposing an idea for ASEAN to consider in the next decade. This paper offers practical implications and also national policy consideration.

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Articles related to my research are mostly via internet web. In some articles, it is their perspective on understanding the term maritime security and concluded their stance. Their contributions were so much helpful in producing this research paper. It is understood that their opinions and ideas are based on their perspective and also their individual vision towards a better future. I managed to get different opinions from writers and concluded my own view.

A site visit to Thai Maritime Enforcement Command Centre (Thai-MECC) at the Royal Thai Navy base was a good experienced. The briefing was comprehensive giving us the understanding how the centre does their duty, followed by a question and answer session at the end. Thanks to Thai-MECC sparing their afternoon enlightening International Students from National Defence College Class 62.

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Chapter 1

Introduction

Background and significant of problems

The issue of maritime security had long existed around South China Sea. The Chinese had drawn their Nine-Dash Lines indicating their claim based on their historical data. According to Sean Mirski a graduate from Harvard Law School and as Supreme Court Chair for the Harvard Law Review that the islands in South China Sea (SCS) only being claimed after World War II where the Chinese establishing themselves in the Spratlys then the following years to Woody and Paracel Island in the northern part of SCS just before the French and Vietnam intended to make a landfall¹. He added that the claimants only rush for control in the 70's as there was indication that the area had a high potential of oil. The SCS issue is always being hot and as headlines and thus at certain occasion during regional meeting such as ASEAN (Association of Southeast Asian Nations), the issue or conflict between members never being raised. This is the basic fundamental of the formation of ASEAN as not to intervene other nations internal issues and if any issue between members to be solve bilaterally. From my point of view, this issue is just like a ticking time bomb where it can trigger once someone makes a total blunder. Mark J. Valencia wrote in *The Diplomat* in September 2018 stating that all claimants in the South China Sea including China and outside powers "are sailing in the same waters but heading in different directions with different mission."² According to his article, every nation had their own agenda and meaning of security, and thus every nation will draw their own mission and priorities. These differences can be considered as the impediment for the progress on addressing the security issues in South China Sea.

With the current geopolitical issues in Southeast Asian region, the tense is getting higher where China (Peoples' Republic of China) is put in the centre of the arena. Political issues around Hong Kong and Taiwan had further shaken the political stability for China and the region, further to that, economically disturbed with the trade war between China and US (United States of America). These had created the uncertainty future in the Southeast Asian region as these two superpowers playing their cards. Not to forget the rise of Russian where their naval ships are now docking around the region and cooperation in exploring parts of South China Sea with the coastal states. This

¹ Mirski, Sean. "The South China Sea Dispute: A Brief History", *Lawfare*. 8th June 2015. <https://www.lawfareblog.com/south-china-sea-dispute-brief-history> Accessed on 24th January 2020.

² Valencia, Mark J. "Maritime Security Cooperation in The South China Sea - Sailing in Different Directions", *The Diplomat*. 17th September 2018. <https://thediplomat.com/2018/09/maritime-security-cooperation-in-the-south-china-sea-sailing-in-different-directions>. Accessed 11th November 2019.

perhaps had triggered concerned to the US as their rival during the era of Cold War is back into play.

According to Centre for Strategic & International Studies (CSIS) for China Power Project, 60 percent of the world trade passes through Asia as calculated by United Nations Conference on Trade and Development (UNCTAD) based on national authorities' inputs³. This made South China Sea very valuable to all economic powers. It is in their interest to ensure the trade routes are safe and secure, and hence the interference from outside ASEAN is certain because of traders' interest. As always being done in order to secure an area, putting your foot on the ground, an eye on the sky to watch, are always the preferred ways as this heighten confident in overseeing the situation. Hence, SCS will always see the presence of maritime security forces in ensuring their valuable assets are safe. Not forgetting high above the ionosphere where the use of satellite to monitor activities.

Whoever in control of the sea route (Sea Line of Communication - SLOC) for sure will be in power. A quote by President John F. Kennedy on board USS KITTY HAWK:

"Events of October 1962 indicated, as they had all through history, that control of the sea means security. Control of the seas can mean peace. Control of the sea can mean victory. The United States must control the seas if it is to protect your security..."

Sea control as stated in the British Joint Doctrine Publication under the topic of Principles and Applications of Maritime Power is:

"...where a maritime force establishes the conditions to allow freedom of action in a particular part of the sea, at a particular time, to the required degree and, if necessary, to deny its use to an opponent. Sea control requires control of the surface and subsurface environments (including seabed), the air above the area in which sea control is required..."

From the quote and doctrine above, clearly indicating that when you have the power to control over something, you can do whatever you want. In order to do this, putting your most capable maritime assets is one of the means.

The development of man-made or artificial islandⁱ in the South China Sea (SCS) was noticed in the past decade. According to Steven Stashwick an independent writer and researcher based in New York City focused on East Asian Security and Maritime Issues, in his journal in the Foreign Policy Argument stated that since 2013 that the Chinese had

³ China Power Team. "How much trade transits the South China Sea?" China Power. 2nd August 2017. Updated 10th October 2019. <https://chinapower.csis.org/much-trade-transits-south-china-sea>

constructed on seven features in the SCS with long-range sensors, port facilities, runways, fuel bunkers, as well as weaponing the island⁴.

The world is wondering why are the Chinese are boosting their military power out in South China Sea (SCS) far away from their main land and outside of the 200 Nautical Miles (NM) claimable Exclusive Economic Zone. One can argue that it is for their safety of their trade route, but one can argue that China is projecting their military offensive power capacity or perhaps as an eye for them to monitor activities around the region. On the other hand, it can be assumed that what the Chinese are doing is simply standing their rights over their claimed historical territory. "... the Foreign Ministry's claims that these "necessary defense facilities" are provided primarily for maritime safety and natural disaster support."⁵ But this statement is arguable as it is noticed that the Chinese had erected air defence and anti-ship missiles in the Spratly last year according to the Pentagon's report on China's military⁶. Undoubtedly the statement from the Chinese Foreign Ministry is contradicting to their action carried out on those islands.

The assembling of air defence and anti-ship missiles had made the US uncomfortable which led the US carried out more Freedom of Navigation and over flight operations (FONOPSⁱⁱ) close to these islands. But what are the sentiment by nations on the rim of South China Sea specially the Philippines and Vietnam as these two countries are the closest to these islands. According to Harry Roque, Philippine Presidential Spokesperson that they (the Filipinos) will one day say thank you to the Chinese for building the islands and believing that one day the Chinese will leave these islands if they ask them⁷. What the Filipinos more concerned was the damage made to coral reef life during reclamation in constructing these islands. The Philippine's Department of Foreign Affairs pegged an economic lost from these damages at US\$100 million where the International Court issued a statement that from the reclamation had "caused severe harm to the coral reef environment and violated its obligation to preserved and protect fragile ecosystems" and thus nullified China's claim⁸. In this instance, the Philippine was taking the action in a different approach, where their concern was precisely on ecosystems, which seems a softer approached but effective that had convinced the International Court of Justice (ICJ). The concerned-on security perspective was based on economic security. Unlike the Philippines, Vietnam took a stronger stance on their claim by partnering with Russia in oil drilling exploration in Vietnam's EEZ within China's Nine-Dash Line claim after two

⁴ Stashwick, Steven. "China's South China Sea Militarization Has Peaked", Foreign Policy Argument. 19th August 2019. <https://foreignpolicy.com/2019/08/19/chinas-south-china-sea-militarization-has-peaked>. Accessed on 20th November 2019.

⁵ *ibid.*

⁶ *ibid.*

⁷ Ranada, Pia. "Roque: One day, we'll thank China for artificial islands", Rappler. 07 February 2018. <https://www.rappler.com/nation/195515-harry-roque-philippines-thank-china-artificial-island>. Accessed on 13th November 2019.

⁸ *ibid.*

companies from India and Spain abandoned after pressured by Beijing⁹. According to the Mourdoukoutas, Chair of the Department of Economics at Long Island University in New York, with Vietnam partnering Russia could be a game-changer as it will be a bit difficult to confront Russia as Moscow will be ready to defend their interest in the region¹⁰. Again, another example of economic security was used to show their stance.

Recently on 30th December 2019, Indonesia had sent a diplomatic note of protest to China as the Chinese Coast Guard (CG) ‘trespassed’ Indonesia’s Exclusive Economic Zone (EEZ) in the northern part of Natuna Island and saying “violation of sovereignty”¹¹. The Chinese did not respond to this statement because, firstly, it is not clear where the violation come in, trespassing through others EEZ is permitted with conditions as stated in UNCLOSⁱⁱⁱ; and secondly, the news was not clear either the Chinese CG had violated the norm such as carrying out exploitation within Indonesia’s EEZ. Therefore, it is wise and correct for the Chinese not to respond to the claim to avoid any further escalation.

Maritime as defined in Cambridge Dictionary as ‘connected with human activity at sea’ and ‘near the sea or coast’. Security is defined as ‘protection of a person, building, organisation, or country against threats such as crime or attacks by foreign countries’, ‘the feeling of being confident’, ‘freedom from risk and threat of change for the worse’. By combining maritime and security, it is clear that the human activities at sea are free from risk and threat, and thus the International Maritime Organisation (IMO) as the regulatory body under United Nations (UN) is the organisation to ensure all aspects of international shipping are safe, secure, and efficient.

The role of the British Forces in Maritime Security as defined in their doctrine as:

“Exploiting powers under international, national and cooperating partner states law, maritime security operations are conducted against a wide range of activities. Principally the focus is on the support to trade, including fisheries, to safeguard national prosperity. However, other activities include: defence (short of war fighting); humanitarian assistance and disaster relief; non-combatant evacuation operations; and countering piracy, slavery, people smuggling, illegal immigration, drug

⁹ Mourdoukoutas, Panos. “South China Sea: Vietnam Has A Smart Strategy to Stop China”, Forbes, 7th August 2019.
<https://www.forbes.com/sites/panosmourdoukoutas/2019/08/07/south-china-sea-vietnam-has-a-smart-strategy-to-stop-china/#1d962d3b2f3c>. Accessed on 13 November 2019.

¹⁰ *ibid.*

¹¹ Reuters. “Indonesia Protests to China over Border Intrusion near South China Sea”, Voice of America – East Asia Pacific. 30th December 2019.
<https://www.voanews.com/east-asia-pacific/indonesia-protests-china-over-border-intrusion-near-south-china-sea>. Accessed on 1st January 2020.

smuggling, arms smuggling, terrorism and the proliferation of weapons of mass destruction.”¹²

The British are coming back to the Southeast Asian region by their first appearance joining US warship for a joint exercise which had caused anger in Beijing which they sent message accusing the British’s action as ‘provocation’¹³. It is predicted that there would be more of these joint exercises conducted in the South China Sea.

Around the world, navies are enhancing their capabilities. Warships are coming into service to provide the nation’s defence posture and to show power. The United States Navy (USN) projecting 40 ships come into service in the next five years as stated back in February 2018 according to Defence News¹⁴. This number is clearly very high which requires a large amount of budget. Why is the USN procuring these warships? One can make an assumption that the USN is projecting their power or perhaps racing against their rivals. As stated by Thomas Callender, a retired submariner and analyst at the Heritage Foundation, the USN had identified their capacity gap, if the navy fail to put more boats will cause more strain on their forces. He further stated “And if you look at the adversaries, the Russian are investing in and building new submarines. The Chinese are as well.”¹⁵ According to H I Sutton a contributor (open source intelligence (OSINT))/writer for Forbes had a significant finding with just a snap shot of Shanghai Shipyard on 13th December recently found that four different types of warships are being constructed in this shipyard, which consisted of two different types of Air-Defence Destroyers, hovercraft for amphibious operation, and an aircraft carrier¹⁶. The photo taken was only from one shipyard. Sutton concluded that the Chinese Navy is changing rapidly which in extends shifting the world naval balance.

ASEAN meanwhile, had to think wisely as an association so as not to been seen taking side as ASEAN always does. Economically driven ASEAN must always adhere to the policy outline during the formation and not forgetting the enhancement of socio-cultural values as stipulated in ASEAN motto “One Vision, One Identity, One Community”.

¹² Joint Doctrine Publication 0-10 UK Maritime Power (JDP 0-10 (5th Edition)). UK: Ministry of Defence, 2017

¹³ Johnson, Jesse. “US and British Warships Joint Forces in the South China Sea for the first time in a clear message to China”, Japan Times. 16th January 2019. <https://taskandpurpose.com/us-british-warships-south-china-sea> Accessed on 12th January 2020.

¹⁴ Larter, David B. “US Navy to add 46 ships in five years but 355 ships is well over the horizon”, Defense News, 12 February 2018. <https://www.defensenews.com/smr/federal-budget/2018/02/13/us-navy-to-add-46-ships-in-five-years-but-355-ships-is-well-over-the-horizon>. Access on 30th November 2019.

¹⁵ *ibid*.

¹⁶ H I Sutton, Forbes, 15th December 2019. <https://www.forbes.com/sites/hisutton/2019/12/15/china-is-building-an-incredible-number-of-warships/#3776c05669ac>, Access on 28th December 2019.

The 35th ASEAN Summit in Bangkok, Thailand recently highlighted in the Chairman's Statement that ASEAN is progressing in the implementation of ASEAN Political - Security Community (APSC) Blueprint 2025 and encourage to continue actions prior to a Mid-Term Review in 2020¹⁷. The statement was further iterated specifically on ASEAN Defence Ministers' Meeting (ADMM) where the "defence sector has continued to deepen cooperation in the existing areas and strengthen relationship with the Plus Countries"¹⁸.

The 13th ADMM held earlier in July 2019 also in Bangkok, Thailand in the joint declaration emphasis on the security challenges which has change rapidly that requires regional integration and connectivity with the support of advancing technology¹⁹. ADMM members also emphasising on working together in a peaceful manner on matters concerning South China Sea (SCS) and hoping for a mutually-agreed Code of Conduct (COC) for an early conclusion in order for a full and effective implementation²⁰.

ADMM in the joint declaration stated that "the importance of maintaining and promoting peace, security, stability, safety and freedom of navigation in and over flight above the South China Sea as well as the need to enhance mutual trust and confidence, exercise self-restraint in the conduct of activities and avoid actions that could further complicate the situation, and pursue peaceful resolution of disputes, in accordance with international laws, including the 1982 United Nations Convention on the Law of the Sea"²¹. From the declaration made, it is clear that ASEAN is promoting security cooperation amongst members in order to sustain peace and stable region for the prosperity of the region.

Maritime capabilities also need attention. The enhancement or modernisation of capabilities need to be adopted with the rapid changing of technology. The reliability of assets for any operations at sea is thus crucial. Coastal states need to have a long-term strategic plan in budgeting and prioritising capability. A good foresight in viewing the situation in South China Sea would have an advantage over the time. The South China Sea region had seen the modernisation and increase of maritime capability.

Examining the past decade issues and challenges occurring in the South China Sea ranges from hijack, piracy/armed sea robbery, and smuggling (contraband items, goods, human) which are the most common issues and are categorised under non-traditional threats. Another issue not to be forgotten is the illegal fishing (Illegal, Unregulated, Unreported).

¹⁷ Chairman's Statement of the 35th ASEAN Summit Advancing Partnership for Sustainability, Bangkok/Nonthaburi, 3rd November 2019.

¹⁸ *ibid.*

¹⁹ Joint Declaration of the ASEAN Defence Ministers' on Sustainable Security, Bangkok, 11th July 2019.

²⁰ *ibid.*

²¹ *ibid.*

The significant issues to be dealt with in the South China Sea is recognising others' EEZ. The overlapping claimant by coastal states can only be resolved mutually between two adjacent coastal states. The international law of the sea only provides the guideline on the limit of any claims. The need to build confident and trust amongst nations in the rim of South China Sea is thus important to avoid any escalation and tension.

Objectives of research

Maritime security issues around the world are never solved easily, it could take years or decades or even will not be resolved. It is so complex that involves presenting evidence to the international bodies with reference to international or customary laws. Further complicating the issues is historical background, which references are we referring to, can we just accept what are being claimed historically or do we comply with the current law of the sea.

To put some perspective as a historical background, the paper will be examining the Chinese so-called the Nine-Dash Line or the U-Shaped Line. This would make the understanding of the overall situation in the South China Sea as it developed in the past decades. The basis of the claim and also the adoption of international laws and norms would have some influence on the situation to a certain degree.

The understanding of the terms used in the international law of the sea is also a vital area that need to be focus on. The different interpretation and viewing from different perspective would create a misunderstanding between each other. Thus, this paper will highlight the differences.

This paper focuses on three objectives as follow:

1. To understand the evolving situation of regional maritime security and the terms used in the maritime world with reference to international law.
2. To examine ASEAN led mechanisms in managing maritime security and the conduct of activities to mitigate the challenges.
3. To propose way forward for ASEAN in the next decade.

The propose way forward for ASEAN in dealing with maritime security issues in the next decade will be by examining what ASEAN mechanism and the defence (ASEAN Defence Ministers' Meeting (ADMM)) had done for the past decades in trying to lessen the issue. The propose way forward would hope to avoid any further contentious or at least making the issues going cold and stabilise.

Scope of Research

The scope will be based on feasibility study and examination of articles, journal, documents, and reports. These will include ASEAN policies, legitimacy according to international laws and norms, and also examining current ADMM+ Expert Working Group on Maritime Security strategy.

ASEAN Defence Ministers' Meeting Plus Expert Working Group on Maritime Security (ADMM+ EWG MS) is the only defence mechanism looking into the maritime security around the region. Other platform such as ASEAN Maritime Forum (AMF), ASEAN Regional Forum (ARF), Western Pacific Naval Symposium (WPNS), Indian Ocean Naval Symposium (IONS), Heads of Asian Coast Guard Agencies Forum, Council for Security Cooperation in Asia Pacific (CSCAP), and Asia Pacific Economic Cooperation (APEC) Transportation Working Group also have interest in maritime security and safety perspective of regional maritime area. Thus, the views and perspectives of every committee need to be considered for better alignment for the future work plan. The consolidation of each committees' view is yet to be seen.

Other variable to be considered is the human factors, the changing of generations. Living in this era of complex thinking, mindset, ideas and visions will impact on the decision of stance despite the vision had been passed over and over again. 'Millennial' is refer to the young people today who are born in the year 2000 and after where according to a study that these millennials have a high percentage in ASEAN nations²². The survey clearly draws out that different generations have a difference thought where people born in the 70's 'want secure progress', 80's 'want to flexibly minimise risks and maximise opportunities', and the 90's just 'simply want to do what they like immediately'. These differences in mind set would for sure changes the game plan for the future specifically when dealing with issues in the South China Sea. Therefore, the need to continuously indoctrination the human is part of moving to the future.

The research will also be using a study made on an established organisation as a guideline in proposing a way forward for ASEAN to consider.

Methodology

In order to view this issue holistically, the research method use will be literature review which include cross examining documents, reports, journal, article (opinion and perspective of an organisation and/or personal), and current news in order to draw out potential proposals.

²² Hakuhoodo Institute of Life & Living ASEAN. "ASEAN Millennial: One size fit all? A Generation gap in ASEAN", ASEAN Sei-Katsu-Sha Forum 2016-17. http://hillasean.com/assets/pdf/Forum_2017_en.pdf. Accessed on 20th October 2019.

