AN ASEAN MARITIME SECURITY COOPERATION:
A COST-BENEFIT ANALYSIS

BY

LEWIS PYRTLE

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Asst. Prof. Theera Nuchpiam, Ph.D.   Prof. Vira Somboon, Ph.D

Examination Committee Member   Member

………………………………

Darmp Sukontasap, Ph.D.

Member and Advisor

Approved by Graduate School

....

(Asst. Prof. Plt. Off. Vannee Sooksatra, D.Eng.)
Dean of Graduate School
December 9, 2021

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Lewis A. Pyrtle

Researcher

5907635   : Lewis Pyrtle

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Abstract

The overarching question in this study is "would a region-wide maritime security cooperation benefit Southeast Asia more than the current status quo?" Southeast Asia is one of the most geographically significant regions in the world. The region is rich in dominant maritime trade routes, trade volume, untapped energy resources, and fishery and marine resources. However, the region is under both traditional and non-traditional maritime security threats that could potentially destabilize the entire region if not adequately addressed. Maritime stability in Southeast Asia directly links not only to the national and economic security of the coastal states in the region but also to the global trading community. This paradigm has led external powers to jockey for the position of influence in Southeast Asia, often disturbing the balance and harmony of Southeast Asian nations.

This paper examines ASEAN as well as the organization's methods, approaches, and responses to its various maritime security challenges. ASEAN has made efforts pursuing maritime peace, stability, and security, but members have not been able to reach the level of commitment for region-wide maritime security cooperation. There are a few internal and external challenges that repeatedly inhibit greater cooperation. The result revealed that there were region-wide holistic approaches or collective efforts concerning Southeast Asia's maritime security cooperation. This research concluded that, despite significant progress in facets of maritime security cooperation in Southeast Asia, a region-wide maritime security cooperation would be more efficient, effective, and productive than the status quo.

(Total 100 pages)

Keywords: ASEAN, South China Sea, Maritime Security, Security Cooperation

Student's Signature …......................... Thesis Advisor's Signature ....

TABLE OF CONTENTS

TABLE OF CONTENTS (CONT)

LIST OF TABLES

LIST OF FIGURES

LIST OF ABBREVIATIONS & ACRONYMS

ASEAN	Association of Southeast Asian Nations
EU NAVFOR	European Union Naval Force Operation Atalanta
FOIP	Free and Open Indo-Pacific Strategy
FONOP	Freedom of navigation operation
IFC	Singaporean Navy Information Fusion Centre
IMO	International Maritime Organization
IUU Fishing	Illegal, unreported, and unregulated fishing
MSC	Maritime security cooperation
MSCI	Maritime security cooperation and integration
MSP	Malacca Strait Patrol
NATO	North Atlantic Treaty Organization
NTS	Non-traditional security
PCA	Permanent Court of Arbitration
ReCAAP ISC	Regional Cooperation Agreement on Combating Piracy and Armed Robbery Information Sharing Centre
SCS	South China Sea
SLOC	Sea lines of communication
TMP	Trilateral Maritime Patrol
UNCLOS	United Nations Convention on the Law of the Sea
UNODC	United Nations Office on Drugs and Crime

CHAPTER 1

INTRODUCTION

1.1 BACKGROUND

Since the 1400s, major powers have built their wealth, expanded their influence, and annexed territories by way of their naval might. At the time, the prominent thinking was based in realism (military and economic competition), which inevitably influenced the world's major powers to project their sovereignty beyond their shores through land and sea conquest. The colonization of Southeast Asian territories was a consequence of that type of thinking. The entire region, with the exception of Thailand, was seized by great powers such as the United Kingdom, Netherlands, Spain, Japan, France, and the US. These early conquerors were able to subjugate and colonize various territories and regions throughout the world due to their naval might and extensive sea conquest to foreign lands. The ability of states to patrol and defend their waters, as well as having the capacity to explore, patrol, and control sea routes, was the key to economic wealth, security, and power (McLachlan, 2011).

However, after the last world war and the establishment of the United Nations, as well as the spread of the self-determination movement, international behavior shifted from interstate conflict to interstate cooperation, reconciliation, and conflict resolution through the new liberal order (Ikenberry, 2018). Nations are now less inclined to declare war against each other, and if war does break out, there are international mechanisms available to pacify interstate conflict. These factors do not mean the current international system and the United Nations are perfect; however, judging from previous systems, one can easily make the case that the current system has proven to be more successful in promoting global peace and cooperation than any other system in the past. While the world has shifted from a primarily realist

international structure of power politics to a liberalist international structure of complex interdependence, so have some of the threats and challenges that states and society now face. Both traditional and non-traditional international security threats can equally affect a state's sovereignty, though non-traditional security threats have a porous quality that can infiltrate states' traditional security mechanisms, which can make non-traditional security threats more difficult to combat than traditional security threats. Thus, it is often easier for transnational organizations and criminals to circumvent governments' security defenses and forces than it is for an opposing state's uniformed force. For example, imagine a state fighting an interstate war with a traditional army (traditional security threat) versus a state fighting a terrorist organization or transnational criminal organization (non-traditional security threat). Both scenarios check the box of violating states' sovereignty, and both situations have their unique challenges regarding how to fight them. However, a far more comprehensive approach is typically required to defeat non-traditional security threats, because it is not a designated force-on-force scenario. In the maritime domain, non-traditional security threats are even more challenging and permeable to states' border control efforts and are often the easiest way to enter a state undetected and unchallenged. If non-traditional maritime security threats seem like an insurmountable challenge to states' ability to protect their shores, then a nation's ability to protect their marine resources and mariners out at sea would reasonably be more perplexing. To be clear, in this paper, non-traditional maritime security threats are non-traditional security threats carried out on or in connection with the maritime domain. This means that any land-based or maritime-based crime performed in connection with the sea at some point (e.g., smuggling terrorists from Indonesia to the Philippines by sea) falls in this category. This perspective expands non-traditional maritime security threats beyond specific maritime crimes like piracy and armed robbery at sea.

The maritime domain can, at times, seem lawless, chaotic, and absent of any governing order. It typically becomes more lawless the further one travels out to sea. Thus, the safety and security of seafarers are increasingly at risk the further out to sea they sail. Depending on the region, a mariner's safety and security can be compromised entirely due to a lack of littoral state policing, maritime governance, and

safety and security oversight. Piracy invasions in the Malacca Strait, South China Sea, Gulf of Aden, and Somalia over the last couple of decades are just a few well-known areas of maritime insecurity. In Somalia alone, piracy would have prevailed if the international community had not joined together in a concerted effort to suppress piracy in the region (Alessi & Hanson, 2012). It took international collaboration to tackle piracy, a non-traditional security threat of common concern in the Somali region. It is important to keep in mind that various other non-traditional security threats were not addressed in those cooperations. The Somalia piracy international intervention is evidence of how difficult it is for one nation to address non-traditional maritime security threats. The ocean is too vast for maritime law enforcement to patrol everywhere. Additionally, maritime jurisdictional zones place added legal limitations on states, resulting in an enormous amount of the sea being unpoliced and beyond the reach of law enforcement. However, through maritime security cooperation, states can reduce those challenges.

1.2 PROBLEM STATEMENT

Nine out of the ten ASEAN members are geographically connected to strategic waterways, and ASEAN members economies are directly influenced and linked to those waters. If Southeast Asia waterways were shut down, even temporarily, the effect would create economic shockwaves both in Southeast Asia and in the global trading community. Therefore, not only do ASEAN members depend on their waterways, but their global trading partners do as well. ASEAN has a personal stake in ensuring their regional maritime domain provides peace and stability for themselves and for the international community that navigates their waters.

ASEAN members are, at times, indecisive on how to collectively address their regional problems, especially regarding maritime security arrangements. There is currently nothing that holistically and operationally addresses the region's maritime security problems. There are many forums on this issue, and maritime security is among the highest security concerns among members, but there is no operational framework or initiative to confront the region's maritime security challenges. A person