A study of an existing organisation report will also be used. This would allow further consideration on the research proposal.

Limitations

The research will only be focusing on matters pertaining to maritime security and withdrawing potential propose way forward for ASEAN. Area specifically will be concentrating around South China Sea and the conduct of maritime agencies towards a better solution. The background will only cover a decade ago and proposal for next decade.

The research only focuses on ASEAN mechanisms led, although there are more mechanisms that deal with maritime security issues such as the East Asia Security Outlook (EASO) and Network of ASEAN Defence and Security Institutions (NADI) Symposium or Conference or Workshop.

The research is narrow down to maritime security that is looking to traditional and non-traditional maritime security threats only by omitting other concerned that relate to maritime security such as the security of economics and society. It is understood that the maritime security and safety will have a detrimental effect on economics and society.

Research result for utilisation

The outcome of the research will be as a basis or guiding principle to be adopted by members of ASEAN in promulgating a policy. The result will be sub-divided into three main categories which refer to governing policy, human interaction, and technological advancement.

ⁱ An artificial Island or man-made island is an island that has been constructed by people rather than formed by natural means. Artificial Islands may vary in size from small islets reclaimed solely to support a single pillar of a building or structure, to those that support entire communities and cities.

ⁱⁱ FONOPs are a method of enforcing UNCLOS and avoiding these negative outcomes by reinforcing freedom of navigation through practice, using ships to sail through all areas of the sea permitted under UNCLOS, and in particular those areas that states have attempted to close off to free navigation as defined under UNCLOS. Article 87 Freedom of the high seas of UNCLOS stated that the high seas are open to all States, whether coastal or land-locked. Freedom of the high seas is exercised under the conditions laid down by this Convention and by other rules of international law.

ⁱⁱⁱ UNCLOS Article 58 Rights and duties of other States in the exclusive economic zone. All States, whether coastal or land-locked, enjoy, subject to the relevant provision of this Convention, the freedom referred to in Article 87 and those associated with the operation of ships, aircraft and submarine cables and pipelines, and compatible with the provision of this Convention.

Chapter 2

Maritime Security in ASEAN

In examining the complexity of the issues related to Maritime Security, the research will look from different perspectives that are internally within ASEAN, views from those involved in ASEAN, and also from independent views. The understanding of the term and international law is paramount. Power projection either it be soft or hard plays role in projecting stance.

This chapter will start with the law that governed maritime area. The issues and challenges faced by maritime states and what actions or steps being taken to manage the issues. Understanding the claimant stance and other powers would give the basic understanding on how tense the South China Sea is. Relationships and engagement in the region also play part in the development of the region stability. Further to this is the involvement of other powers that influence the dynamic situation and stance in the region. Military power or projection in the region also created tense in the region. The development of Chinese weaponizing their man-made islands had created international issues. Other powers show their stance by conducting freedom of navigation and maritime exercises in the South China Sea region. Hence, the important of maritime power projection is of important.

Theories on Maritime Security

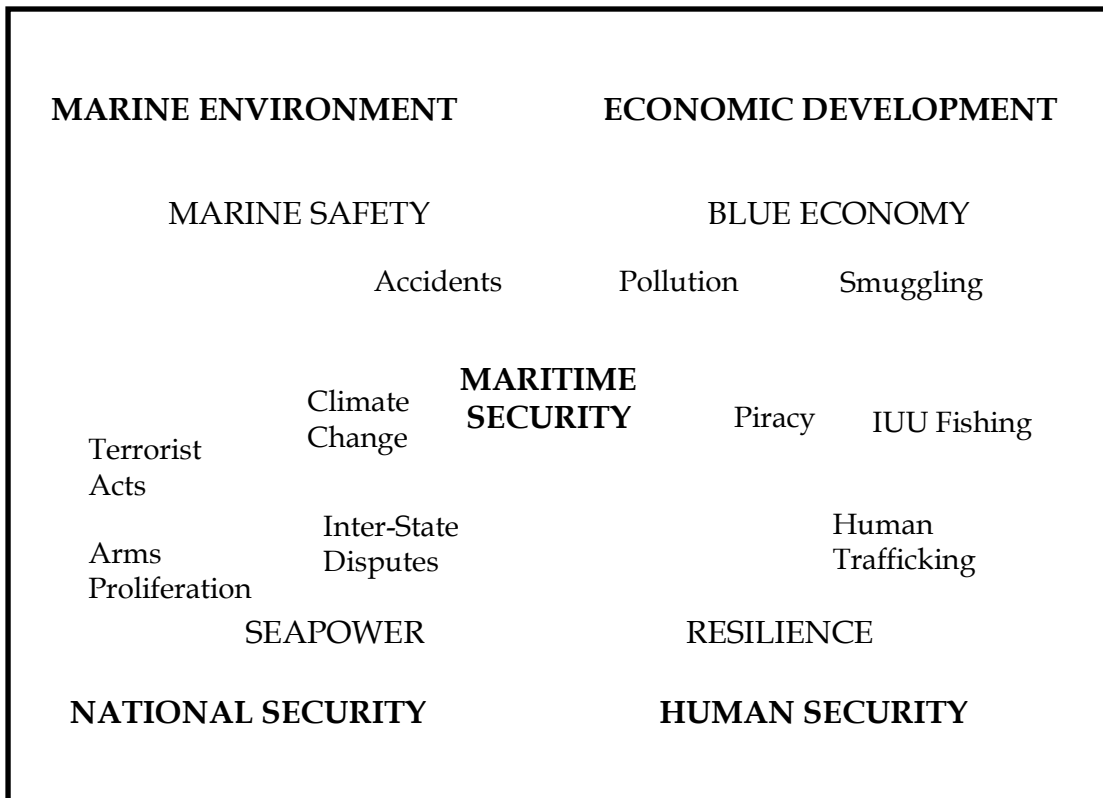
Maritime Security is one of the terms often discussed and draws attention in the International Relations spectrum. Laws governing the oceans and seas need to be updated in alignment to the new Maritime Security term as it is defined by many institutions and organisations. Major powers are strategizing their efforts in maritime security, where it be for political gain or economic gain. Moreover, the tension between coastal states have not been resolved totally. Maritime states are investing in blue water capability where it be for shipping industries and also for security reasons.

According to Christian Bueger from Department of Politics and International Relations, School of Law and Politics, Cardiff University, in his Chapter on 'What is maritime security?'¹ in a book title Marine Policy come up with a conceptual relation in rationally understanding the terms used. He explained that Maritime Security formed a web of relations on an established concept, which required considerations. The current debate on maritime security is that of naval war fighting capability, which is the importance of maritime power projection and the concept of Seapower. Maritime Security is

¹ Bueger, Christian. "What is Maritime Security?", Marine Policy 53, Page 159-164, 2015.

also linked to economic, where trades are carried more over the sea than by air freight as this method is cheaper and can carry much more. During peacetime, the navy's role is mainly on protecting the core sea lines of communication (SLOC) and maritime Exclusive Economic Zone (EEZ) which formed up as a deterrence and surveillance as well as interdiction. These operations ensure safe and secure sea to facilitate trade and economic prosperity as well as safety of other seafarer under the obligation of SOLAS (Safety of Life at Sea).

Figure 2 - 1. Christian Bueger's Maritime Security Matrix



Source: Christian Bueger's Maritime Security Matrix, Year: 2009

Maritime security is thus a transnational task to combat. Cooperation and collaborations between neighbours in the region are thus far needed. It is a shared responsibility and require collective efforts. Christian Bueger stated that the involvement of high-level politicians and diplomats are needed to deals with the challenges and issues of maritime security, but the primarily concerns are the lower and mid-level security practitioners and experts as they are engaging each other. Therefore, the understanding of maritime security and in what perspective you are looking at is very important. Setting a scene during a dialogue is important to foster mutual understanding.

Doctor Christopher Rahman, a senior research fellow in Maritime Strategy and Security, wrote on his discussion papers for the Centre for Strategic Studies: New Zealand, Victoria University of Wellington in 2009,

highlighting that the security concept falls under three levels which are individual, national, and international, covering the dimension from societal, economic, and environmental.² Doctor Christopher Rahman further explained that maritime security can have a different meaning to different people and organisations depending on their interests, political, or ideological bias. He offered his alternative perspective on maritime security which are the Security of the Sea itself (which is the marine environmental security); Ocean Governance (the management approach on international political and legal framework); Maritime Border Protection (the basic fundamental of enforcing sovereignty and sovereign rights at sea); Military Activities at Sea (contributing to national strategic posture); and Security Regulation of the Maritime Transportation System (the need to change the regulatory regime for shipping safety as maritime transportation system being exploited by terrorist groups).

Doctor Christopher Rahman concluded that the key important is the need for constant strategic vigilance emphasising on non-traditional aspect of maritime security as this would coexist with traditional strategic concerned. He pointed out that capable navies are amongst the most flexible instruments of policy which are capable of operating across the spectrum of threats. Hence, the need to keep the navy modernise and at the top operational readiness is important.

From the two theories, clearly that maritime security needs a good understanding and from what perspective are they looking at. The complexity evolved around four dimensions as Christian Bueger suggested and depending on what interests and perspective as suggested by Doctor Christopher Rahman.

International Law on Maritime Security

United Nation Convention on Law of the Sea (UNCLOS) was developed as a result of coastal states who sought to expand control over marine areas adjacent to their coastlines which initially was only three Nautical Miles (NM)³. Only after World War II, international community requested UN International Law Commission to consider law relating to oceans which only began in 1949. The first sets of law passed during the 1958 Geneva Convention on Law of the Sea consisted of Territorial Sea and Contiguous Zone; High Seas; Fishing and Conservation of the Living Resources of the High Seas; and Continental Shelf. The third convention debated and addressing the issues from 1973 to 1982 with over 160 nations

² Rahman, Christopher. *Concepts of Maritime Security: A Strategic Perspective on Alternative Visions for Good Order and Security at Sea, with Policy Implications for New Zealand*, 2009. <https://ro.uow.edu.au/lawpapers/85>

³ Global Resource Information Database-Arendal. "Background to UNCLOS", Continental Shelf Programme, A Centre Collaborating with United Nations Environment Programme. 2014. <http://www.continentalsheff.org/about/1143.aspx> Accessed on 15th October 2019.

which finally come into force in November 1994 (yet the law is referred to UNCLOS 1982). The main feature of the convention was defining maritime zones and provision for the passage of ships, protection of marine environment, freedom of scientific research, and exploitation of resources⁴.

During the convention between 1973 to 1982, China was backing and supporting the developing countries and the so called third world countries in the demand for 200 NM Exclusive Economic Zone (EEZ) as China sees that these countries lacked in capabilities compared to the superpowers like the US and Russia (back then it was USSR), where those two countries trying to limit weaker states maritime rights⁵. The simple reason was to protect their waters from being exploited by others. Dr Zheng Wang a professor at School of Diplomacy and International Relations, Seton Hall University, noted in his article citing a book by Liu Feng, a former Vice President of the National Institute for South China Sea Studies, that China actually a loser in UNCLOS due to China's geographic location which is surrounded by other islands which in turn limit China's maritime sea breadth and their maritime ambitions. Only to the south of China has more maritime space which is in the South China Sea, but it is enclosed by nations claiming their sovereign rights over EEZ. So, after 40 odd years, the good deeds that China did to support and backed the third world countries has turn back against them. The UNCLOS has put China in a dilemma. Is China turning their back on UNCLOS now or are they going to stand as they claimed before the law was passed. China is one of the signatories to UNCLOS 1982 and it is believed that China understand the law correctly.

The Affairs

Articles written related to issues concerning in South China Sea (SCS) such as articles covering on security, economics and trades, demographic movement, shifting power are available by many scholars. Study on the important of South China Sea in the region had been made. This paper will look into security perspective only despite others issues also contributing to security concern.

Issues that had occurred in the South China Sea (SCS) ranges from illegal fishing (IUU - Illegal, Unreported and Unregulated): encroachment into others EEZ (Economic Exclusive Zone), smuggling of contraband items and human: trans boundary crimes, piracy, and also terrorism. According to Craig Snyder in his journal Maritime Security in the South China Sea draw out that the increased importance on this region was the result of two main factors,

⁴ GRID-Arendal. "Background to UNCLOS", Continental Shelf Programme, A Centre Collaborating with UNEP. 2014. <http://www.continentalshelf.org/about/1143.aspx> Accessed on 15th October 2019.

⁵ Wang, Zheng. "China and UNCLOS: An Inconvenient History", Wilson Center, Kissinger Institute on China and the United States. 12th July 2016. <https://www.wilsoncenter.org/article/china-and-unclos-inconvenient-history> Accessed on 15th October 2019.

which are the importance of maritime resources in EEZ and maritime security as maritime forces protecting the state from external threats and non-traditional threats⁶. This is a classic example of a coastal state protecting their main interest in protecting their sovereignty and economic prosperity. Snyder also stated that coastal states were impacted during the Asian financial crisis in 1997/1998 where most defence modernisation programmes were delayed.

The main concern by all coastal states in South China Sea rim was that there was no agreement between claimants to the boundary limits of claim except for claim as stated in UNCLOS 1982 (United Nations Convention on Law of the Sea), which is the claim on 200 nautical miles of Exclusive Economic Zone. This limit is only true if there is no sharing border with other states. For South China Sea region, coastal countries are sharing borders and therefore must come to consensus between each country. Further worrying was that the increase of China's maritime capability power projection and weaponizing the man-made islands. Snyder also noted that the change of governance or regulation for sea area was significant where coastal state in the old days only had rights over adjacent water as far as their weapon reach but then it changes as exploiting the high seas and sub-soil capability possesses. Thus, a proper regulated and accepted international law of the sea need to be adhere to.

ASEAN's diplomatic approach

Diplomatic development on easing the tension in South China Sea was brought to attention when ASEAN and China came together for the signing of the Declaration on the Conduct of Parties in South China Sea (DoC) in 2002⁷. The aim of this declaration was to establish a framework which would eventually produce a code as a basis on the conduct of every parties involved amid preventing further escalations. ASEAN came up with this initiative was due to conflicts happening in the past decades or so. In the early 1970's China coordinated seaborne invasion on several islands in the Paracel which killed several dozen Vietnamese, then in 1988 again Beijing moved into the Spratly which forcibly occupying Johnson Reef and again several dozen Vietnamese lost their life, fortunately in 1995 no life was lost when Beijing built their bunkers above Mischief Reef where the Philippines were exploring for oil concession there⁸. After the 2002 signing of DoC, since then there was no significant progress made for a decade, the Chinese still continuing occupying features in the South China Sea. ASEAN did not pursue enough on this matter for agreement with China. This could also be the Chinese technique in buying

⁶ Snyder, Craig. "Maritime Security in the South China Sea", *International Relations Deakin University Journal*, Vol. XXIV No. 1, Summer 2004. <https://journals.lib.unb.ca/index.php/jcs/article/view/293/467>. Accessed on 15th October 2019.

⁷ Mirski, Sean. "The South China Sea Dispute: A Brief History", *Lawfare*. 8th June 2015. <https://www.lawfareblog.com/south-china-sea-dispute-brief-history> Accessed on 24th January 2020.

⁸ *ibid.*

time while trying to occupy and complete their projects before agreeing to the codes.

1. Malaysia and Vietnam Joint Submission to The Commission

In May 2009, Malaysia and Vietnam sent a joint submission to the Commission on the Limits of the Continental Shelf as a softer means as not to confront China at sea in order to prevent more life lost, but in reply to this the Chinese submitting a map that contain the Nine-Dash Lines which snake around the edges as the vast majority of South China Sea⁹. The Chinese claim was not cleared to the international body, were those lines meant that China's claims all the territorial features and all the waters within it, if this is so, the claims surely exceed what is permitted under the maritime law which in ascent will not be recognise. Article 57 of the UNCLOS 1982 stated that "The exclusive economic zone shall not extend beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured."¹⁰ The Commission on the Limits of the Continental Shelf did not reply to Malaysia and Vietnam submission, the pursuant just end up on the table.

2. Philippines Presentation to The Hague

Following the 2009 Malaysia and Vietnam joint submission, the Philippines presented their case to The Hague in 2016 which had favoured the Philippines with the concluding statement stating that China has no legal basis to claim on historic right over South China Sea. President Xi in response stating that they will never accept any claim or action on those proceeding¹¹. China's Ambassador to US further commented that the tribunal was done by incompetence and questionable integrity professionals. Adding on to these words fight was by the US State Department spokesman John Kirby asserting that the world is expecting China to commit to non-militarisation means and to show that China being a responsible global power. Despite all these, the tribunal had not ordered China to take any particular action to remedy the situation or to dismantle any construction on the island. Therefore, China just stand to what they believe and keep on occupying those man-made islands. Is this a sign of a weak international law or maybe the international law is terrified of China? There was no enforcement on the law passed unless the UNSC take actions following the verdict and issued a Resolution.

⁹ *ibid.*

¹⁰ Convention on the Law of the Sea, 10th December 1982.

¹¹ Hunt, Katie. "South China Sea: Court rules in favor of Philippines over China", CNN World. 12th July 2016. <https://edition.cnn.com/2016/07/12/asia/china-philippines-south-china-sea/index.html> Accessed on 26th October 2019.

Tension between China and the Philippines lessens when the Chinese offered the Filipinos for a joint oil and gas exploration in a sense for Manila ignoring the international arbitration years before¹². The revenue gain from the exploration will be split 60% to Philippines and 40% to China as reported by President Duterte as he quoted President Xi Jinping. President Xi Jinping further ensuring that the regional peace and stability will be guarantee as long as both sides handling it properly and that their relationships is stable¹³. The Chinese commitment to this joint exploration was announced during press briefing by China's Foreign Ministry spokesperson stating that the Philippines was ready for a joint cooperation and the establishment of an intergovernmental joint steering committee and a working group will be established soon despite a tension six months earlier that year where lots of Chinese vessels near the Philippine's claim to an extend that President Duterte sent a threaten statement if Beijing does not leave the island.

It can be seen that just because of the economic importance and the prosperity of the country, matters on political tense can be put aside to build an economically beneficial for both China and the Philippines. China is not as hard as it seems, the willingness of their political party in solving issues can be achievable by bilateral dialogues and discussions, where in the end both sides will gain benefit from it.

The question arise now is, would China willing to agreed and accept on ASEAN proposal in the conduct of parties within South China Sea or would China only agree to bilateral agreement. The Code of Conduct (CoC) had just recently being reviewed, ASEAN is hoping for it to be signed by end of 2020 or early 2021. The contain of this code is yet to be publicised and understood well by all parties' signatories to it. Further explanation will follow in the next Chapter.