wishing to get fit must do more than merely talk about his or her fitness plan: if the person never goes to the gym and works out, then he or she will never achieve the desired result, making the plan useless. ASEAN appears to be stuck in the discussion and planning phase concerning its maritime security. That does not mean that ASEAN will not eventually go to the "gym" of operational maritime security at some point, but it does mean that ASEAN has been merely talking about its fitness plan (forums on maritime security) over recent decades, rather than actually working out (starting an operationalized maritime security cooperation). While discussions and planning may be useful confidence building measures among members, and great ideas may arise, if these ideas are not put into practice, they will have no effect on the maritime security environment.
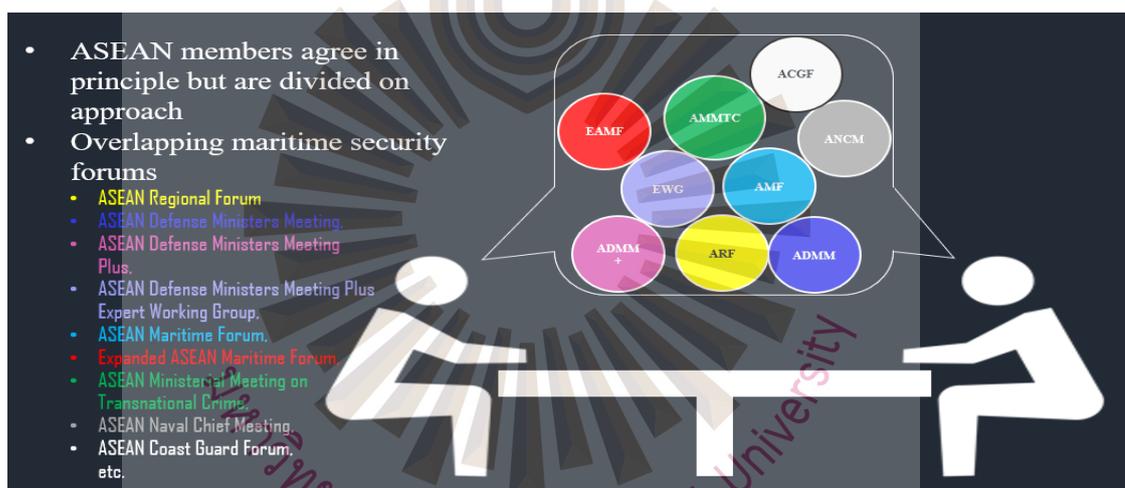
Figure 1.1 ASEAN forum/discussion-based approach to maritime security cooperation
Source: Pyrtle, 2019
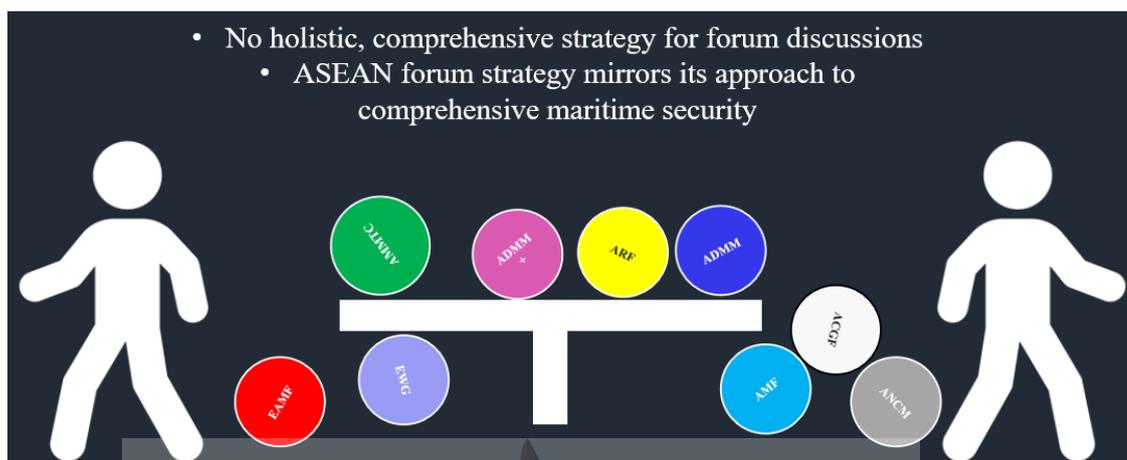
Figure 1.2 ASEAN maritime forums lacks holistic approach

Source: Pyrtle, 2019

At present, ASEAN primarily handles its maritime security issues through unilateral and minilateral efforts and has few multinational maritime initiatives that address specific threats like piracy. The term "minilateralism" was coined by Naim (2009) in his Foreign Policy article, where he defined it as "a smarter, more targeted approach: We should bring to the table the smallest possible number of countries needed to have the largest possible impact on solving a particular problem" (para. 7). Minilateralism is a subset of multilateralism that focuses on using the fewest members possible to address specific challenges. Mitigating ASEAN maritime security challenges may require the same level of concentration of this concept but on a regional scale.