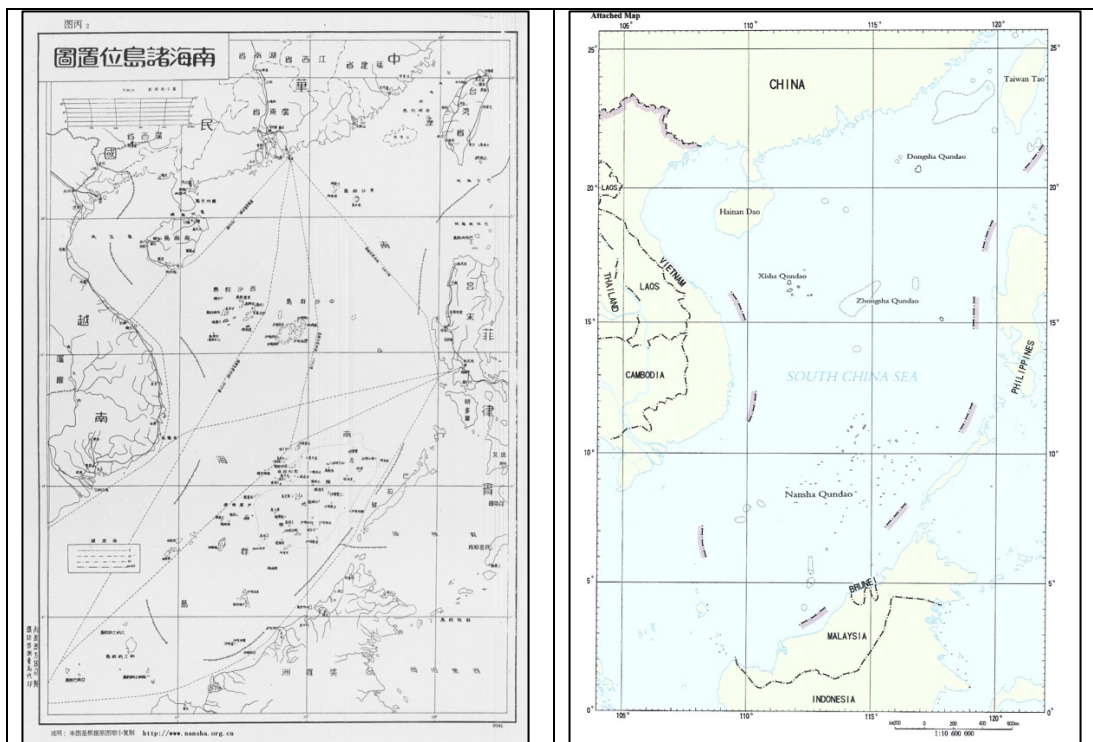
¹² Regan, Helen. "Duterte says Xi Jinping offered him an oil and gas deal to ignore South China Sea ruling", CNN World. 13th September 2019. <https://edition.cnn.com/2019/09/12/asia/duterte-xi-south-china-sea-deal-intl-hnk/index.html> Accessed on 26th October 2019.

¹³ *ibid.*

China's Claims: The Nine-Dash Lines

The Nine-Dash Line according to Beijing as quoted "any land or features contained within the line, which confers vaguely defined 'historical maritime rights'"¹⁴. This quoted definition is not clear as what it meant. Liu Zhen a reporter on China Desk in South China Morning Post added in the post that the origin was dated back in 1947 as the Chinese navy took control on some islands in South China Sea post World War II and it serves as the basis of China's claim to historical right and the claim was well before the adoption of UNCLOS 1982. The Chinese may face international pressure on their clarification to this nine-dash line and to present their legal justification. What is certain now is that, the Chinese is not backing up, but yet they do not openly challenge or go against international law.

Figure 2 - 2. Map of South China Sea dated January 1947 on the left side, and on the right side dated 2009.



Source: Wikipedia.

Comparing these two maps of South China Sea, the existence of the dash-lines was since 1947 as recorded by Secretariat of Government of Guangdong Province. The initial dash-lines were 11, but during the submission in 2009 to the United Nations, the dash-line reduces to nine. The two-missing dash-lines were between the island of Hainan and Vietnam. Is

¹⁴ Liu, Zhen. "What's China 'nine-dash line' and why has it created so much tension in the South China Sea?", South China Morning Post News. 12th July 2016. <https://www.scmp.com/news/china/diplomacy-defence/article/1988596/whats-chinas-nine-dash-line-and-why-has-it-created-so> Accessed on 26th October 2019.

the 1947 map can be considered as legitimate claim as historical claim. In accordance to UNCLOS 1982, EEZ only extended to 200 NM and extending further to that is the Continental Shelf claims.

Bill Hayton an associate fellow at the Asia Programme at Chatham House stated that the Chinese had never made an official 'historic claim' on the so-called Nine-Dash Lines or the U-Shaped Line as many claim¹⁵. The Chinese Officials argued that the U-Shaped Line is a question of territory that never intended to be territorial boundary and it only became one because of the intervention of an American oilman in the 1990s¹⁶. Chinese Diplomat submitted the U-Shaped Line to the United Nations Commission on the Limits of the Continental Shelf but the Chinese did not explain what it was which in turn no one can be sure of what those nine-dash lines exactly mean. Bill Hayton further quoted from Dr Wu Shicun book (Keyuan Zou Arbitration Concerning the South China Sea: Philippines Versus China, Routledge, 2nd March 2016 p. 132) that the U-Shaped Lines contain three elements which are sovereignty over features within the lines; sovereign rights and jurisdiction over water as defined by Law of the Sea (UNCLOS); and "historic rights" over fishing, navigation and resource development¹⁷. Following to this, a student at University of Toronto examined and found out that the first U-Shaped Line was drawn after representative of Ministry of Foreign Affairs, Ministry of the Interior, Ministry of National Defence, and Chinese Navy General Headquarters convened to resolve issues pertaining to SCS and the committee's interest was only in the island and had no mention of waters, historic, or otherwise.

Hayton further iterated that only in 1958 the Chinese declaration on territorial sea which is 12 nautical miles explicitly surrounding the island and yet no mention of historic rights. Then only in January 1974, the Chinese forces evicted the Vietnamese from the western half of Paracel Island after understanding the negotiation on going at the UNCLOS a year before, in which under this convention stating that the resources of the island and their adjacent seas belong to the coastal or island state. The Chinese ratified the UNCLOS in 1996 again without any mentioning of historic rights. The term 'historic rights' was introduced by an oilman from Denver, Colorado in 1991 after visiting SCS Institute of Oceanography in Guangzhou which in the end persuaded the Chinese could make a legal case to exploit oil fields hundreds of miles away from China as advised by Daniel J. Dzurek a former chief of Boundary Division of the US Department of States¹⁸. This in turn made the Chinese conduct their oil exploration to the southern coast of Vietnam. Only then from this moment the Chinese are using their 'historical rights' over the Nine-Dash Line in which giving them rights and interests within the maritime area under their jurisdiction. This claim had expanded to sea area

¹⁵ Hayton, Bill. "China's 'Historic Rights' in the South China Sea: Made in America?", *The Diplomat*. 21st June 2016. <https://thediplomat.com/2016/06/chinas-historic-rights-in-the-south-china-sea-made-in-america/> Accessed on 2nd November 2019.

¹⁶ *ibid.*

¹⁷ *ibid.*

¹⁸ *ibid.*

near Natuna Islands under Indonesia where the Chinese fishing boats are operating as the Chinese claim being their 'traditional fishing ground'. So, it is true as claimed by Bill Hayton that the American was behind the historic right claims. It was not the intention to make China forcibly claiming the sea area but by referring and understanding of international law which will make China stand firm on their claims. It can be summarised that China claim on these islands are purely to show control and power which lead to economic interest.

China and the Law of the Sea

Worrying development by Chinese in the South China Sea as China is strengthening their military presence and control around their man-made features. Encroachments in others' EEZ by China and attempts to exclude US and other warships from South China Sea had created more risk of misunderstanding and confrontation. According to Lynn Kuok, a visiting scholar at Yale Law School's Paul Tsai China Centre, a senior research fellow at University of Cambridge, an associate fellow at the International Institute for Strategic Studies based in London and senior fellow for Asia-Pacific Security with the International Institute for Strategic Studies (IISS) in her article believed that China has an upper hand where she echoed Japanese Ministry of Defence report that these man-made feature are used for China's forward deployed power projection in fulfilling their strategic aim of strategic depth and reach to defend against adversaries¹⁹.

Lynn Kuok further quoted a speech by Bilahari Kausikan (former Permanent Secretary at the Singapore Ministry of Foreign Affairs, Singapore's Permanent Representative to UN, and Ambassador to Russia) as a reminder that China built these artificial islands as a geographic fact whereby the US presence in the South China Sea is only a consequence of a geopolitical reasoning. This is a strong message indicating that China is not leaving soon but to stay in the region. Arbitration between China and the Philippines back in 2016 was awarded to the Philippines with clarity of resource rights over the area. Beijing however describe the ruling as "null and void" and of "no binding force" according to Lynn Kuok. Nonetheless, China did not show any aggression on this situation.

Technically, the Chinese are not undermining the law, their action in protecting a 12 Nautical Miles territorial sea around their features is in accordance with UNCLOS. Lynn Kuok backed the Chinese action by stating the outcome from the tribunal ruled stated that "based on the geographic conditions laid out in UNCLOS, all features in the Spratlys are 'rocks' entitled to a 12-Nautical-Mile territorial sea".

¹⁹ Kuok, Lynn. "How China's Actions in the South China Sea Undermine the Rule of Law", *Global China: Assessing China's growing role in the world*. November 2019.

The Americans Engagement and Stance

Other powers outside from ASEAN region has had some influence in the region. Where it be in a good way or provocation. The significant engagement in the region is by the American.

1. United States of America in the South China Sea

United States Navy's warship sailed through the Taiwan Strait as to defy outside aggression a week after President Tsai Ing-Wen re-elected²⁰. The strategic aim of the US was to support for their stance on free and open Indo-Pacific. Chinese Foreign Ministry Spokesman issued a statement urging the US to "avoid harming China-US relations and affecting peace and stability across the Taiwan Strait"²¹. The statement issued from Beijing was clearly on the principle of 'One Country' where Taiwan will one day be reunited with the mainland. On the contrary, President Tsai sees Taiwan as an independent nation and defied China's policy. After a landslide victory of the Democratic Progressive Party (DPP), President Tsai met with US and Japan envoys in Taiwan where Brent Christensen, the director of American Institute in Taiwan, reaffirming Taipei's commitment to deepen security and economic cooperation with US and on separate meeting with the Chairman of Japan-Taiwan Exchange Association in Taipei, Mitsuo Ohashi, also reaffirming their economic cooperation as Taiwan is the fourth largest Japan trading partner²². Japan undermine China's policy on Taiwan was just simply because of economic interest. China's Foreign Ministry reiterated that Taiwan is a part of its territory and opposes official contacts between the government in Taipei and there is only one China in the world.

The action undertook by the US is actually provoking the tension by simply not respecting China's stance and also by sailing through the strait. The US is using Taiwan as a platform or as their strategic base to keep close monitoring on China hence the US is ignoring the fact of 'One Country'. Taiwan is considered as one of China's province where when Taiwan wanted to join as a member of United Nation, the membership was rejected due to Taiwan is not a country despite the Taiwanese stating that they were deprived

²⁰ Bradley, Charlie. "South China Sea crisis: Beijing under threat as US warships back defiant Taiwan", *Express*. 23rd January 2020. <https://www.express.co.uk/news/world/1232483/south-china-sea-beijing-under-threat-us-warships-back-defiant-taiwan-spt> Accessed on 24th January 2020.

²¹ *ibid*.

²² Zheng, William and Zheng, Liu. "Taiwan's victorious President Tsai Ing-wen meets US and Japanese envoys to repeat calls for closer ties", *South China Morning Post*. 12th January 2020. <https://www.scmp.com/news/china/diplomacy/article/3045747/taiwans-victorious-president-tsai-ing-wen-meets-us-and> Accessed on 26th January 2020.

from political stance²³. The then Secretary-General of the UN, Ban Ki-moon reflected this matter that as promulgated by the UN Final Clauses of Multilateral Treaties Handbook 2003:

*“For example, regarding the Taiwan Province of China, the Secretary-General follows the General Assembly’s guidance incorporated in resolution 2758 (XXVI) of the General Assembly of 25 October 1971 on the restoration of the lawful rights of the People’s Republic of China in the United Nations. The General Assembly decided to recognize the representatives of the Government of the People’s Republic of China as the only legitimate representatives of China to the United Nations. Hence, instruments received from the Taiwan Province of China will not be accepted by the Secretary-General in his capacity as depositary.”*²⁴

It is clear that Taiwan is not a country although China is giving Taiwan’s President the freedom in managing and running it as an autonomous province. The US must understand this as the US is one of the five permanent security council members alongside China, France, United Kingdom, and Russian Federation. The assumption that the US is spying on China maybe is true or maybe even anxious of the Chinese. The only nearest option for the US to keep a close eye is by allying with Taiwan, South Korea, and Japan. Sanction or threats by China on other countries not abiding with China’s ‘One Country’ policy may be seen in the near future. Any nations wish to visit Taiwan must go through Chinese Central Government or otherwise would be consider as provoking China’s jurisdiction over their sovereign.

2. Stance on Rights in EEZ

James W. Houck and Nicole M. Anderson wrote an article in Washington University Global Studies Law Review titled The United States, China, and Freedom of Navigation in South China Sea highlighted that international law of the sea allows military activities within it²⁵. James W. Houck is a retired United States Navy Vice Admiral serving as the Judge Advocate General (JAG), and Nicole M. Anderson a Penn State Law Student and also a US Marine who studied the law in an exchange programme with National Taiwan University. As clearly laid out in the UNCLOS,

²³ BBC News. “UN reject Taiwan membership bid”, BBC News, 24th July 2007. <http://news.bbc.co.uk/2/hi/asia-pacific/6913020.stm> Accessed on 26th January 2020.

²⁴ United Nations. Final Clauses of Multilateral Treaties: Handbook. United Nations Publication: United Nations, 2003.

²⁵ Houck, James W. and Anderson, Nicole M. “The United States, China, and Freedom of Navigation in the South China Sea”, Washington University Global Studies Law Review Vol. 13 Issue 3 The Legal Challenges of Globalization: A View from the Heartland (Symposium Edition). Pages 440-452. 2014.

EEZ allows the coastal states over sovereign rights for exploring, exploiting, and jurisdiction which include marine scientific research and protection as well as preservation of marine environment. All nations signatory to UNCLOS in a way agrees that the EEZ is for the economic benefit of the coastal states. But both US and China disagree “on the extent to which these rights apply to military operations by states warships, aircraft, and naval auxiliaries.”

The US perspective on UNCLOS concerning EEZ is that, it was not clearly spelled out with regard to military activities in EEZ, unlike territorial sea, the law was written governing activities within it which restrict military activities. The activity that only allowed within others’ territorial sea is as defined in UNCLOS as ‘innocent passage’ⁱ. Both authors also set some example of military activities in others’ EEZ which include UK where they operate three hydrographic and two oceanographic survey vessels, and the Russian intelligence-gathering vessels also operates off the coast of US. This just indicate that these countries consistent with what they understand that military activities can be carried out in others’ EEZ. But one must not forget that whilst in others’ EEZ, the activity of exploring and exploiting is prohibited, so is the UK survey vessel conducting a legitimate activity? A prior permission must be granted beforehand. Unlike the Chinese, their vessels in others’ EEZ is only conducting surveillance and data collection which in a way not against ruling within EEZ. However, the Chinese surveillance vessel intercepted US vessels conducting military survey in China’s EEZ and told them that they should not be operating without the consensus from the Chinese government.

The Chinese position on military activities is that they allow military activities provided prior permission is granted. The Chinese are basing their stance on national security interests particularly jurisdiction over marine scientific research and resource management and also environmental protection within their EEZ jurisdiction. The Chinese highlighted that the US should not make any standing textual argument as the US is not a party to UNCLOS. The Chinese hoisted their argument base on Article 301 which stated that states “shall refrain from any threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the principles of international law embodied in the UN Charter” and also under Article 88 stated that “the high seas shall be reserved for peaceful purposes.” It is clear that the understanding of the Chinese on UNCLOS is not wrong and is totally correct.

From the above argument whether military activities are allowed within others’ EEZ is simply based on their believe. Furthermore, the UNCLOS only restrict military activities in

territorial sea and archipelagic sea. EEZ is the jurisdiction of the claimant to enforce for economic gain and for sovereign security purposes.

Engagement in the Region

The other power playing roles in the stability and influencing the South China Sea region is the Russian. It is noticed that their engagement is becoming prominent. Russia is also having a close-tie with China. How would these two nations view each other engagement in the region.

1. China and Russia Relations

After Vietnam partnering with Russia, the Philippines follow the successful footstep in exploring oil and gas in their claimed water with the Russians. How would this cooperation put Russia on China's eyes? South China Sea has always been the interest for China and had led to military standoffs and hostile relations with the US. Russia at the mean time is backing China after their anger on sanction that hit Russia after the annexation of Crimea in 2014²⁶. Both China and Russia theoretically are on the same page on their view over US, and furthermore both China and Russia dependent on each other relationship to be strengthen to fend off US hostility. China and Russia had conducted joint exercise featuring their naval warships, submarines, aircrafts, helicopters, marines, and also amphibious capability. Knowing that China had tension over Vietnam and the Philippines, how would the Chinese see Russian now as both Vietnam and the Philippines are boosting their cooperation in exploiting areas of waters in South China Sea which the Chinese had stated that "no country, organisation, company or individual can, without the permission of the Chinese government, carry out oil and gas exploration and exploitation activities in waters under Chinese jurisdiction"²⁷.

Russian involvement in South China Sea has increases over the years. Cooperation with the coastal states' military or defence and other companies are on the rise. The Philippines had invited the Russian to explore Philippine's part of the South China Sea for oil and gas in October 2019²⁸. The move was looking after

²⁶ Bradley, Charlie. "South China Sea fury: Russia's shock defiance to China despite shared US rivalry", *Express*. 29th December 2019. <https://www.express.co.uk/news/world/1221707/south-china-sea-russia-defiance-to-china-despite-us-rivalry-spt> Accessed on 24th January 2020.

²⁷ *ibid*.

²⁸ McGleenon, Brian. "South China Sea: Putin moves to support the Philippines and Vietnam against Beijing's plan", *Express*. 14th January 2020.

the success of Vietnam and Russian cooperation in exploring oil and gas in Vietnam's Exclusive Economic Zone since 2018. The Philippines as backed by UNCLOS that the Nine-Dash Line adopted by the Chinese is not recognised internationally, therefore it is not a wrong doing by the Philippines to exploit their own EEZ. In late October, a team of energy company from Russia had discussed the joint offshore oil exploration with the Philippine's Department of Energy. The Russian offer the Philippines company to explore oil and gas in Russia together with Russian companies in reciprocating the invitation.

Would this cooperation have a significant dent on China and Russia relationship? There are no evidence showing China is opposing Russia cooperation with ASEAN countries. Relationship between them are still strong where as reported in The Diplomat news by Franz-Stefan Gady dated 29th April 2019, the Chinese People's Liberation Army - Navy and Russian Navy began a six-day naval drill²⁹.

2. ASEAN and Russia Relations

The acceptance of Russia as ASEAN dialogue partner goes back two decades ago. The third ASEAN-Russia Summit was held in May 2016 at the Black Sea resort of Sochi which intend to deliver new impetus to long standing relationship to forge closer economics and security ties³⁰. President Putin announced that Russia and all 10 ASEAN's leaders had reach an agreement on building a strategic partnership over long term. Russia initiative pivoting into Asia started in early 2010 and hosted Asia-Pacific Economic Cooperation (APEC) summit in Vladivostok in 2012.