ASEAN maritime security challenges are already complicated due to its vast waterways, lack of government resources, and lack of political will to holistically address the challenges. With the listed challenges, what is the best approach for ensuring the peace, stability, and security of ASEAN seas? The over-simplified answer often cited by maritime security experts is a regional maritime security cooperation. However, could it work within ASEAN? That is the question that this paper aims to answer. This paper focuses on the cost-benefit of a potential ASEAN maritime security cooperation established in accordance with ASEAN's most essential values—mutual respect for sovereignty, peace and stability, peaceful resolution, consultation, non-interference, protection of human rights, international and

humanitarian law, and centrality in external affairs (Association of Southeast Asian Nations [ASEAN], 2007b, pp. 6-7)—versus the status quo of ASEAN's current maritime security approach.

1.3 RESEARCH OBJECTIVES

This study aims to weigh the pros and cons of a regional maritime security cooperation in ASEAN. The goal is to systematically examine ASEAN's global importance, its prominent maritime security challenges, and the cost-benefit of a regional maritime security cooperation versus the organization's primarily unilateral way of addressing maritime security issues, as well as to determine whether an ASEAN maritime security cooperation could fit and function within ASEAN's existing framework while maintaining the association's core principles. The following objectives are pursued to better understand the various dynamics at play concerning maritime security in Southeast Asia:

1.3.1 To study Southeast Asia's traditional and non-traditional maritime security threats and challenges and their impact on the region.

1.3.2 To assess whether maritime security cooperation and initiatives are effective in dealing with regional challenges and whether any could apply to ASEAN.

1.3.3 To review ASEAN's history, framework, and principles, as well as member differences, to determine whether a regional maritime security cooperation could exist within ASEAN.

1.3.4 To assess the cost-benefit of ASEAN members, unilaterally and minilaterally addressing maritime security and safety challenges versus using a collective maritime security approach.

Upon conclusion of this paper, ASEAN members and readers will have been given a research-based cost-benefit assessment of an ASEAN maritime security cooperation versus the status quo.

1.4 RESEARCH QUESTIONS

This study intends to investigate and answer the following research questions:

1.4.1 What is the state of Southeast Asia's maritime domain, and how do traditional and non-traditional maritime security challenges impact regional peace and stability?

1.4.2 Are regional maritime security cooperations effective, and can one that upholds ASEAN's values, principles, and norms fit and function within ASEAN?

1.4.3 How did ASEAN historically meet its internal and external security challenges, and could this function as a roadmap to meeting current regional maritime challenges?

1.4.4 What benefit could a regional maritime security cooperation bring to ASEAN countries versus maintaining the current regional security methods of unilateral and minilateral approaches?

1.5 HYPOTHESIS

The scope of this study is to weigh the cost-benefit of a regional maritime security cooperation for ASEAN members to address regional and national maritime security threats, as well as to evaluate whether such a maritime security cooperation could fit within ASEAN's existing framework while supporting ASEAN's conceptual and core principles. ASEAN's traditional and non-traditional security threats and trends are assessed against members' national and regional security capacities. Additionally, since it is likely that a regional maritime security cooperation effort would prove to be more effective than ASEAN members' primary unilateral approach, the second part of this study examines ASEAN's historical and current framework for insight into whether an ASEAN maritime security cooperation could be established and sustained within the association.

This research has some foreseeable limitations. These limitations include lack of access to ASEAN maritime security officials who would discuss the inner workings and behind-the-scenes challenges of ASEAN maritime affairs. However, official

interviews would likely reveal negligible results by focusing more on political or diplomatic process than the effectiveness of a maritime security cooperation. This study is not focused on process as much as it is focused on the effectiveness of maritime security cooperation.

The scope and aim of this study is to compare ASEAN's current challenges and approaches to maritime security against the cost-benefit of a regional maritime security cooperation in an effort to address those challenges. This aim is achieved through a review of documents. Due to the sensitive political nature of the topic and the deep political divides, officials would likely be reluctant to move beyond political rhetoric; official statements were already publicly available, and interviews would likely conform to publicly available statements and statistics versus revealing anything groundbreaking, new, or profound. That does not mean that ASEAN's official statements are not important to this thesis. In fact, to satisfy this key aspect of the present study, public comments and official statements from ASEAN members are reviewed. These statements are used to gain insight into the ASEAN perspective.

1.6 SCOPE AND LIMITATIONS

The conceptual framework of this study aims to examine whether an ASEAN maritime security cooperation would be more effective in addressing ASEAN members' national and regional security concerns than the existing status quo. The framework provides a series of reference points to examine before making a final analysis of the current state of ASEAN maritime affairs and the cost-benefit of an ASEAN maritime security cooperation. The research begins with an ASEAN maritime domain regional evaluation to reveal what is at stake. This evaluation aims to indicate if the region has global importance. Next, ASEAN maritime security challenges are examined in detail. The regional security challenges are used to expose regional vulnerabilities, which are security weaknesses that states or transnational adversaries or opportunists can exploit. Vulnerabilities are like a chink in one's armor. Knowing the region's value and vulnerabilities can aid in determining the level of attention needed to address security concerns and the level of security measures needed to

mitigate those vulnerabilities. Next, since no regional maritime security cooperation exists within ASEAN, other international, regional, and subregional maritime security cooperations are examined by measuring post-cooperation effectiveness versus pre-cooperation conditions. Examining the efficacy of existing maritime security initiatives helps to determine whether maritime security cooperations are universally effective, effective on a case-by-case basis, or not effective at all. With these foundations in place, the next point that is examined is a regional maritime cooperation could fit within the ASEAN framework, while keeping its values, principles, and norms. The reason for this part of the research is because if stakeholders are not committed, even the best maritime security cooperation can fail as a result of conflicting values, norms, and principles. Due to the possibility of conflicting tenets and ideals from ASEAN members, this study attempts to drop divisive options and look for compatible solutions through an examination of ASEAN's past and present areas of cooperation. The last part of the study focuses on assessing the cost-benefit of a regional maritime security cooperation to address existing challenges versus maintaining the status quo of primarily unilateral approaches.
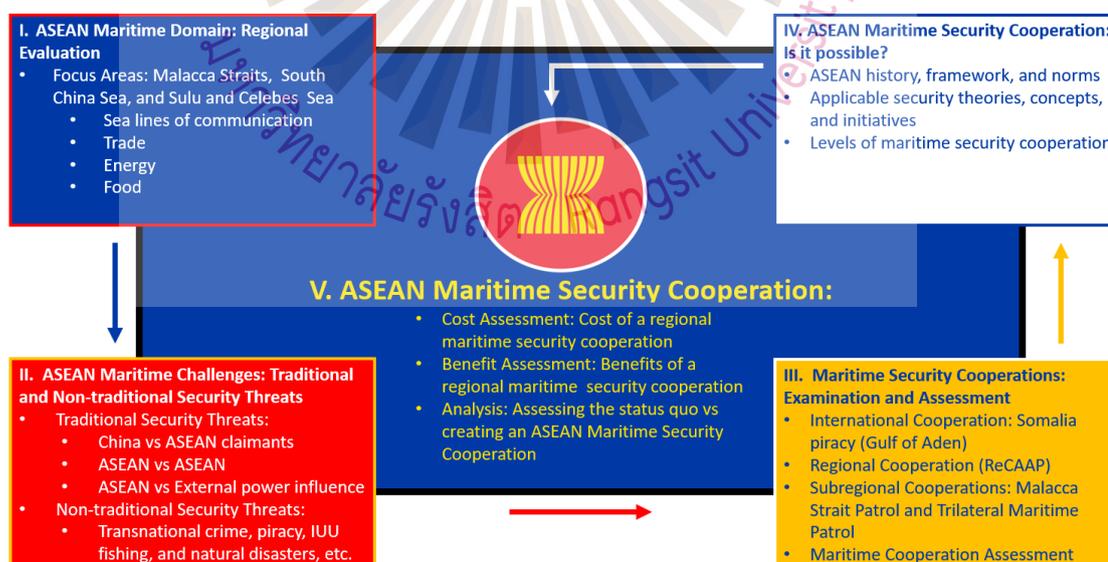
Figure 1.3 An ASEAN maritime security cooperation:

A cost-benefit analysis conceptual framework

Source: Pyrtle, 2019

1.6.1 ASEAN Maritime Domain: Regional Evaluation.

Southeast Asia has some of the most essential and strategic sea lines of communication (SLOC) in the world. Among the region's key SLOCs, the Strait of Malacca and the South China Sea are by far the most important to international trade. Beyond SLOCs, the region's waters possess a significant amount of energy resources and have some of the highest producing fisheries in the world. Although these resources and strategic sea lines exist, regional tensions from traditional and non-traditional sources are preventing the region from fully realizing and effectively capitalizing on these tremendous advantages. This section examines the region's seas, gulfs, and straits to understand its value not only to ASEAN but also to the international community. The assessment linked to this section places the region's maritime domain into one of the following categories: (1) the Southeast Asian maritime domain is critically important both regionally and internationally, (2) the Southeast Asian maritime domain is important only to its littoral states or the international community, but not both, or (3) the Southeast Asian maritime domain has no significant impact on its littoral states or the international community.