The Russian are turning east was to avoid isolation from the western sanctions. By Russia being a dialogue partner of ASEAN, bilateral engagement with each member making it possible as the strategic move by Russia is to expand relations with countries that has long allies with US. Increasing Russia's diplomatic relations and influence in Southeast Asia, this would help Moscow to balance geopolitical and gaining economic benefit. Russia is also seen as the security soft-balancing role in Southeast Asia against China and the US. In assent, Russia does not really

<https://www.express.co.uk/news/world/1228456/south-china-sea-china-oil-Philippines-Vietnam-xi-jinping-vladimir-putin> Accessed on 24th January 2020.

²⁹ Gady, Franz-Stefan. "The Chinese People's Liberation Army Navy and Russian Navy began a six-day naval drill in Qingdao, China on April 29", China, Russia Kick Off Bilateral Naval Exercise 'Joint Sea' The Diplomat flashpoints. <https://thediplomat.com/2019/04/china-russia-kick-off-bilateral-naval-exercise-joint-sea/> Accessed on 30th January 2020.

³⁰ Dmitry Corenburg and Paul Schwartz. "Russia's Relations with Southeast Asia", Russie.NEI.Reports, No. 26, Institut français des relations internationales (Ifri), March 2019.

pose security threat to Southeast Asia as Russia has no territorial claim in South China Sea, furthermore Russia's view on regional security, multipolar, non-intervention, and consensus-based decision making aligned well with ASEAN stance. Generally, Russia present itself as neutral and as a mediator for the region. With increased Chinese activities in the South China Sea, countries that have dispute with China tend to friend China to avoid confrontation and escalation, meanwhile with the present of Russia in the region can create an alternative strategic partner for ASEAN and as a mediator to China's pressure.

Maritime Capability

Maritime Capability is also a big issue that need to be studied. As stated earlier by Doctor Christopher Rahman that the navy is the most flexible instruments of policy a government can have. The US Navy (USN) is in the process of making a big change to their fleet for the future and according to acting Navy Secretary Thomas Modly that the force structure now may not be the right one for the future as threats are uncertain³¹. Acting Secretary stated that the USN had completed their force structure assessment in 2016 in which the navy planned to have 355 ships and being endorsed by the senates in 2018 under National Defense Authorization Act. Modly also further suggesting that the USN is developing unmanned surface and underwater vessels. US Marine Commandant General David Berger also indicating that his marine no longer operating in a big amphibious assault ships as this leave his men vulnerable, instead he was inclining the use of a littoral combat ships (LCS) which are smaller but more capable.

China had launched their Type 055 and Type 052D which are a Guided Missile Destroyerⁱⁱ (DDG) recently as a stepped up a gear since President Xi Jinping took office as he demanded for a combat-ready forces³². A record of 18 ships in 2016, 14 in 2017, and 21 warships in 2018 went into service with PLA (People's Liberation Army) Navy. These ships are in replacement of the older ones. Kristin Huang cited from Collin Koh, a research fellow at the S Rajaratnam School of International Studies that with new ships, new platforms, new technologies, more capable than the old one, the crew must also be re-trained professionally, to qualified them in using these new technologies which in his opinion China is lacking in. Song Zhongping, military commentator based in Hong Kong saying that the Chinese are evolving their maritime strategy from near-coast defence to far seas to

³¹ Harkins, Gina. "The Navy is making big changes to the way it plans for future ships", Military.com. 24th January 2020. <https://www.military.com/daily-news/2020/01/24/navy-making-big-changes-way-it-plans-future-ships.html> Accessed on 30th January 2020.

³² Huang, Kristin. "China is building more warships to extend its global reach, but its navy is lagging in one important skill", South China Morning Post, 3rd January 2020. <https://www.businessinsider.com/china-building-more-warships-but-sailors-lack-technical-skills-2020-1> Accessed on 30th January 2020.

safeguard its national sovereignty and interests. The Chinese Navy is preparing themselves for any combat.

These are the clear evidence of countries are moving to blue water navyⁱⁱⁱ from brown water navy. The investment from the government is a strategic defence posture. It directly indicates the strategic intention and the purpose of their navy.

Shifting Side

As the world is shifting towards a multipolar world, ASEAN is not simply limited to choosing between the US and China, but other strategic powers around the region also play part in influencing ASEAN's direction. This multipolarity had created options and space for small nations to manoeuvre. Perhaps, the US and China as the central axis where other power arranging or re-arranging themselves in fluid formation which influence other smaller power. China being the closest to ASEAN geographically, may have the advantage of influence and will come with replete opportunities such as offering generous trades and investment.

The US will keep their dominance in ASEAN region, it is the fact that cannot be ignored. ASEAN has responded well by not indicating choosing any side. ASEAN did well in diplomatic instinct over these past decades to balance and bandwagon between major power. The US is perhaps slowing or stopping China's influence in ASEAN. The US also bring along other players into the region such as Australia, Japan, and Republic of Korea. These players have attracted international attentions as tension situation in South China Sea is escalating. It is foreseen that the US may take a step further by proposing an alliance with ASEAN's military as their strategic defence cooperation.

The Russian Navy visited Thailand just before the commemorative military activities in conjunction with ASEAN's 50th anniversary was most visible manifestations of Moscow influence in the region³³. Earlier, the Russian Navy ships had made stopped in Brunei Darussalam and the Philippines for interaction including experience sharing in Counter Terrorism (CT) and anti-piracy drills. Prashanth Parameswaran, a Senior Editor at the Diplomat based in Washington D.C. added that the Russian Navy visit was very significant as Thailand is one of the US treaties allies which make Thailand the key country that Russia is looking to boost defence ties with. In September 2017, Thailand and Russia had an agreement to boost military technology cooperation as a new partner following a coup in May 2014 where Thailand experiencing complicated ties with the US and other western

³³ Parameswaran, Prashanth. "Russian Warships arrived in Thailand amid ASEAN Drills: Two Pacific Fleet ships set to remain for commemorative activities this week", The Diplomat. 14th November 2017. <https://thediplomat.com/2017/11/russian-warships-arrive-in-thailand-amid-asean-drills/> Accessed on 26th January 2020.

nations³⁴. Before signing the agreement, both countries exchanges visit from high official such as Thai Prime Minister Prayut Chan-o-cha, Deputy PM and Defence Minister Prawit Wongsuwan and a notable visit by Russian military official Russian Ground Forces Commander-in-Chief Colonel General Oleg Salyukov. But the details of the agreement were not publicly disclosed by both sides. Is Thailand now shifting their context of relationship to Russia from the western countries or just opening their windows from other powers as an option.

Russian Prime Minister (PM) Dmitry Medvedev shared his views on Russia's relationship during the 35th ASEAN Summit held in Bangkok, Thailand in November last year in which he stated that Russia is in favour of maintaining state-to-state relationship which had shown a good track record over the years³⁵. The PM highlighted that the US initiative is a serious challenge for ASEAN nations as it is at odds with ASEAN's fundamental principles such as non-alignment and non-aligned status. He further added that Russia is planning to develop cooperation in a variety of areas both bilaterally and as association based on national interests, mutual benefit, trust, equality, and in accordance with international law. In term of maritime security in ASEAN's region, PM noted that Russian ships are doing port calls to almost all ASEAN nations, and conducted joint exercises. Furthermore, Russia is a member of ASEAN Defence Ministers' Meeting (ADMM) and had joined the Maritime Security Sea Exercise that took place in Singapore second quarter of 2019. He reiterated further that cooperation by relevant Russian department had been ongoing on practical measures in ensuring maritime security and safety which also covers efforts against piracy, illegal fishing, port's protection, search and rescue at sea, and natural disaster relief, furthermore, Russia is also ready in helping out in management of fish resources and against pollution at sea which the Asia-Pacific region is facing today. The Russian PM concluded that cooperation is the key to prosperous and secure future rather than mistreatment.

Conclusion

The finding is based on reviewing articles and consolidating views from different perspective who have interest in the future of South China Sea indicated that the complexity of maritime security started with the feeling of control. By having control over a maritime area will provide the sense of security and safety with economic potential.

³⁴ Parameswarn, Prashanth. "What's in the New Russia-Thailand Military Pact?: A new defense pact inked by the two sides deserves attention despite the few details that have emerged publicly so far", *The Diplomat*. 21st September 2017. <https://thediplomat.com/2017/09/whats-in-the-new-russia-thailand-military-pact/> Accessed on 26th January 2020.

³⁵ Raksaseri, Kornchanok. "Russia's ties built on mutual respect", *Bangkok Post*. 3rd November 2019. <https://www.bangkokpost.com/opinion/opinion/1785934/russias-ties-built-on-mutual-respect> Accessed on 31st January 2020.

Understanding the law is of vital important as nations should not interpret it wrongly and end up in a misunderstanding. Awareness around the region is also a key factor in providing a regional political perspective as this would influence any actions or decision made.

The hands and arms of the political power need to be well versed and have a good understanding of the geopolitical situations. The top leaders must continue to restrain from any escalation building up and bring matters forward for dialogue. Preventive Diplomacy (PD) is the first line of defence in preventing further damage to any relationship.

Maritime capabilities need modernisation as the technological advancement is changing rapidly, but by only having a modern state of the art technology without a trained operator may not be desirable. Spending more time and investment would be crucial in ensuring the proper employment of technology and people.

External powers influencing the region need to be balanced so as the region will not split up in taking sides, this is where ASEAN need to be strong as one community, one nation. Consideration on ASEAN's fundamental principle is important before accepting any plans before implementing. Other powers must continue to think that ASEAN as one nation, one community. Respect of each other's view and stance is also a key area that need to be handled gently. ASEAN next move must be right in the aim of ensuring the South China Sea is peace and stable for economic prosperity.

ⁱ Innocent Passage meaning as defined in UNCLOS 1982 Article 19:

1. Passage is innocent so long as it is not prejudicial to the peace, good order or security of the coastal State. Such passage shall take place in conformity with this Convention and with other rules of international law.

2. Passage of a foreign ship shall be considered to be prejudicial to the peace, good order or security of the coastal State if in the territorial sea it engages in any of the following activities:

(a) any threat or use of force against the sovereignty, territorial integrity or political independence of the coastal State, or in any other manner in violation of the principles of international law embodied in the Charter of the United Nations;

(b) any exercise or practice with weapons of any kind;

(c) any act aimed at collecting information to the prejudice of the defence or security of the coastal State;

(d) any act of propaganda aimed at affecting the defence or security of the coastal State; (e) the launching, landing or taking on board of any aircraft;

(f) the launching, landing or taking on board of any military device;

(g) the loading or unloading of any commodity, currency or person contrary to the customs, fiscal, immigration or sanitary laws and regulations of the coastal State;

(h) any act of wilful and serious pollution contrary to this Convention;

(i) any fishing activities;

(j) the carrying out of research or survey activities;

(k) any act aimed at interfering with any systems of communication or any other facilities or installations of the coastal State;

(l) any other activity not having a direct bearing on passage.

ⁱⁱ A guided-missile destroyer is designed to launch anti-aircraft guided missiles. Many are also equipped to carry out anti-submarine, anti-air, and anti-surface operations. The NATO standard designation for these vessels is DDG.

ⁱⁱⁱ As defined in the Military Wikia, a blue water navy is a maritime force capable of operating across the deep water of the oceans. A term used in the United Kingdom to describe such a force is a navy possessing maritime expeditionary capabilities. While definitions of what actually constitutes to such a force vary, there is a requirement for the ability to exercise sea control at wide ranges.

Chapter 3

Current ASEAN Maritime Security Challenges

In this chapter, the challenges faced by ASEAN in dealing with maritime security will be deliberated. This chapter will give a broad picture faced by ASEAN region. The need to understand the governing bodies within ASEAN that look over maritime security challenges should be address and furthermore, the relationship and alignment between these bodies to each other, and also ASEAN internationally.

Military activities within South China Sea somehow had created tension adding to existing China's project in expanding their man-made island into a military bases with air strips and moreover weaponizing the islands. The need to study of having a maritime security forces to stand together in defending the region against this security threats will be address in this chapter.

Notwithstanding impacts caused by maritime security have a direct impact on economic security, human security, and also environmental effects, this chapter will only be focusing on maritime security challenges faces by ASEAN.

Military Activities in the EEZ

The United States of America believed that military activities in South China Sea which are within others' EEZ is permissible as long as not posing any threats or use of force. Nevertheless, intelligence data gathering will always be on-going where it be from naval vessels or other government owned. The United States of America reputation on spying were notable and made public when the US was caught spying on Brazilian President who was due for a state visit which eventually, she cancelled the visit. This was publicly condemned during United Nations General Assembly (UNGA) stating that "espionage among friendly nations 'totally unacceptable'".¹ This in other words can be concluded that military activities within South China Sea or any other parts of the world would never stop. This can also lead to armed-race to acquired state-of-the-art technology for data collection and counter-intelligence system.

This issue of military activities in Economic Exclusive Zone (EEZ) was brought forward by Tiziana Melchiorre and Tomas Plèta researcher for

¹ Houck, James W. and Andreson, Nicole M. "The United States, China, and Freedom of Navigation in the South China Sea", Washington University Global Studies Law Review Vol. 13 Issue 3 The Legal Challenges of Globalization: A View from the Heartland (Symposium Edition). Pages 440-452). 2014.

NATO in their journal for security and sustainability. Both writers were from different background but under NATO Energy Security Centre of Excellence (ENSEC COE). They analysed with regard to military activities in the EEZ as this had made a contentious maritime issue and what law governed these activities. Both writers highlighted that only in the second half of the 20th century that the sea was becoming increasingly important for coastal states as a source of natural resources, where it be in the water column or underneath the sea buried deep down, hence many are trying to extend their national jurisdiction over large portion of the sea². Writers extracted an article from UNCLOS stating that “warships on the high seas¹ have complete immunity from the jurisdiction of any state other than the flag state”. The convention did not mention EEZ, but both agreed that the rules on jurisdiction in the EEZ are the same as those on jurisdiction on the high seas. This in a way had created a bit of confusion for coastal states rights and the rights of other states in the EEZ. However, UNCLOS had spelled out that within the EEZ, navigation and overflight and of laying submarine cables and pipelines and other internationally lawful uses of the sea are permitted. On top of what the law governed for EEZ, UNCLOS is also giving the coastal states the rights to adopt laws and regulations for preventing and control of maritime pollutions as put forward by International Maritime Organisation (IMO) in which the IMO designate the area of EEZ as a Particularly Sensitive Sea Areas (PSSAs). What concerned both Melchiorre and Plèta was that coastal states adopting what they term as ‘territorialisation’ of the EEZ.

Jurisdiction in EEZ by the coastal state is a matter of enforcing UNCLOS. It is the state’s exclusive jurisdiction although with some limitation to combat crimes at sea as stipulated in the law that states have the power to arrest and prosecute that concerned maritime security. Therefore, this allow state’s military or Maritime Law Enforcement (MLE) agencies to exercise their rights. How about others’ military or MLE, are they allowed to conduct activities in other’s EEZ? This issue of military activities within other’s EEZ has been a hot topic in the international agenda because it is becoming increasingly frequent. There were two school of interpretation of UNCLOS with regard to the use of EEZ. Firstly, some allow for military activities within EEZ base on what is stated in UNCLOS as activity associated with the operation of ship, and second interpretation of UNCLOS require prior permission for naval activities and manoeuvres based on the coastal states has the jurisdiction over their EEZ³. This issue had been put forward to the commission of UNCLOS, yet there is no firm decision attained. UNCLOS give a provision for any states to use EEZ which is regarded as a lawful use of the sea, can this be use as a leverage for military operations, exercises, and activities? However, UNCLOS do restrict military activities within territorial sea, archipelagic waters, and archipelagic sea lane passage (ASLP).

² Melchiorre, Tiziana; Plèta, Tomas. Military activities in the Exclusive Economic Zone. A contentious issue of the international law of the sea, Journal of Security and Sustainability Issues 8(2), 127-142. 30th December 2018.

³ *ibid.*

'High Seas' is an area of water column beyond EEZ where any states can conduct activities as long as they are for peaceful purpose, such as marine science and exploration⁴. There are two conflicting definitions on High Seas. According to Britannica the high seas are "all part of the mass of saltwater surrounding the globe that are not part of the territorial sea or internal water of a state".⁵ Whereas, Duhaime's Law Dictionary define high seas as "the open ocean, not part of the exclusive economic zone, territorial sea or internal waters of any state."⁶ While UNCLOS definition is similar to Duhaime's which is under Part VII High Seas Article 86 as "all parts of the sea that are not included in the exclusive economic zone, in the territorial sea or in the internal water of a State, or in the archipelagic water of an archipelagic State."⁷ It can be seen that, the definition of high seas varies, but for the argument purposes, nations signatory to UNCLOS 1982 should adopt the meaning as stated in the convention which is all water beyond EEZ. Melchiorre and Plèta in their journal also stressing out that the use of EEZ during combat are laid down under San Remo Manualⁱⁱ on the Law of Armed Conflicts at Sea⁸. In this manual, the military activities must have due regard for the coastal states' rights and duties for their resources.

It is still unclear either military activities are lawful use of the sea within EEZ or only legal in high seas only. The complexity and this contentious issue becoming a relevant topic as the militaries are using the seas more for the past decades. Military cooperation in combating maritime security had risen regionally and internationally. Military exercises can be done within the EEZ with the consensus of the coastal state and to warn others via Notice to Airmen (NOTAM) or Notice to Mariners (NTM) via the coastal authority. There is a need to properly regulate this issue as coastal states may have sensitivity over their EEZ.

If a nation is signatory to UNCLOS, it is in their interest to accept the definition of High Seas as stipulated in the Article. Allowing military activities within the EEZ is upon the consensus and prior agreement by the coastal jurisdiction.

⁴ The Fletcher School of Law and Diplomacy at Tufts University. "Law of the sea. A policy Primer". <https://sites.tufts.edu/lawofthesea/foreword/> Accessed on 18th March 2020.

⁵ The Editors of Encyclopedia Britannica. "High Seas". Encyclopedia Britannica, inc. 19th June 2017. <https://www.britannica.com/topic/high-seas> Accessed on 18th March 2020.

⁶ Lloyd Duhaime. "High Seas Definition", Legal Dictionary. <http://www.duhaime.org/LegalDictionary/H/HighSeas.aspx> Accessed on 18th March 2020.

⁷ United Nations Convention on the Law of the Sea. Part VII High Seas.

⁸ Melchiorre, Tiziana; Plèta, Tomas. Military activities in the Exclusive Economic Zone. A contentious issue of the international law of the sea, Journal of Security and Sustainability Issues 8(2), 127-142. 30th December 2018.

ASEAN Mechanisms in Maritime Security Governing Bodies

This part will focus on three main mechanisms that ASEAN based on managing the maritime security challenges.