1.6.2 ASEAN Maritime Challenges: Traditional and Non-traditional Security Threats.

This section assesses ASEAN's approach to addressing its maritime security challenges and the effects of that approach. The ASEAN maritime domain is assessed as being in one of three conditions: (1) improving, (2) at an impasse, or (3) deteriorating. This section examines traditional security challenges in the South China Sea dispute, which consists of four (Malaysia, Brunei, Philippines, and Vietnam) out of 10 members as part of one of the most contentious disputes in the world. The South China Sea dispute has even gained the attention of other external powers whose self-interests are in the region. The influence of external foreign powers on regional politics is also weighed. Finally, non-traditional security threats such as piracy; human trafficking and smuggling; and illegal, unreported, and unregulated fishing

(IUU fishing) are examined. The goal of this section is to facilitate an understanding of the level and degree of the region's security challenges.

1.6.3 Maritime Security Cooperation: Examination and Assessment.

This section examines the general effectiveness of maritime security cooperations and initiatives. The analysis of this effectiveness is based on three main conclusions: (1) maritime security cooperations are universally effective—effective in nearly all circumstances, (2) maritime security cooperations are somewhat effective— effective on a case-by-case basis, or (3) maritime security cooperations are not effective—results are negligible. Initiatives are also researched individually to determine whether they (1) improved, (2) stabilized, or (3) had no effect on pre-cooperation conditions. In addition to the analytical assessments, international, regional, and subregional maritime security initiatives are reviewed for their applicability to ASEAN. Examining those various levels of maritime security cooperations should provide a plethora of initiatives that could be re-engineered to fit into ASEAN's framework. The aim is to find a cornerstone initiative, if any, that could lead to a regional cooperation. This section's main goal is to assess maritime security cooperation effectiveness and to lay the groundwork for the next section, which focuses on finding a maritime security cooperation applicable to ASEAN.

1.6.4 ASEAN Maritime Security Cooperation: Is it Possible?

This section intends to shed light on the various ideas, issues, and concerns for and against an ASEAN maritime security cooperation. This section should reveal whether ASEAN is even capable of or ready for a more comprehensive approach to regional maritime security. First, ASEAN's historical foundations and early development are examined to evaluate whether a maritime security program can fit within ASEAN. In addition, different security theories are reviewed to determine which ones could apply. There is a focus on current ASEAN security initiatives to find links on how to combine and incorporate them into an ASEAN maritime security cooperation. This section introduces the levels of maritime security cooperation and

integration (MSCI) model, which is a tool for assessing current and projected levels of cooperation. This section concludes by assessing ASEAN maritime security cooperation readiness. The assessment considers whether ASEAN is capable of and ready for a regional maritime security cooperation: (1) yes—ASEAN is capable of and ready for a regional maritime security cooperation; (2) somewhat ready—ASEAN is capable of a regional maritime security cooperation but is not ready at the moment; or (3) no—ASEAN is not capable of nor ready for a regional maritime security cooperation.

1.6.5 ASEAN Maritime Security Cooperation: Cost-Benefit **Analysis.**

This section incorporates all data obtained from previous sections. The first two sections reveal the regional value against regional challenges, while the last two sections reveal maritime security cooperations' effectiveness and whether any apply to ASEAN. All four sections' data are analyzed in this section. Four main reference points lead to the final analysis. The first point assesses the importance of the Southeast Asia maritime domain. The second considers the current state of ASEAN maritime affairs. The third explores and measures maritime security cooperation effectiveness. The fourth reference point assesses whether ASEAN is ready for and capable of a regional maritime security cooperation. The final reference point considers all four previous reference points to make a final cost-benefit analysis. The goal is to have, by the end of the listed sections and data reference points, sufficient information to determine whether ASEAN maritime security challenges are better addressed collectively or whether maintaining the current regional security approach is the better option.