1. ASEAN Political-Security Community

ASEAN Political-Security Community (APSC) was formalised in 2003 as part of advancing ASEAN's common interests. "The APSC shall aim to ensure that countries in the region live at peace with one another and with the world in a just, democratic and harmonious environment."⁹ The components pledge under this community are political development; shaping and sharing of norms; conflict resolution; post-conflict peace building; and implementing mechanisms. Moreover, the community blueprint will be a rules-based of sharing values and norms; cohesive, peaceful, stable, and resilient region with shared responsibility of comprehensive security; a dynamic and outward looking region in an integrated and interdependent world.

APSC can be interpreted as the big picture overseeing the security issues within ASEAN region. A blueprint was produced as a result of close cooperation and solidarity amongst members for the past four decades in which the vision grew to be outward looking, living in peace, stability and prosperity, bounded together in partnership in dynamic development and in a community of caring societies¹⁰. This blueprint intended to promote political development in adherence to the principles of democracy, the rule of law and good governance, respect for and promotion and protection of human rights and fundamental freedom so as to ensure that peoples and members states live in peace with one another and with the world at large in just, democratic and harmonious environment. The APSC envisages three main agendas which are a rule-based community of shared values and norms; a cohesive, peaceful, stable, and resilient region with shared responsibility for comprehensive security; and a dynamic and outward looking region in an increasingly integrated and interdependent world.

Under these agendas action plan include holding seminars or workshops for sharing experiences on democratic institutions; to compile best practices of voluntary electoral observations; to facilitate free flow of information for mutual support and assistance; mutual support and assistance to develop

⁹ ASEAN. "ASEAN Political-Security Community". <https://asean.org/asean-political-security-community/> Accessed on 16th February 2020.

¹⁰ ASEAN Secretariat. ASEAN Political-Security Community Blueprint Handbook. ASEAN Secretariat 2009. ISBN 978-602-8411-06-6.

strategies for strengthening the rule of law; to continue ASEAN's current practice of close consultation to achieve full implementation of the Declaration of Conduct and work towards the adoption of regional Code of Conduct (CoC) in South China Sea; establish ASEAN Maritime Forum (AMF) that focuses on safety of navigation and security as well as cooperation in maritime safety, and search and rescue (SAR); to strengthen confidence building measures among ASEAN defence and military; to develop modalities for good offices, conciliation, and mediation for settlement of disputes; to strengthen ASEAN humanitarian assistance; to strengthen cooperation in addressing non-traditional security issues; intensify counter-terrorism efforts by ratification and implementation of ASEAN Convention on Counter-Terrorism (CT); strengthening ASEAN centrality in regional cooperation and community building with external parties and dialogue partners.

2. ASEAN Regional Forum

ASEAN Regional Forum (ARF) was established in 1994, during the inaugural meeting held in Bangkok, Thailand with the objectives to foster constructive dialogue and consultation on political and security issues of common interest and concern; and to make significant contributions towards confidence building and preventive diplomacy in the Asia-Pacific region¹¹. Under this forum, beside ASEAN's nations, other participating countries include Australia, Bangladesh, Canada, China, DPR Korea, European Union, India, Mongolia, New Zealand, Pakistan, Papua New Guinea, Republic of Korea, Russia, Sri Lanka, Timor-Leste, and the United State of America.

Recently in Tokyo, Japan, the 2nd ARF Workshop on International Cooperation on Maritime Domain Awareness (MDA) was held on 20th February 2020 with the aim of sharing accurate information on various incident to enable nations to response and produce a pre-plan action. The workshop addresses maritime challenges by utilising MDA capabilities and enhancing international cooperation¹². The sessions include presentations on utilisation of MDA capabilities, interagency mechanism and international cooperation beside sharing best practices by members and discussing regional frameworks on MDA among members and further agreed to enhanced international cooperation. The challenges addressed during the workshop include piracy, maritime terrorism, and IUU fishing. Interestingly, Japan Coast Guard (CG) also introduced their satellite-based maritime

¹¹ ARF Unit, ASEAN Secretariat. ASEAN Regional Forum web portal.

¹² MFA Japan. "2nd ARF Workshop on International Cooperation on Maritime Domain Awareness (MDA)", 17th February 2020. https://www.mofa.go.jp/press/release/presse4_000001_00002.html Accessed on 29th February 2020.

surveillance¹³. This is a good example for ASEAN to tap into this kind of technology for a visual near real-time information sharing and perhaps, the need to have assets patrolling maritime area 24/7 would not be needed in the future.

3. ASEAN Defence Ministers' Meeting

ADMM was established under the auspices of ASEAN Political-Security Community (APSC) in which it was stipulated back in 2006. It is the highest defence/military consultative and cooperative mechanism aiming to promote mutual trust and confidence through greater understanding of defence and security challenges as well as enhancement of transparency and openness¹⁴. Part of the objectives were to promote regional peace and stability through dialogue and cooperation within ASEAN and ASEAN dialogue partners¹⁵.

Four years after the establishment, in 2010 the meeting expanded to include the Plus countries which are Australia, China, India, Japan, New Zealand, Republic of Korea, Russia, and the United States of America¹⁶. The inaugural ADMM+ took place in Vietnam in 2010 where the Defence Ministers then agreed on five practical cooperation namely Maritime Security (MS), Counter-Terrorism (CT), Humanitarian Assistance and Disaster Relief (HADR), Peacekeeping Operations (PKO), and Military Medicine (MM)¹⁷. The effectiveness of ADMM+ was seen through the conduct of practical cooperation among the members where several seminars, workshops, Table-Top Exercises (TTX) and Field Training Exercises (FTX) organised by the co-chair of each Expert Working Group (EWG). Additional two EWGs were established post 2013 cycle which are:

3.1 Humanitarian Action Mines (2014)

3.2 Cyber Security (2017)

¹³ MFA Japan. "2nd ARF Workshop on International Cooperation on Maritime Domain Awareness (MDA)", 20th February 2020. https://www.mofa.go.jp/press/release/press6e_000213.html Accessed on 29th February 2020.

¹⁴ ADMM Portal. "About the ASEAN Defence Ministers' Meeting (ADMM)", 06 February 2017. <https://admm.asean.org/index.php/about-admm/about-admm.html> Accessed on 08th February 2020.

¹⁵ ADMM Portal. "About the ASEAN Defence Ministers' Meeting (ADMM) - Objectives", 27th February 2013. <https://admm.asean.org/index.php/about-admm/about-admm/admm-objectives.html> Accessed on 08th February 2020.

¹⁶ ASEAN Portal. "ASEAN Defence Ministers' Meeting (ADMM)". <https://asean.org/asean-political-security-community/asean-defence-ministers-meeting-admm/> Accessed on 08th February 2020.

¹⁷ *ibid.*

ASEAN Defence Ministers' Meeting Plus Expert Working Group on Maritime Security (ADMM+ EWG MS) first meeting in 2010 was held in Perth, Australia co-chaired by Australia and Malaysia¹⁸. The tenure for each chairmanship was decided for a period of three years.

Republic of Korea as one of the Plus members of ADMM+ seen the importance of them engaging with ADMM+ for three reasons¹⁹. Firstly, according to Saeme Kim a PhD candidate at King's College London, that the ADMM+ is seen as the emerging security community and it is the main regional body for security and defence cooperation with practical cooperation and geographically clustered around the Asia-Pacific region. Furthermore, the members are fewer with constructive members and able to stay up to date with newly emerging threats which allows for operational based on need rather than broad objectives. Secondly, with Republic of Korea active participation shows their support for ASEAN members and its dialogue partners where each EWG co-chaired by one ASEAN members and one dialogue partners in facilitating cooperation and sharing expertise. By Republic of Korea co-chairing with Singapore as EWG MS, this has elevated Republic of Korea - ASEAN relationship to a higher level and promoting peace by holding more meetings with leaders in the region and deepening military and defence cooperation in realising the objective of ADMM+. Lastly, ADMM+ as a venue for bilateral and multilateral talks for exchange of views. This include the establishment of military hotlines between China and Republic of Korea. Recently in Bangkok, the Korean were engaging the Japanese peacefully in a friendly manner after their military relations have had difficult years, although the meeting will not lead to a breakthrough success but it is a signal of goodwill intentions by both sides.

ADMM+ members are keener in enhancing the practical cooperation via this platform. As being noted, with a small members and objective focus on the current threats making ADMM+ practical cooperation more comprehensive than any other platform. Members are putting more efforts in participating via this platform. New ideas in enhancing cooperation and collaboration were noted by respective co-chairs. These new agenda will be deliberated at the ministerial level during the ADMM.

¹⁸ ADMM Portal. "ADMM-Plus EWG on MS".

<https://admm.asean.org/index.php/2012-12-05-19-08-54/admm/admm-plus/admm-plus-ewg-on-ms.html> Accessed on 08th February 2020.

¹⁹ Kim, Saeme. "The Growing Importance of ADMM Plus for South Korea", *The Diplomat*. 15th October 2019. <https://thediplomat.com/2019/10/the-growing-importance-of-admm-plus-for-south-korea/> Accessed on 08th February 2020.

ASEAN's Military

As mention earlier in Chapter 2 by Doctor Christopher Rahman that the coastal states need a dynamic maritime force as it is the flexible instruments of policy. Examining the involvement and contribution of ASEAN's military can be as a gauge of how ready is ASEAN.

1. Involvement internationally

In a press release by United Nations Security Council (UNSC) numbered SC/14093 dated 30th January 2020 that cooperation between UN and ASEAN is vital in maintaining international peace and security and combating global nuisances²⁰. António Guterres, UN Secretary-General, noted that ASEAN has been involved in many regional initiatives by association's consensus-building approaches or better known as 'ASEAN Way' which aim at conflict prevention and peacebuilding in conflict situations. He further positively commented on the constructive dialogue between ASEAN and China on finding solution pertaining to South China Sea and looking forward to the conclusion of the Code of Conduct (CoC) which help to prevent maritime and territorial disputes. Dato Lim Jock Hoi, ASEAN Secretary-General emphasis that the region had evolved to a community that provides opportunities for all in which all members nations have committed to peaceful relationships with guided principle of mutual respect, non-interference, and peaceful dispute settlement. International contribution by ASEAN under UN Peacekeeping mission was also noted where ASEAN's military has contributed some 5,000 troops around the world.

In term of maritime security contribution internationally, some ASEAN members had contributed ships and troops for the operations in combating piracy in the Gulf of Aden. Combined Task Force 150 (CTF-150) a multinational coalition naval task force was established to monitor shipping as part of the global war on terrorism. The operation is referred to Maritime Security Operations (MSO). Another CTF which is the CTF-151 was also established in response to combat piracy with the mission to disrupt piracy and armed sea robbery. Both of these CTFs saw the participation from ASEAN members who also work alongside ADMM+ members. The issue of maritime security is no stranger to ASEAN. With the participation by ASEAN's military, members states can adopt lesson learnt from these experiences.

²⁰ United Nations. "United Nations Cooperation with South-East Asian Nations Association Vital for Fight against Climate Change, Terrorism, Organizations' Chief Tells Security Council", 30th January 2020. <https://www.un.org/press/en/2020/sc14093.doc.htm> Accessed on 16th February 2020.

2. Military Development in ASEAN region

“Rapid military modernization across the Asia-Pacific region has significantly increased the potential for dangerous miscalculations or conflict in the maritime domain. Many countries are also significantly enhancing their maritime law enforcement (MLE) agencies capabilities. These assets have become increasingly relevant as countries, particularly China, are using them to assert sovereignty over disputed areas”²¹ as a softer non-military approach. The American believes that the enhancement of Chinese maritime capabilities is intended to deter external intervention and also to counter their technologies. According to US Department of Defense in their journal, China had launched more naval vessels than any other countries from 2013 to 2014 which made China possessing more than 300 surface vessels, submarines, amphibious vessels, and maritime patrol aircraft, which is the largest number in Asia.

China’s Coast Guard (CG) is also predicted to increase by 25 percent in the effort to enforce its maritime claims. The Chinese CG is expanding incrementally as Beijing prefers to use government-controlled MLE assets in the disputed areas with their navy standing by over the horizon if need be²². This is their softer approach to avoid escalation to military conflict. This tactic had been used over rival claimants with Japan, Vietnam, Philippines, and Indonesia.

Meanwhile, ASEAN’s maritime naval forces and maritime law enforcement agencies significant modernisation enhancement is only Vietnam where they acquire Russian-built submarines, frigate, and corvettes. On top of this, Japan also provide Vietnam with six used CG surveillance vessels, whereas the Philippines also getting two used United States Coast Guard (USCG) cutters vessel for their navy. Royal Thai Navy (RTN) also enhancing their capabilities with a signed contract with China for Landing Platform Dock (LPD) to allow the navy to undertake wider scope of operation beside amphibious transport dock²³. RTN also acquiring submarine from China which is expected to be in service by 2023. In October 2019, anointment ceremony for formally

²¹ Department of Defense. “Asia-Pacific Maritime Security Strategy: Achieving US National Security Objectives in a Changing Environment”, 27 July 2015. RefID: F-79748EF.

²² *ibid.*

²³ Nanuam, Wassana. “Navy to buy B6.1bn Chinese landing ship”, Bangkok Post, 12th September 2019.
<https://www.bangkokpost.com/thailand/general/1747774/navy-to-buy-b6-5bn-chinese-landing-ship> Accessed on 9th March 2020.

commissioned frigate by HM King Rama X took place in Sattahip Naval Base²⁴. The frigate (FFG- Frigate, Guided Missile) was built by Korea's Daewoo Shipbuilding and Marine Engineering Co. to perform anti-aircraft, anti-surface, and anti-submarine naval mission. This frigate is the first of its class as the second one is delay to give leeway for the Chinese build submarine. With this new capability, RTN intended role for HMTS BHUMIBOL ADULYADEJ is to protect Thailand's maritime sovereignty, ensuring security along SLOC, and rescue operations.

Continued multilateral or bilateral engagement between ASEAN and China at operational level and diplomatically would prevent tension from escalating or conflict in the South China Sea. This would give rooms for mutually advantageous politically and economically viable via the means of preventive diplomacy. The modernisation of ASEAN's military is not to be seen as armed race but only in keeping up with modernisation and advancing technology. The modernisation is also part of replacing ageing and obsolete platforms.

Comparing ARF and ADMM+

According to Professor Tan See Seng in his chapter in an edited book title Multilateralism in a Changing World concluded that ADMM+ progressing well in mitigating regional security compared to ARF due to small manageable members with the inspiration in favour of functional, practical, and actionable cooperative activities²⁵. Due to the positive progress, implementing ADMM+ goals are taken seriously as members pour commitment to and investment in the ADMM+. Members continues to engaged in dynamic institutional balancing in Asia-Pacific multilateralism where both collaboration and competition set foot.

ARF was established eight years before ADMM in the aim of multilateral forum for Asia-Pacific regional security which in its nature is intergovernmental and do not pool members sovereignty. Decisions are based on consensus as ASEAN always does, not on majority of vote. Professor Tan a political scientist, a Professor of International Relations at the S. Rajaratnam School of International Studies (RSIS) at Nanyang Technological University Singapore and also as the President of International Students Inc (ISI) based in Colorado Spring, mentioned that ASEAN tends to work better in a mini-lateral

²⁴ Voytenko, Mikhail. "Thai Navy News - new frigate, another one postponed, submarine keel laying ceremony", FleetMon. 26th October 2019. <https://www.fleetmon.com/maritime-news/2019/27521/thai-navy-news-new-frigate-another-one-postponed-s/> Accessed on 9th March 2020.

²⁵ Tan See Seng. "From ARF to ADMM+: Is the Asia-Pacific Finally Getting Multilateralism Right?", in Christian Echle, Patrick Rueppel, Megha Sarmah, and Yeo Lay Hwee (Eds.), *Multilateralism in a Changing World*. Singapore: Konrad Adenauer Stiftung, 2018, Page 57-70.

manner such as Malacca Strait maritime and air patrol between Malaysia, Singapore, and Indonesia, which subsequently Thailand joined in. Another such successful cooperation and collaboration is in the Sulu Sea which involved Indonesia, Malaysia, and the Philippines. These mini-lateral are a good sign for ASEAN where the willingness in shared commitment to an aspirational goal in the common interests to reach solutions to an issue.

ARF vision is building a region of peace, friendship, and prosperity which outlined goals for enhancing collaboration in cooperation on terrorism, transnational crime, disaster relief, maritime security, and non-proliferation and disarmament. Forum members supported the development as a step forward from being a talk shop to a more action oriented, but it's too late as ADMM+ had advanced their steps in military practical cooperation. This had led the perceptions that the ARF had become irrelevant according to Professor Tan See Seng.

Strengthening cooperation and engagement of defence/military via ADMM+ is the way ahead for regional security mechanism. How should ASEAN military form up need further study. Over the decades, ASEAN had not put any suggestion for ASEAN to form up military alliance or military standing forces. So, what shall ARF do in the future, shall it be just a preventive diplomacy forum and let the practical defence and military cooperation handle by ADMM+ or shall ARF feeding bigger security issues beyond the region for ADMM+ consideration. ADMM+ had conducted several practical cooperation which include maritime security, humanitarian assistance & disaster relief, military medicine, cybersecurity and others. The strength of cooperation and willingness within ADMM+ has grown from unsure to trust. Perhaps this was the aim of APSC to have solidarity and harmonious environment.

Conclusion

From the above reviews, it can be concluded that the South China Sea is very volatile. The need for each coastal state to protect own's Exclusive Economic Zone as stipulated in the law requires capable maritime assets, either it be military or other civilian maritime law enforcement (MLE) agencies. The initiative and practical cooperation between military in the region had greatly reduces tension in the region. Adding to the confidence building is the sharing of information in Maritime Domain Awareness (MDA). If this MDA provides picture which is common to all in the region, perhaps the tension will greatly reduce as coastal state is able to communicate directly with the vessel's flag state as to where is the vessel heading or what is the vessel engaged in doing.

Navies' around the region are expected to contribute to maritime surveillance as navies have capabilities and expertise to combat maritime security. Maritime forces which include the navy and the civilian maritime law enforcement agencies can work side by side to conduct routine maritime

security patrol and safety operations. Both can complement each other in supporting or supported as both agencies have different roles and power to implement policy/jurisdiction. From a low end to the high end of the maritime security spectrum, both military and civilian maritime law enforcement agencies can work hand in hand, but first both agencies need to conduct training internally and advance training multilaterally. Thus, conducting ADMM+ EWG MS field training exercise is one of the platforms for enhancing capacity and confidence building.

The need to have a standing ASEAN Maritime Security Forces at the moment may not be seen as a priority as ASEAN is better in contributing on voluntarily basis. Each member has their own strength and weaknesses. With different sets of capabilities, integration of systems needs to be thought of. Maritime Domain Awareness picture compilations can be a start for members to appreciate what is happening in their respective area of responsibility.

ASEAN Regional Forum specifically on the maritime security committee need to rethink or refocus their role in this dynamic maritime security arena in order to remain relevant. Restructuring the flow of information and link to other ASEAN maritime security platform need adjustment. The need to work closely with ASEAN Maritime Forum and ASEAN Defence Ministers' Meeting is one of the things to be consider.

The positive connotation by UN has encourage ASEAN to work more closely within its members and dialogue partners. The numbers may not be as large as European Union, but the spirit in going toward peace and just is noticeable by the world.

ⁱ High Seas as defined in UNCLOS 1982 Part VII High Seas Section 1. General Provisions Article 86 as all parts of the sea that are not included in the exclusive economic zone, in the territorial sea or in the internal waters of a State, or in the archipelagic waters of an archipelagic State.

ⁱⁱ The San Remo Manual on International Law Applicable to Armed Conflicts at Sea was adopted in June 1994 by the International Institute of Humanitarian Law after a series of round table discussion held between 1988 and 1994 by diplomats and naval and legal expert. It is the only comprehensive international instrument that has been drafted on the law of naval warfare since 1913.

Chapter 4

Current Maritime Activities within ASEAN

In this chapter, the research will examine the initiatives ASEAN had carried out based on reports from ASEAN Defence Ministers' Meeting Plus Expert Working Group on Maritime Security (ADMM+ EWG MS) in the last decade. Other involvement by ASEAN's maritime security agencies within the region will also be look into. These activities and initiatives will form as basis for proposing way forward and will also looking closely on the proposed plan by ASEAN maritime agencies.

Other meetings and forums as briefed and shared during the ADMM+ EWG MS are also included in this chapter as these have influence the way ADMM+ EWG MS shaping the future plans.

Successful cooperation and activities within ASEAN and its dialogue partners also indicates the success in determining if ASEAN had done enough in the last decade.

The ASEAN Leaders' Aspiration

The heads of states or government of ASEAN reiterated during the 35th ASEAN summit in Bangkok/Nonthaburi, Thailand in November 2019 that ASEAN value the importance of continuity and sustainability in building efforts and commitment in promoting partnership within its members and international community with the aim in realising the region of lasting peace, security, and stability¹.

Joint Declaration by ASEAN Defence Ministers' Meeting in Bangkok, Thailand in July 2019 emphasising that all parties to work constructively and in a peaceful manner to achieve peace, stability, and prosperity while anticipation of early conclusion and mutually agreed Code of Conduct (CoC) in the South China Sea.²

Joint Statement during ASEAN Defence Ministers' Meeting with the Plus Members also reflecting the practical cooperation on strengthening ASEAN Centrality security architecture and at the same time enhancing mutual trust and confidence between members. It was recognised that security threats and challenges in Asia-Pacific are transboundary where

¹ ASEAN. "Chairman's Statement of the 35th ASEAN Summit Bangkok/Nonthaburi, 3rd November 2019: Advancing Partnership for Sustainability". 3rd November 2019.

² ADMM. "Joint Declaration of the ASEAN Defence Ministers on Sustainable Security". 11th July 2019.

regional integration and connectivity is vital for a sustainable way to prevent and address these security threats.³

It is clear that the aspiration by ASEAN's leaders is to have a peace and stable region. The cooperation on strengthening ASEAN centrality would enhance mutual trust and confidence within the members and also with ASEAN dialogue partners. The trust and confidence would certainly boost regional vision in addressing maritime security threats.

ADMM+ Expert Working Group on Maritime Security

ADMM+ EWG MS is the subset of ADMM+ which was established back in 2011. The committee agreed for the EWG to be co-host by one ASEAN member and one from the plus member. The tenure or cycle will be three years where the co-host briefed on their plan during the first meeting for the cycle. For the past decade, ADMM+ EWG MS members that took the cycle were:

1. Australia & Malaysia; 2011-2013.
2. Brunei Darussalam & New Zealand; 2014-2016.
3. Republic of Korea & Republic of Singapore; 2017-2019.

To have a baseline of understanding between 18 members, initial briefing and discussion was held during the inaugural meeting in Australia in 2011. A brief by Dr Sam Bateman from S. Rajaratnam School of International Studies (RSIS), Nanyang Technological University, Singapore highlighting that Maritime Security (MS) is categorised into two which are the traditional threats that is the defence against military threats and protection of national maritime interests and sovereignty, and the second part is non-traditional threats which include piracy, terrorism, natural disasters, smuggling, illegal fishing, and environmental threats. He also highlighted the current trends in maritime security was that security is more closely linked with safety and more agencies are now involved in managing maritime security, hence the importance of inter-agencies coordination at national and regional level is a priority. The crux will mainly be focusing in South China Sea (SCS) as this is the complex issue ASEAN is dealing with and also monitoring the development of the Code of Conduct (CoC) which is discussed in the higher echelon within ASEAN.

The following paragraphs are extract from the meeting as reported by each co-host and agreed by all participating members. The extract highlighting the plans, initiatives, and some considerations to be taken onboard.

³ ADMM+. "Joint Statement by the ADMM-Plus Defence Ministers on Advancing Partnership for Sustainable Security". 18th November 2019.

1.1 Australia & Malaysia

Ideas that were put forward include practical cooperation in establishing mutual cooperation network, live intelligence sharing, combined responses, freedom of navigation, and illegal fishing. The role of defence in maritime security management was also discussed in length, where all agreed that the defence is the last resort despite possessing unique skills and capabilities. What was stressed out is that in order to be successful, Whole-of-Government (WoG) approached is the best way of managing maritime security. A challenge would be to consider different legal frameworks and jurisdictions where it be national or international level.

As ADMM+ EWG MS was considering practical exercises, the meeting needs to consider the adoption of Code of Unalerted Encounters at Sea (CUES) as pursued by Western Pacific Naval Symposium (WPNS). The purpose of this adoption is for the good conduct of seamanship and conduct of ships at sea whilst manoeuvring in formations in a multinational environment in the same area.

The initial intention to get to know every member was to conduct a Table-Top Exercise (TTX) in the spirit of enabling participating nations to understand how others operates to reduce potential of misunderstanding. The idea was well supported by all members as all were new to the group and hence taking precautionary steps at a time. The first TTX was hosted by Australia and Malaysia which took place in Langkawi, Malaysia in September 2012 and the outcome drew out the points below:

1.1.1 Domestic legislation and national policy to be consider when operating in a multinational arena.

1.1.2 Different understanding of maritime security terms and definitions such as non-traditional threat like smuggling - it is a constabulary operation or is it a maritime security issue.

1.1.3 The need to have capacity building and sharing of knowledge before the conduct of any exercises in order to ensure everyone are in the same wavelength.

In order to put things into perspective after the first After-Action Review (AAR), the second TTX was held in Sydney, Australia also hosted by Australia and Malaysia as a build up from the previous TTX with more outcomes to consider as follow:

1.2.1 The need to have common communication protocol.

1.2.2 Information sharing was seen important during a complex multinational operation.

1.2.3 Effective coordination is the key for resource efficient operation.

1.2.4 Standard Operating Procedures (SOP) is needed to effectively carrying out multinational operations.

After a successful two rounds of TTX, the first ADMM+ EWG MS Field Training Exercise (FTX) was carried out in Jervis Bay, Australia at the end of 2013 which aimed to promote practical maritime cooperation in information sharing and build a common understanding in establishing baseline interoperability in maritime security cooperation.

Australia proposed for ADMM+ EWG MS Future Leader's Programme to encourage collaboration and networking in ADMM+ community at middle management level with the objective of building people to people links among the next generation leaders. This was to maintain momentum for practical cooperation on shared maritime security challenges.

Singapore was echoing Australia's idea to build networking from junior to middle management level officers by attending a Regional Maritime Security Practitioner Course (RMPC) organised by Republic of Singapore Navy and RSIS.

The United States Navy (USN) proposed for a passage exercise for ADMM+ members where it be bilateral, trilateral, or multilateral with the common SOPs in improving understanding and familiarity with Rules of Engagement (ROE) between various navies. The aim is to build trust and confidence.

A suggestion was voice out for ADMM+ EWG MS to work with other EWGs for the future FTX to ensure continuity of activities and to build on the momentum the group had developed. This would add-value to the FTX as the complexity increases.

Other recommendation for ADMM+ EWG MS is to coordinate efforts and cross-talk with other mechanism concerned in maritime security fora such as ARF, AMF, WPNS, IONS, on top of national WoG approach to synergise contribution and avoid duplication. The aim is to maximise effort efficiently.

2.1 Brunei Darussalam & New Zealand

Promoting practical cooperation among members in addressing common defence and security threats in the vast sea in the region need collaboration and common understanding. This keynote was addressed by Brunei's Ministry of Defence during the taking over as the Expert Working Group on Maritime Security co-host. The address specifically mentioning matters such as:

2.1.1 Capacity building where members to add value utilising the efforts and expertise by the ADMM+ members in developing defence capabilities in addressing common challenges through sharing of information, training programmes, and exercises.

2.1.2 Conducting joint exercises to determine and develop inter-operability and common structure in view of responding jointly to common regional challenges.

2.1.3 Advancing the cause of peace and stability in the region and serving as a basis for preventive diplomacy.

2.1.4 To established practical measure that reduces vulnerability to miscalculations and avoid misunderstanding and undesired incidents at sea.

Taking the suggestion from previous co-chair, Brunei Darussalam and New Zealand (NZ) took a step further by proposing a combined Field Training Exercise (FTX) with ADMM+ EWG on Counter Terrorism (CT). It was viewed that some elements of CT were similar to maritime security where both EWG could share maritime surveillance, maritime interdiction, and maritime boarding exercise. Additionally, a suggestion by members of the ADMM+ EWG MS, in order to enhanced the complexity of the FTX, involvement of non-military elements come into play with the maritime security exercise. Unfortunately, during the 8th ADMM+, it was decided that only military-to-military practical exercise is allowed at the moment, but non-military can participate only in seminar and workshop to add-value and share different perspective. The combined FTX of EWG MS and CT took place en-route from Brunei Darussalam to Singapore over a period of five days. A significant agreement by all members as an outcome from the FTX was the adoptions of CUES into ADMM+ EWG MS framework.

Piracy was seen as one of the issues to be address by ADMM+ EWG MS. In addressing this global issue, a workshop was held in Auckland, NZ which aim to broaden understanding, shared experienced, and best practises on Counter-Piracy. Piracy

itself is complex, with long history, and has threatens global trading system.

Dr Sam Bateman, from the Australian National Centre for Ocean Resources and Security (ANCORS) also a member of RSIS, presented his position on piracy and sea robberies during the workshop. Amongst questions put forward to be discussed by participants were the current situation with piracy and sea robberies, the trends, what worked well to combat these threats and what could be done better. He further elaborated that the claim of South East Asia is becoming a hot spot for piracy not technically true. The majority of incidents actually constitute an act of opportunistic petty theft and less significant type of piracy, rather than serious piracy acts such as found in Gulf of Aden (GoA) and Horn of Africa (HoA) region. Attacks on ships at port and ship at anchor, and ships underway are very distinct incidents and as to where the incidents had happened, either within Exclusive Economic Zone or out in the High Seas. The definition of piracy must be understood clearly. Participants of the workshop agreed on the following outcome which need to be address by all members.

2.2.1 Need for better situational awareness and information sharing.

2.2.2 Standardisation of operating procedures.

2.2.3 The role of non-military actors including private security contractors.

2.2.4 The rule of law that challenge the prosecution.

2.2.5 Resource constraints.

Part of maritime confidence building measures, New Zealand come up with a programme specifically targeting junior to middle management naval officers. The Future Leaders' Programme will be based on academic session on the challenges and leadership qualities that required for the future. The programme centred on future challenges, leadership qualities and the next steps for the programme enhancement. The key takeaways from the programme were:

2.3.1 Naval Base or Maritime Enforcement site visits, networking activities, syndicate discussion.

2.3.2 Cultural programme for understanding the host country.

2.3.3 Exchanges of naval history and future planning.

2.3.4 Prolonged the programme to 10 days instead of a week programme.

2.3.5 Addition of two more personnel from each nation, totalling to three.

2.3.6 Ship ride hosted by the hosting nation.

2.3.7 Informal setting for open discussion and practical exercises.

2.3.8 Pre-distributed hot issue before attending the programme.

3.1 Republic of Korea & Republic of Singapore

Republic of Korea (ROK) and Republic of Singapore took over as the co-chair of ADMM+ EWG MS at the end of 2017. Both co-chairs stressed the importance of strengthening mutual trust and confidence as well as enhancing practical cooperation. The current security threats facing the region will dictated both bilateral and multilateral response where ADMM+ EWG MS would serve as a platform to discuss these threats and identify potential solutions. Further to this, South China Sea's Sea Line of Communication (SLOC) plays a significant role in the global economy and mobility. Vice Minister of National Defence of ROK stated the prevalence of maritime non-traditional threats in the region which are trans-boundary in nature remains high and continues to require collective responses, hence intensified cooperation is key to ensure the preservation of security.

Representative from Information Fusion Centre (IFC), Singapore highlighted six main threats in the region which needs attention as follows:

3.1.1 Trafficking of contraband items - weapons, explosive, drugs, wildlife are among the common commodities being smuggled caught via Malacca Straits and Celebes Sea.

3.1.2 IUUF - identified hotspots in the region include Gulf of Thailand, Bay of Bengal, Philippines archipelagic waters, Riau Island, Malacca Straits, and Singapore waters. On average over 10 reported incidents of poaching per month in the first half of 2017. On top of these incidents, illegal practices by local fishermen were also reported, this include net sizes, area of fishing, and method of fishing.

3.1.3 Irregular Human Migrations (IHM) – commonly found in Singapore Straits, and North and East Sabah, Malaysia. Illegal migrants often prompted by the need to look for jobs (dirty-dangerous-difficult).

3.1.4 Maritime incidents (accident at sea) – the pattern and area are around Malaysia, Indonesia, and the Philippines. The type and category of vessel involved were mainly fishing boats, passenger ship/ferry, and cargo ships.

3.1.5 Theft, Robbery, Piracy – there is a significant reduction in numbers which reflect the success of information sharing, collaboration, and effective cooperation with other Maritime Law Enforcement (MLE) and coordination between operations rooms and International Liaison Officers (ILO) stationed at IFC.

3.1.6 Maritime Terrorism – continued to pose threats in the region. Incidents such as kidnap-for-ransom had taken place in Sulu-Celebes Sea area. Nevertheless, it shows reduction from 18 incidents in 2016 to 3 incidents in 2017. This can be seen as the direct result of the Trilateral Co-operative Arrangement (TCA) coordination and collaboration between Indonesia, Malaysia, and the Philippines.

ADMM+ EWG MS members agreed to step up Maritime Confidence Building Measures (CBM) as a follow up action from previously proposed agenda.

3.2.1 Adoption of CUES and understanding the use of it is of an important. The applicable regulations and guidance pertaining to naval ships and aircrafts behaviour whilst at sea need a method for direct communication. Hence, workshops needed to flatten the wrinkle to avoid misunderstanding. This would also enhance trust and a political significant on maritime military security cooperation particularly to the front liners.

3.2.2 Promoting mutual understanding in establishing common regional and international norms for preventing incidents at sea. The action may include extending coordinated patrols and joint operations or exercises, and extending maritime information sharing. By promoting this would require equality and mutual respect to generate mutual benefits and win-win results.

The United States brought up an issue with regard to sanction enforcement and nuclear non-proliferation specifically on Democratic People's Republic of Korea (DPRK) as their long-range ballistic missile footprint covering Southeast Asia. The US highlighting that the fact that United Nation Security Council Resolution (UNSCR) 1874 (2009) calling members to inspect and destroy all banned cargo to and from DPRK and UNSCR 2375 (2017) strengthen sanctions and provided new tools to stop smuggling of prohibited products in the high seas. The US urges for more exchange of information on illicit activities and exercise scenarios that involved maritime interdiction and inspection in ports and at sea. Members of ADMM+ EWG MS took note and will curtail activities in support of the enforcement.

The need to consideration the establishment of Maritime Crisis Management Systems (MCMs) such as maritime hotline/direct communications system. This would allow any hot issue that need action and attention is taken care of.

For the past nine years, ADMM+ EWG MS has evolved from seminar, workshop to a practical cooperation. Started with Table-Top Exercises to Field Training Exercises. Single objective exercise to a complex multi scenario exercises. This strong cooperation is built on trust and confidence.

Other Fora's view on Maritime Security

Other fora including non-military institutions looking into Maritime Security issues in the region that are being shared within ADMM+ EWG MS meetings include ASEAN Regional Forum (ARF), ASEAN Maritime Forum (AMF) and Extended AMF, Western Pacific Naval Symposium (WPNS), Indian Ocean Naval Symposium (IONS), Seapower Conference, International Maritime Security Symposium (IMSS), and ASEAN Navy Chiefs' Meeting (ANCM). These other platform ideas were considered by ADMM+ EWG MS members as guiding principle and actions items which in a way had shaped ADMM+ EWG MS view on maritime security.

1. ASEAN Regional Forum (ARF)

ARF primary objectives are to foster constructive dialogue and consultation on political and security issues and to make significant contributions to efforts towards confidence building and preventive diplomacy⁴. ARF perspective in Maritime Security is also towards Preventive Diplomacy (PD) and confidence

⁴ ASEAN. ASEAN Regional Forum. <https://asean.org/asean-political-security-community/asean-regional-forum-arf/> Accessed on 26th May 2020.

building measures (CBM) with greater defence transparency via nation's Defence White Papers (DWP), personnel exchanges, and cooperative approaches to security and information data base. ARF centred around non-military agencies and departments such as Coast Guard (CG), customs, fisheries, and other Maritime Law Enforcement (MLE). The need to increased inter-agencies cooperation to promote information sharing is one of the agenda in ARF.

ARF Inter-Sessional Meeting on Maritime Security (ISM MS) is balancing its work between conventional and non-traditional security issues. Non-traditional security issues are recognised as useful early building blocks which are conducive to the cultivation of mutual trust and consensus in the region. Consistent with PD work plan and on the basis of consensus, potential measures of PD and confidence-building in maritime domain was in place within the work plan.

The 5th ARF Inter-Sessional Meeting on Maritime Security (ARF ISM MS) reported by Republic of Korea Navy during the 6th ADMM+ EWG MS in Australia stated that discussion was centred on capacity-building for MLE, implementation of the International Ship and Port Security (ISPS), and Maritime Environment Protection.

The 6th ARF ISM MS development was brief by Indonesia as it took place in Bali, Indonesia in May 2014. Amongst briefed were the issues of coordination, consultation, and synergy between ASEAN related bodies and mechanisms on maritime security. Other issues discussed were Search & Rescue (SAR) and IUU Fishing. There was no concrete decision or plan on synergising ASEAN bodies made at the end of the session.

The Philippines hosted the 8th ARF ISM MS in April 2016 where exchanges of views on the current challenges in maritime security (MS), relevant best practices in addressing MS, legal and regional framework on maritime issues to deepen ARF cooperation. Also discussed were matters on Government and Industry Cooperation in addressing piracy and armed robbery at sea, best practices for enhancing maritime security cooperation, and Regional Cooperation Agreement on Combating Piracy and Armed Robbery against ships in Asia (RECAAP).

Following the meeting, a workshop hosted by the Philippines on the establishment of a National Maritime Single Points of Contact (SPOC). This will allow MLE to cooperate through national maritime SPOC for collaboration and information sharing. The workshop identified a resistance to change beside defining the appropriate mandate of SPOC, and some arguing the

lack of institutional capabilities that will hinder the initiative. The plan hit a brick wall and no further follow up on it. The change requires some government structure and legal power in order to implement this SPOC which make the members unwilling to accept.

2. ASEAN Maritime Forum/Extended ASEAN Maritime Forum (AMF/EAMF)

AMF focuses primarily on discussing cross-cutting maritime issues in ASEAN which include Search and Rescue (SAR) at sea, assistance of people in distress at sea and strengthening maritime security and safety in the region through multilateral arrangement. ASEAN secretariat role within AMF is to review AMF outcome and share with other sectoral bodies within ASEAN. Key agendas include:

2.1 The cooperation within the region in maintaining regional peace and security entails peaceful settlement of disputes based on international law and via ASEAN instruments.

2.2 To establish regional maritime information sharing network.

2.3 To conduct capacity building and risk management activities and training for maritime related government agencies and industries.

2.4 Implementation of long-range identification tracking system (LRITⁱ) at national level.

2.5 Protection of marine environment and promoting eco-tourism and fishery regime.

AMF and Expanded AMF (eight regional dialogue partners – Australia, China, India, Japan, New Zealand, Republic of Korea, Russia, US) had conducted several initiatives throughout the years. These initiatives include:

2.1 A forum and discussion on UNCLOS in today's context in understanding towards de-escalation and the use of tribunal – International Court of Justice (ICJ).

2.2 Maritime connectivity and capacity building: seafarers training against piracy at sea.

2.3 Protecting marine environment: ocean management, strengthen domestic and international multi-sectoral partnership in joint scientific marine research.

Enhancing sectoral bodies coordination and effective cooperation within ASEAN was brought up several times in the meeting beside planning the future direction for AMF. It was noted that currently there were various different sectoral bodies and agencies within ASEAN working from different perspectives on matters related to maritime cooperation.

3. Western Pacific Naval Symposium (WPNS)

WPNS in 2014 hosted by China adopted Code for Unalerted Encounter at Sea (CUES) for used by naval forces during encounter at sea. China in their note positively confident that members of ADMM+ would do the same as previously proposed during the ADMM+ back in 2012. This adoption only come to consensus by ADMM+ members in 2017. The endorsement of CUES does not supersede any other international laws, agreement, nor treaties and it is not legally binding.

The first fully utilised use of CUES during maritime multilateral naval exercise was during WPNS Multilateral Sea Exercise 2017 in Singapore. Participating members noted the importance of CUES where interoperability between navies was proven. This code also enhances mutual understanding and confidence among participants.

The WPNS is a series of biennial meeting of the Pacific nations to discuss naval matters with 20 members and 5 as observers' status. The primary establishment was as a platform for naval leaders of the Pacific to meet and discuss cooperative initiatives.

4. Indian Ocean Naval Symposium (IONS)

IONS was established in a similar concept to WPNS, but in addition, this symposium have further sub-working groups which are Maritime Security, HADR, and Information Sharing & Interoperability. Part of IONS future plan is to conduct TTX, and FTX as with WPNS and ADMM+ EWG MS.

The focus area for operations and exercises/training is within Indian Ocean as most members are in the rim of Indian Ocean. The lesson learnt from this symposium practical cooperation are also shared with ADMM+ EWG MS as some members are also members of ADMM+.

5. ASEAN Navy Chiefs' Meeting (ANCM)

ANCM is a subset of ASEAN Chief of Defence Force Informal Meeting (ACDFIM) in which also purview ASEAN Army Chief Meeting and ASEAN Chief Air Force Meeting. ANCM is held annually between ASEAN Navies only. The host is based on rotational consensus. ANCM provides an avenue of opportunity for ASEAN navy chiefs' to interact and also providing a bilateral engagement between ASEAN. During the meeting, a year plan is reviewed and agreed by all, consequently a five years broad plan will also be outline. The previous host will brief and give feedback on the activities they organised and proposing an enhancement to better the programme for the next organiser.

Activities under the purview of ANCM in term of confidence building measures include:

5.1 ASEAN Navy Young Officers Interaction (ANYOI) – organised base on rotation amongst members. Each year, the hosting nation will come up with different theme. The purpose is to let the young officers to build friendship as it is bound for them to meet again in the near future.

5.2 ASEAN Cadets Sail and Seminar – organised solely by Indonesian Navy (IDN) annually. The aim is to bring ASEAN Naval Cadets for interaction and team building beside understanding each other procedures and exchanges of naval knowledge. The cadets will join a tall ship voyage around ASEAN. This programme also fosters early relationship between young naval officers.

Beside practical interactions, ANCM is also in the process of adopting Standard Operating Procedure (SOP). Adoption of HADR SOP was endorse during the 9th ANCM in Myanmar in 2015. Following this was the SOP for ASEAN Multilateral Naval Exercise (AMNEX) in which the first AMNEX was successfully conducted in Thailand in November 2017. Pending on the approval and endorsement is SOP on Anti-Sea Robbery Cooperation (ASRC) which is led by Royal Malaysian Navy (RMN).

To widen the scope, a proposal was brought forward to include eight other countries (similar to the plus countries in ADMM+) which is currently still under discussion between other ASEAN's Defence Minister.

With too many bodies and yet none is spearheading the issues, the direction is cluttered. This matter was highlighted as a priority discussion for

ASEAN cooperation with dialogue partners in view of freedom of navigation, military and law enforcement and other activities within EEZ. The aim is to act in concert to ensure that there will be no disruption to SLOC and freedom of navigation.

Initiatives initiated by each forum have contributed much on minimising differences. Sharing of knowledge, experiences has put ASEAN and the region together. ASEAN dialogue partners are contributing in building confidence in managing maritime security.

Maritime Confidence Building Measures (CBM)

ASEAN also getting involves in other maritime CBM in the region. The aim is to have a common knowledge and understanding aligned to international norms.

1. Seapower Conference

Seapower Conference organised by Royal Australian Navy (RAN) held biennially. The conference is aim in sharing of best practises and new technologies in the spectrum of maritime security. Participating nations is also invited to give presentation on their perspective in relation to that year's theme.

Every conference will have a different theme. The latest was "Naval Diplomacy and Maritime Power Projection: The Utility of Navies in the Maritime Century".

2. International Maritime Security Symposium (IMSS)

IMSS is the Indonesian initiatives which talks about maritime security issues within members of WPNS and IONS which is held biennially. In 2013 in Jakarta, the participating members discussed in enhancing Maritime Domain Awareness (MDA) through strategic cooperation and to support maritime security and stability in the region alongside existing maritime organisation. Other issues discussed include developing SOPs, communication protocols, familiarity with CUES, and International Code of Signals.

The International Maritime Security Symposium in 2015, with the theme Maritime Confidence Building and Mutual Cooperation for Peace and Prosperity focuses on current maritime security challenges and promoting maritime confidence building measures.

The 3rd IMSS in Bali, August 2017 deliberate on developing multilateral cooperation in support of good order at sea, enhancing comprehensive maritime cooperation and capacity building through mutual understanding, and implementation of good order at sea in the settlement of maritime regional disputes.

3. Maritime Information Sharing Exercise (MARISX)

Hosted annually by Republic of Singapore Navy (RSN). Maximising the use of Information Fusion Centre (IFC), the MARISX 2017 / 2nd ASEAN Maritime Security Information-Sharing Exercise (AMSISX) was successfully conducted. A total of 33 countries participating with 35 Operation Centres (OPCENs) across the globe.

The aim of exercise was to build capacity in information sharing and the know-how which involve real-time participation of shipping community. Other objective of the exercise was sharing of Standard Operating Procedure, standardising OPCEN-to-OPCEN linkages, and strengthening interoperability between exercise participants to build up trust and confidence.

4. Western Pacific Naval Symposium Multilateral Sea Exercise (WPNS MSX)

The exercise is organised by the host of WPNS on rotational basis. The scenario is as proposed by the hosting nation. The scenarios were mostly based on interdiction and boarding operations.

In 2015, the conduct of the exercise focuses on boarding exercise at harbour and at sea. The use of Code for Unalerted Encountered at Sea (CUES) was introduced during the exercise where naval vessels adhere to procedure as laid out in CUES during interrogating a merchant ship. Other objective is practicing procedure between multinational naval vessels in need of support of each other.

5. Exercise KOMODO

Exercise code-named KOMODO is a multilateral naval exercise focusing on humanitarian assistance but then, over the years has expended to include maritime security related issues. Hosted by Indonesian Navy (IDN) held biennially. Naval interdiction and boarding operation training were included on top of HADR operation.

Real-life humanitarian assistance is also part of the exercise. Participating nations contributing manpower and other

resources as part of community service relations. Projects include building bridges, repairing houses, road works and many more.

Exercise KOMODO objectives is to foster relationship and enhance cooperation between navies through shared challenges and common values. The practical exercise is to improve multilateral cooperation and interoperability among navies.

6. ASEAN Multilateral Naval Exercise (AMNEX)

AMNEX is the latest series of a multilateral naval exercise introduced within ASEAN. The first exercise was in 2017 in conjunction with commemorating ASEAN 50th anniversary. Thailand hosted the first exercise with 26 vessels from 19 participating countries which include 11 non-ASEAN which were Australia, Bangladesh, China, India, Iran, Japan, Pakistan, Russia, Republic of Korea, Sri Lanka, and the United States of America.

The next series of the exercise will be hosted by Vietnam in 2020. The aim is to spotlight the on-going defence interaction within ASEAN and partners.

7. Courses

Co-hosted by Republic of Singapore Navy (RSN) and S. Rajaratnam School of International Studies (RSIS), the Regional Maritime Security Practitioner Course (RMPC Singapore) held annually. The course includes lectures by academics from RSIS, dialogue, TTX, discussions, shared awareness meeting with shipping community and enforcement agencies.

The objective is to gain better understanding of the evolving regional maritime security environment and associated security challenges the shipping community currently faces with.

Successful Maritime Cooperation in South East Asia

Amidst rising concern economically, socially, and security between coastal states in ASEAN, matters pertaining to maritime security is taken seriously as transboundary crimes are increasing specifically between neighbouring countries with shared maritime boundary. In addressing this matter need commitment, cooperation and collaboration between countries. Examples of successful cooperation and agreement are:

1. Malacca Strait Patrol (MSP)

Cooperation between Indonesia, Malaysia, Singapore, and Thailand along the bottle neck of Malacca Strait.

The number of reported incidents drastically reduces since the implementation of the MSP.

2. Eyes in the Sky (EiS)

Launched in 2005 between Indonesia, Malaysia, Singapore, and Thailand. The purpose is to conduct patrol over Malacca Strait as a step up and in addition to maritime sea patrol in order to report suspicious activities to fight maritime crimes.

3. Trilateral Co-operative Arrangement (TCA)

The arrangement is between Indonesia, Malaysia, and the Philippines to address maritime security issues in the Sulu Sea area. Issues include smuggling, human trafficking, illegal immigration, and armed robbery/kidnap for ransom.

Initiatives carried out are conducting maritime coordinated patrol, sharing of information and intelligence, identifying transit corridor for safe passage, and rendering immediate assistance and conducting hot pursuit.

A Maritime Command Centre (MCC) based in Sandakan, Malaysia is manned by representative from participating countries provide quick and easy coordination.

The three countries are discussing further on way to enhance the TCA.

4. Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP).

A multilateral agreement between government established in 2004 (enforced in 2006) as an initiative for facilitating and combating piracy related issues. 24/7 operating hours allows a network of information sharing with point of contact for any alerts and warning.

5. Group Sail

Other noted successful coordinated activity is the group sail by some members of ADMM+ EWG MS which prove the interoperability between navies (Brunei Darussalam, China, Singapore, and US). The ships rendezvous in South China Sea and

sail via the Pacific Ocean to Hawaii for Rim of the Pacific (RIMPAC 2014) exercise. Along the route to Hawaii, several trainings were carried out including a port call in Guam.

Conclusion

The aspirations by ASEAN Leaders are clear and concise which is to promote regional stability with lasting peace and security. The aspiration is echoed by defence sector which is supported by ASEAN defence dialogue partners.

ASEAN Defence Ministers' Meeting and defence dialogue partners had contributed much in stabilising the region. Maritime military activities and confidence building had swamped the region with multilateral cooperation. Hence, trust and confidence are earned.

ASEAN-led mechanism which are the ASEAN Regional Forum and ASEAN Maritime Forum had reached the intergovernmental cooperation in the region. With the involvement from the higher authorities, it is foreseen that cooperation and collaboration in the region would be a success if open door policy is maintained.

Compiling the reported activities have indicated that ASEAN has done farther than expected. The activities pertaining to maritime security have bring ASEAN region together and to extend stabilising the region. The support from ASEAN dialogue partners indicating the cohesion in the aim of managing maritime security.

Table 4 - 1: Maritime Security Activities around South China Sea Region.

Confidence Building Measures & Interaction	Practical Exercises / Cooperation
ADMM+ EWG MS Future Leader's Programme. Conducted once during the tenure of Co-Chairmanship. Hosted by rotational basis.	ADMM+ EWG MS Table-Top Exercise (TTX), Field Training Exercise (FTX). Conducted once during every tenure of Co-Chairmanship. Hosted by rotational basis.
Workshop on Adoption of Code of Unalerted Encounter at Sea (CUES) Conducted in 2018. More series of workshop will follow. Hosted by Singapore and Republic of Korea.	ASEAN Multilateral Naval Exercise (AMNEX). Conducted biennially. Voluntary basis by ASEAN members. Last conducted in 2017 in Thailand.
ASEAN Navies Young Officers Interaction (ANYOI). Conducted annually. Hosted by ASEAN member on rotational basis.	Maritime Information Sharing Exercise (MARISX) host by Singapore, conducted annually.

ASEAN Cadets Sail and Seminar hosted by Indonesian Navy, conducted annually.	Exercise KOMODO host by Indonesian Navy, conducted biennially.
Maritime Security Practitioner Course (RMPC), organise by Singapore, conducted annually.	Group Sail on opportunity basis. Last conducted in 2014 on transit to Hawaii for RIMPAC Exercise.
Seapower Conference host by Royal Australian Navy, conducted biennially.	Western Pacific Naval Symposium Multilateral Sea Exercise (WPNS MSX). Conducted voluntarily as proposed by the hosting country.
International Maritime Security Symposium (IMSS) host by Indonesian Navy, conducted biennially.	Malacca Strait Patrol (MSP) & Eyes in the Sky (EiS) in Malacca Strait. On-going.
Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP). Activity include workshop and discussion conducted annually by Singapore.	Trilateral Co-operative Arrangement (TCA) in Sulu Sea. On-going.

Source: Author, Year: 2020.

Table 4 - 2: ASEAN-led Maritime Initiatives

ASEAN Regional Forum	ASEAN Maritime Forum / Expanded AMF
Capacity building within Maritime Law Enforcement (MLE). Hosted by rotational basis and conducted as needed.	Educational forum and discussion on UNLCOS. As proposed by hosting nation on rotational basis.
Implementation of International Ship and Port Security (ISPS). National responsibility.	Seafarer training against piracy at sea at national level oversee by experts. Based upon request by national authority.
Search & Rescue (SAR) Coordination. Conducted when necessary to implement changes.	
Cooperation to eliminate Illegal, Unreported and Unregulated Fishing (IUUF). Conducted annually on rotational basis.	
To established maritime single point of contact (SPOC) for each country. Initiated by Philippines. Further discussion will follow.	

Source: Author, Year 2020.

Under the ambit of ADMM, ASEAN Defence Minister also have Direct Communications Infrastructure (ADI) which was launched since 2017 in phases. Recently in July 2019 during the 13th ADMM that took place in Bangkok, Thailand, it was notable that ADMM had adopted the expansion of this ADI to the Plus Countries⁵. A positive sign of change in trust amongst ASEAN and the Plus Countries. The plan of expansion is also noted by UN as this was published by UN as ASEAN confidence building measures in ASEAN region⁶.

⁵ Prashanth Parameswaran. "What's Next for ASEAN's Regional Security Hotline?", *The Diplomat*, 15th October 2019. <https://thediplomat.com/2019/10/whats-next-for-aseans-regional-security-hotline/> Accessed on 26th May 2020.

⁶ ASEAN. "Confidence Building Measures in the Regional and Subregional (A/RES/73/35)", Brunei Darussalam's Contribution to Confidence Building Measures in the ADMM Process. <https://www.un.org/disarmament/wp-content/uploads/2019/08/brunei-a-74-98.pdf> Accessed on 26th May 2020.

ⁱ As defined in Marine Insight as “The Long Range Tracking and Identification (LRIT) is an international tracking and identification system incorporated by the IMO under its SOLAS convention to ensure a thorough tracking system for ships across the world. LRIT was designed as per the recommendations of one of the Maritime Security Committee (MSC) resolutions. The vessel tracking system is a clear system that does not allow any confusion to creep in with respect to the existing UNCLOS.”

Chapter 5

Conclusion and Recommendations

The objectives of this research are to understand the evolving situation of maritime security in ASEAN region; to examine the understanding of maritime practitioners the terms used in UNCLOS; examining the ASEAN mechanism in managing the issues and challenges and the activities drawn out from it; and lastly to put forward recommendation as a way forward.

This final chapter conclusion base on the compiled report of ASEAN activities and initiatives which are deliberated in Chapter 4 and also literature review and cross examining between articles in Chapter 2 and 3 as the basic foundation into maritime security. The proposed recommendation obtained is based on the current capability and future predicted plan.

Conclusion

The complexity of maritime security begins with the understanding of terms used in accordance with International Law of the Sea and the norms. Definitions of some maritime terms differed from one scholar to another. In Chapter 2, the obvious difference in defining the meaning, where the different in interpretation causes different actions. The international law of the sea as accepted since 1982 which is widely used does not clearly define the vague matter between international law, customary law, and traditional law. For example, the Exclusive Economic Zone (EEZ) and High Seas are the two terms that need more clarification despite UNCLOS has define them clearly. Due to this, military activities in the EEZ or in the High Seas is debateable as discussed earlier in Chapter 3. Adding to this confusion is different meaning by other scholars and institutions.

The challenges and threats of maritime security had impacted the economy and daily lives of human being. Review from articles indicated that maritime security is complex with wide spectrum of issues such as economic, environment, human, and national security. Maritime security issues also impacted economic and social development. The authority beholding after the safety of seafarer cannot dealt with these complex scenarios on their own, therefore the need to cooperate and collaborate with other bodies in the support of managing these challenges. With the involvement of different authorities and bodies, the complexity and challenges may come from agreeing to a statement or agreeing to an action which in the end may not come up with any solution. This is due to different agencies have their own mission and vision. Furthermore, the differences are also contributed by difference jurisdiction and believes.

ASEAN blueprint on matters pertaining to security is laid out in the ASEAN Political-Security Community. Carrying out the said blueprint is the ASEAN Regional Forum, where security in the region is discussed together with dialogue partners around the region and beyond towards confidence building and preventive diplomacy. ASEAN was established five decades ago, which is considerably long time which focuses on economic prosperity and solidarity with social development. De-escalating any contentious issues via dialogue is the main aim of ASEAN.

Rapid military modernisation in Asian region was noticeable, but ASEAN military is only progressing at a steady rate due to economic constraint. Forming up ASEAN Maritime Security Forces is not being put on the table for consideration as ASEAN direction is towards dialogue and consensus in order to avoid confrontation. Furthermore, ASEAN defence dialogue only started 15 years ago and perhaps ASEAN is still in the process of learning and observing the benefit of another military organisation. Looking at an established military alliance such as NATO standing forces, they are facing with challenges in term of solidarity even though it was founded post second world war.

South China Sea issues are not just purely within the coastal states, but also the intervention from other outside powers. These intervention actions had made the issue becoming an international issue, often appears on the front page of a newspapers. As discussed in Chapter 2, ASEAN had approached China via a code to be agreed by both sides. This set of code is expected to be signed by the end of 2020. ASEAN countries also had put forward own maritime boundary issue to the international authority (The Hague or The International Court of Justice) to formalise the boundary.

ASEAN maritime security activities and initiatives are mostly spelled out in Chapter 4. Based on the reported activities, ASEAN has achieved a great deal in the past decade, ranging from inter-government dialogues within the region and also internationally. Forum and symposium hosted by ASEAN has put ASEAN in the eye of the world as a strong and willing association whose aim to seek for peace and stability. This was noted during the annual United Nations General Assembly by His Excellency Tijjani Muhammad Bande, President of the 74th Session of the United Nations General Assembly on 28th September 2019 as his statement below:

“ASEAN has been a staunch advocate for multilateralism since it was founded fifty-two years ago. Indeed, the ASEAN Declaration itself reference adherence to the UN Charter. Multilateralism truly is the foundation of the “ASEAN Way” of life, comprising of compromise, consensus, and consultation.

The people-centred approach of ASEAN has promoted integration and made tangible achievements towards the implementation of 2030 Agenda. Your regional efforts are an

exemplar to other groups due to their success and inclusivity and I hope that you will continue to lead in making the global local.”¹

Looking into the evidence based on the report, ADMM+ EWG Maritime Security alongside with ASEAN Regional Forum and ASEAN Maritime Forum/Expanded AMF had done a lot in keeping South China Sea peaceful and stable. The initiative of practical cooperation via field training exercises had proven workable and to a degree build confidence and trust. Whereas, the forums and meetings has put matters in perspective for the region considerations. The dialogue has to keep going as this will help in sharing of thoughts and plans for a better future in the aim of de-escalating tension and as part of preventive diplomacy.

Recommendations

The proposed recommendations for ASEAN as a way forward are broken down into three main headings as follow:

1. Interaction between practitioners

People to people connection is important as this build trust. Based on the evidences above, the initiatives promulgated by ASEAN is in the correct path in ensuring confidence building measure is carried out. By having the top leadership in harmony and in sync, the workforce and management would easily come up with good consensus decision and producing actions favourable to all. Knowledge and common understanding of terminology is thus far very important. By leveraging on workshop and forum, the effort to make all participants on the same page is the key.

Changing generation will also have impact on the perception of handling the issues and challenges. As mention in Chapter 2 of this paper, the new generation are more on productivity and self-fulfilment. The concerned is that, the new generation may not even border of this issue of maritime security as they view it as not an individual problem. Hence, the need to keep reminding the issue must always be carry out.

ASEAN should also not forget other organisations that oversee the challenges and issues on maritime security. Opening doors for others to share should be encourage. East Asia Security

¹ General Assembly of the United Nation. Statement by H.E. Tijjani Muhammad Bande, President of the 74th Session of the United Nation General Assembly”, ASEAN-UN Ministerial Meeting. 28th September 2019. <https://www.un.org/pga/74/2019/09/28/asean-un-ministerial-meeting/> Accessed on 24th April 2020.

Outlook is one of the platforms that gave a broader perspective on security issues and challenges. The symposium or seminar or forum can be dovetail to topic or subject of interest. This platform brings in ideas and thoughts from different perspective.

It is recommended for ASEAN to be more open in addressing maritime security via ASEAN Regional Forum in alignment to international law. The agenda should be addressing current and future threats for each respective body within ASEAN such as ADMM+ EWG on Maritime Security to action upon.

2. Governing Policy

A policy is a mechanism that will steer and direct a course of action to be adopted by ASEAN. ASEAN Regional Forum (ARF) is on Track One where the involvement of high-level political and military leaders focusing on treaties or agreements. ARF is the correct avenue and at the right level to pass policies on matter pertaining to maritime security issues as other ASEAN forum or meeting will refer to it. ARF Maritime Security Work Plan is a co-chair over the period of three years. Since ARF is the highest level of meeting, it is recommended for ARF to spearhead the maritime security to synergise all efforts in the aim of having the same vision. Furthermore, the ARF intentions should be pass formally via a special meeting with bodies that also addressing maritime security.

Establishing Coast Guard (CG) may be a good start to deal with non-traditional maritime security threat. In accent, a CG is a form of civilian run organisation and the task of maritime policing would be seen less sensitive compare to the military. According to Andrew Selth a writer for The Interpreter in his article title 'With new Coast Guard, Myanmar looks to improve maritime security', he foresees that that with the establishment of civilian led maritime security agency will enhance regional cooperation and opportunities². This would not be seen as aggression but more on a softer approach. Therefore, ASEAN should be considering this as part of softer approach.

Another recommendation is to form up a maritime security forces, perhaps to establish ASEAN Maritime Security Enforcement. This is based on the rising tension in South China Sea. The need to safe guard the region is paramount as the region needs peace and safe maritime environment in order to prosper and sustain the future. This will allow closer cooperation between

² Selth, Andrew. "New Coastguard Myanmar looks improve maritime security", The Interpreter, 9th September 2019. <https://www.lowyinstitute.org/the-interpreter/new-coastguard-myanmar-looks-improve-maritime-security>. Access on 10th December 2019.

adjacent neighbours and the region where coordinated patrol or joint patrol would allow cross borders. ADMM was only formalised over a decade ago, the idea of forming up a military standing force was not put on the table just yet, but pledging of assets for the use on Humanitarian Assistance & Disaster Relief is present. ASEAN perhaps need to discuss in lengthy on the formation of a maritime security force with consideration from another military alliances lesson learnt. Commitment and pledging of assets need solidarity as one region in order to synergise effort.

As an example, to be consider is Standing NATO Maritime Group. A few studies being made on the formation and challenges NATO faces. Claudia von Salzen and Der Tagesspiegel reported in Euractiv dated 24th October 2017 that NATO was facing with logistics and deployment of troops from one country to the front line³. The challenges that NATO was facing not only logistically, but also “lack of military risk and contingency plans for the new NATO members in the East” as stated by Brigadier General Klaus Wittmann. He and few other experts from several European countries believed that NATO was doing too little to prepare for reaction for any possible conflict in Europe. Ageing capabilities and reduce in troops as well as command structure also impacted NATO forces. According to Natalie Regoli, Chief Editor at Connect Us Fund concluded that NATO existence was as an allied force that backup for greater good with a pact of mutual defence for deterrence⁴. She listed out the good things about NATO which include among those are long-term collective defence; manage crisis around the world; fight terrorism; able to work with partner countries; provide a cost-effective way to provide for mutual defence; stopping countries from developing nuclear weapons; and NATO providing a permanent diplomatic forum. On the other side of the argument, she listed out the contradiction or the downside of NATO which are funding requirement; the role of NATO is no longer valid; members changing governance style; the question of members ready to stand up to their obligation to defend and protect aggressor; and last but not least is over-reliance on the US. The author also concluded that the modernisation within NATO members and the capabilities upgrade need collective training as these capabilities and procedures are more theoretical, but have never been tested.

³ Von Salzen, Claudia, Tagesspiegel, Der. “Internal NATO report reveals weaknesses in defence”, Euractiv, Security. 24th October 2017. <https://www.euractiv.com/section/politics/news/internal-nato-report-reveals-weaknesses-in-defence/> Accessed on 23rd March 2020.

⁴ Regoli, Natalie. “18 Biggest Pros and Cons of NATO”, ConnectUsFund. 29th November 2019. <https://connectusfund.org/18-biggest-pros-and-cons-of-nato> Accessed on 23rd March 2020.

Another issue facing NATO is the solidarity. To date, NATO is having 29 members with interest of their own. This had undermined democratic value and the basic principles of the rule of law according to Judy Dempsey, a senior fellow at Carnegie Europe and editor in chief of Strategic Europe⁵. It was notice during tension escalating in Syria where members revelling the position of other member's troops to the belligerent. This could cause endanger to another. NATO's instability was visible during the US-led war against Iraq in 2002 where NATO countries were bitterly divided over the invasion. Some countries joining NATO was simply for the need of security and reassurance. The doubtful between members also lead to not sharing intelligence information as the feeling of lack of trust. So, NATO alliances is not a perfect model to follow but the lesson learnt from what members strived can be brought into ASEAN perspective. This need a further study or perhaps outside from ASEAN agenda as ASEAN is primarily established for the purpose of economic prosperity and socio-culture development beside promoting political cooperation and stability. The solidarity of the region is very much needed in realising this vision. A study based on observation of NATO forces had proof that without solidarity, the alliance may fail.

3. Leveraging on technological advancement

In this era of modern technology, the good use of technologies would certainly benefit all. As mention earlier in the previous chapter, South China Sea is a vast area to be monitor, likewise coastal states' own Exclusive Economic Zone is out to 200 Nautical Miles from shore Baseline, this would require certain capability to keep monitoring and patrolling the area as to enforce the country's sovereignty. By having more maritime capabilities (ships and aircrafts) would increases the probability of maritime coverage over maritime sovereignty, but yet again this could not ensure every corner are watched.

With the experience of COVID-19 pandemic, the maritime security forces also experienced the bad side of it. Enforcement agencies having problems in conducting their routine. Navies around the world are also facing these challenges. Furthermore, assigning personnel in a confined work space with the danger of contracting the dieses is a big ask. Social distancing or 'Work-From-Home' philosophy does not applicable in this situation. The navy have to strictly abide with national health policy. If ships cannot sail for routine patrol, the navy have to come up with alternatives. This is where technology come into play. The need to incorporate unmanned system and data sharing would ease

⁵ Dempsey, Judy. "NATO's Bad Apples", Carnegie Europe: Strategic Europe.3rd April 2018. <https://carnegieeurope.eu/strategieurope/75962> Accessed on 23rd March 2020.

the surveillance and monitoring as well as tracking over the maritime area. Utilising or tapping into the current existing centre (such as Information Fusion Centre in Singapore), raw data from ships, aircrafts, satellites, radars and other surveillance and monitoring systems can be feed into the system for compilation before disseminating to regional maritime command centres for information or action. By having a real-time picture can ensure quick reaction and appreciation.

A group of International Students from Thailand National Defence College, Class 62 had a visit to Thai-Maritime Enforcement Command Centre (Thai-MECC) on 30th June 2020. The purpose was to understand how the Thai-MECC doing their daily business. As presented by the Thai-MCC staff, the Maritime Command Centre utilising technology in providing maritime picture. The feed is via internet web base which are shared amongst three other Command Centres around Thailand namely Area 1 covering northern part of the Gulf of Thailand, Area 2 covering southern part of the Gulf of Thailand, and Area 3 covering Andaman Sea to the west. This is a good model for ASEAN to adopt. The Command Centre is manned by various agencies that include Marine Police, Fishery Department, Customs, Coastal and Maritime Resources Department, Marine Department, and the navy.

It is recommended for ASEAN to embark into this technology as part of efficiency. Not forgetting to have direct one-on-one or conference communications via the existing ASEAN Defence Minister Direct Communications Infrastructure (ADI) as being reiterated during the 13th ADMM in Bangkok, Thailand in July 2019 for a sustainable security.

List of Acronyms

ADI	ASEAN Defence Minister Direct Communications Infrastructure
ADMM	ASEAN Defence Ministers' Meeting
ADMM+	ASEAN Defence Ministers' Meeting Plus (Australia, Peoples Republic of China, India, Japan, New Zealand, Russian Federation, Republic of Korea, United States of America)
ANYOI	ASEAN Navies Young Officers Interaction
AMF	ASEAN Maritime Forum
AMNEX	ASEAN Multilateral Naval Exercise
ANCORS	Australian National Centre for Ocean Resources and Security
ARF	ASEAN Regional Forum
ARF ISM MS	ARF Inter-Sessional Meeting on Maritime Security
APEC	Asia Pacific Economic Cooperation
APSC	ASEAN Political - Security Community
ASEAN	Association of Southeast Asian Nations
CG	Coast Guard
COC	Code of Conduct
CS	Cyber Security
CSCAP	Council for Security Cooperation in Asia Pacific
CSIS	Centre for Strategic & International Studies
CT	Counter-Terrorism
CTF	Combined Task Force
CUES	Code of Unalerted Encounters at Sea
DDG	Guided Missile Destroyer
DoC	Declaration on the Conduct of Parties in South China Sea
DPP	Democratic Progressive Party
DWP	Defence White Paper
EASO	East Asia Security Outlook
EWG	Expert Working Group
FTX	Field Training Exercise
GoA	Gulf of Aden
HADR	Humanitarian Assistance and Disaster Relief
HAM	Humanitarian Action Mines
HMTS	His Majesty Thai Ship
HoA	Horn of Africa
ICJ	International Court of Justice
IFC	Information Fusion Centre
IHM	Irregular Human Migrations
ILO	International Liaison Officers
IMO	International Maritime Organisation
IMSS	International Maritime Security Symposium
ISPS	International Ship and Port Security
IUU	Illegal, Unreported and Unregulated
JAG	Judge Advocate General
LCS	Littoral Combat Ships

LPD	Landing Platform Dock
MARISX	Maritime Information Sharing Exercise
MCC	Maritime Command Centre
MDA	Maritime Domain Awareness
MLE	Maritime Law Enforcement
MM	Military Medicine
MS	Maritime Security
MSO	Maritime Security Operations
NADI	Network of ASEAN Defence and Security Institutions
NOTAM	Notice to Airmen
NTM	Notice to Mariners
NM	Nautical miles
OPCEN	Operation Centres
PD	Preventive Diplomacy
PLA-N	People's Liberation Army – Navy
PKO	Peacekeeping Operations
RAN	Royal Australian Navy
RBN	Royal Brunei Navy
ReCAAP	Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia
RIMPAC	Rim of the Pacific Exercise
RMN	Royal Malaysian Navy
RMPC	Regional Maritime Security Practitioner Course
ROKN	Republic of Korea Navy
RSIS	S. Rajaratnam School of International Studies
RSN	Republic of Singapore Navy
SAR	Search and Rescue
SCS	South China Sea
SLOC	Sea Line of Communication
SOLAS	Safety of Life at Sea
SOP	Standard Operating Procedures
SPOC	Single Points of Contact
TCA	Trilateral Co-operative Arrangement
Thai-MECC	Thailand Maritime Enforcement Command Centre
TTX	Table-Top Exercise
UN	United Nations
UNCLOS	United Nations Convention on Law of the Sea 1982
UNCTAD	United Nations Conference on Trade and Development
UNGA	United Nations General Assembly
UNSC	United Nations Security Council
UNSCR	United Nations Security Council Resolution
USN	United States Navy
USS	United States Ship
WoG	Whole-of-Government

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Biography

Full Name: Captain Khairil Haji Abdul Rahman, RBN

Date of Birth: 6th July 1975

Education Background: Post Graduate Diploma in Arts - Strategic Studies, Massey University, New Zealand

Military Course: Royal Navy Young Officers' Course, Britannia Royal Naval College, Dartmouth, UK
International Long Navigation Course, HMAS Drake, UK
International Principle Warfare Officers' Course, HMAS Drake and HMAS Collingwood, UK
Joint Command and Staff Course, Brunei Darussalam
Executive Development Programme, Brunei Darussalam

Military Experience: Ship's Commanding Officer
Joint Maritime Operations Staff Officer, Joint Headquarters, Royal Brunei Armed Forces
Chief of Staff, Royal Brunei Navy Headquarters
As a ship's Captain for HADR mission during Typhoon Haiyan in Tacloban, Philippines (2013)

Current Position: Commandant Naval Training, Royal Brunei Navy

Endnotes

SUMMARY

Field: Strategy

Title: ASEAN Maritime Security in The Next Decade: A Propose Way Forward

Name: Captain Khairil Haji Abdul Rahman, RBN **Course:** NDC Class 62

Position: Commandant Naval Training, Royal Brunei Navy

Background and significance of the problem

South China Sea has always been the hot topic for the Southeast Asian region and internationally. The issues have been dealt via different forums. ASEAN had raised the issue with People's Republic of China with the aim of mitigating the tension in the South China Sea. The proposed Code of Conduct (CoC) between ASEAN and China is now currently in reviewed, and hoping for it to be agreed and endorse by the end of this year. It is long overdue since the Declaration of Conduct (DoC) back in 2002.

The Chinese military had strengthened their bases on the man-made islands and occupying more islands/atolls in the South China Sea which makes some coastal states uneasy. Tensions had caused loss of lives and economic potential incomes.

Involvement by other outside powers had created and worsen the global political security. The US are enforcing their Freedom of Navigation Operations (FONOPS) challenging the Chinese. The Russian is also seen collaborating with ASEAN coastal states in the exploration of oil and gas.

Different interpretation of maritime terminology and the understanding of the law of the sea (United Nation on the Conventions of Law of the Sea 1982) also contributed to different conduct at sea. Different school of thoughts have influenced the region which causes the different understanding.

Hence, this paper will look into ways for ASEAN dealing with maritime security in the next decade.

Objectives of the research

The research objective is to propose way forward for ASEAN in the next decade. It is foreseen that maintaining and promoting peace, security, safety, and freedom of navigation in South China Sea is of importance. The paper focuses on three objectives which are understanding the evolution of South China Sea maritime security and understanding the terminology used in the maritime environment; and examining ASEAN led mechanisms in managing maritime security and the conduct of activities and initiatives to mitigate the challenges.

Scope of the research

The research presenting the current situation and the past decade on how ASEAN managing maritime security. By examining the actions took, the research draws out challenges and opportunities which then turn into way forward.

Lesson learnt from other developed organisations are put forward as exemplar, where they do best and what they did not. This is use as a reminder for ASEAN to consider in the near future.

It is understood that maritime security also linked up with other domain in the maritime environment such as marine environment, economic development, human security, and national security. This paper will only focus on the maritime security perspective only which contribute to traditional and non-traditional threats.

Methodology

Reviewing articles, documented reports, and related news was used to come up with the proposed way forward. The research solely be literature review drawing out opinion and perspective from different angle.

With the compiled report of activities and initiatives done by ASEAN, it is envisaged to come up with way forward to fill up any gaps.

Results

The research revealed that the maritime security in South China Sea could be de-escalated with the consensus between ASEAN and China. ASEAN is looking forward on the agreement and endorsement of the Code of Conduct.

At the meantime, other outside powers should not try to escalate the tension by provoking actions. This would stir up geopolitical security tension in the region.

Understanding the common terminology and deep understanding on maritime security need to be prioritise. International body or organisation must come up with better solution in addressing this difference school of thoughts.

Recommendations

ASEAN shall stand as one in orchestrating maritime security in South China Sea. Continuing the dialogues as a means of preventive diplomacy is the way to avoid escalating the tension, but until when. Agreement and decision must always be adherent to international laws and norms.

ASEAN need to consider the future of ASEAN region maritime security. It is suggested for ASEAN to study on the enhancement of interaction between practitioners; to look into regional governing policy that addresses maritime security; and investing on technology as one ASEAN.

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