1.7 EXPECTED OUTCOMES

The expected outcome is that a regional maritime security program will benefit ASEAN more than the current approach. Despite that expectation, this research is conducted in a manner to determine whether that is factually true by investigating maritime security cooperation effectiveness and trying to determine whether a regional

maritime security cooperation can fit within ASEAN. Finding out how a regional maritime security cooperation can fit and function within ASEAN is as important as assessing the cost-benefit of such a cooperation. A positive assessment for a maritime security cooperation is nothing if it cannot operate within ASEAN. This paper aims to solve that dilemma by searching for a proper match, if any, regarding regional maritime security cooperation within ASEAN.

CHAPTER 2

LITERATURE REVIEW

2.1 NEW REGIONALISM: REGIONAL SECURITY COOPERATION

A regional maritime security cooperation is a subset of new regionalism and integration theories. There is debate as to precisely what constitutes new regionalism. The primary reason for this debate is because every region has its own circumstances and components that make up its cooperative effort; therefore, no two-regional cooperations are the same—for example, the differences between ASEAN and the European Union are profound. One of the best answers on new regionalism comes from regionalism scholars Fredrik Soderbaum and Timothy Shaw. According to Soderbaum and Shaw (2003), "For political science, new regionalism points beyond state-centrism and the prevailing focus on formal organizations/institutions towards a wider perspective which also recognizes the intriguing relationship between formal/informal and state/non-state regionalisms" (pp. 223). From their point of view, it appears that new regionalism is a more pluralistic and outward-looking form of regionalism. According to Fawcett and Hurrell, new regionalism is climbing the ranks of the international system and still defining itself in the process (Farrell, 2005, pp. 2). From Fawcett and Hurrell's perspective, it appears that new realism is on the rise, and scholars are not quite sure what it is yet because it is still being developed and formed. Under regionalism theories are various other theories and concepts concerning the integration of economic and security interests among common geographically located states. One such concept that is relevant for this paper is the concept of security community. ASEAN scholar Amitav Acharya describes Karl Deutsch's security community:

A security community, as Deutsch defined it, is a group that has 'become integrated', where integration is defined as the attainment of a sense of community, accompanied by formal or informal institution or practices, sufficiently strong and widespread to assure peaceful change among members of a group with 'reasonable' certainty over a 'long period of time'. Such communities could either be 'amalgamated' through the formal political merger of the participating units, or remain 'pluralistic', in which case the members retain their independence and sovereignty (Acharya, 2001, pp. 16).

When comparing the makeup of Southeast Asia's regional dynamics and characteristics with the listed definition, Southeast Asia's regional organization, ASEAN, aligns squarely with the pluralistic definition of a security community. Since ASEAN is the core of Southeast Asian nations' cooperation and regionalism, implementing a regional maritime security cooperation within the organization is the area of focus. In Southeast Asia, there is no other entity or organization capable of region-wide maritime security cooperation with the weight and prestige of ASEAN. For this study, a regional maritime security cooperation is defined as an objective-based program that joins regional nations together in a collective effort to combat regional maritime security challenges with a comprehensive strategy.

2.2 REGIONAL SECURITY COOPERATION: A SOLUTION TO GLOBAL PROBLEMS

When dealing with security matters, it is just as important to look at human security matters such as poverty, health, and stable government, as they have higher casualty rates than military action itself when left unchecked (Stadtmuller, 2005, pp. 107). Stadtmuller argues that regional security cooperation may be better equipped to handle those types of security issues than other international methods (Stadtmuller, 2005, pp. 108). In many cases, regional cooperations are smaller initiatives inside a broader economic, security, political, and sometimes cultural framework. Even maritime security programs focus on both the security issues within the maritime domain and the inland problems that trigger them. Although there does not seem to be

a standard definition of a regional security cooperation, their purposes and cooperative nature of handling regional problems are comparable.

2.3 REGIONAL SECURITY COOPERATION: IMPROVES REGIONAL COHESIVENESS

Many advocates of regional security cooperation boast that such initiatives promote regional harmony and cohesiveness. Security cooperation can unite countries that have traditionally experienced challenges. Additionally, there is a definite trend as many nations look for regional security programs to improve their national security. Those were some of the elements in the establishment of ASEAN. Bjorn Hettne is one of the leaders in the field of regionalism, and, according to Hettne and Soderbaum, regional organizations and their various problem-solving mechanisms are increasing (Hettne & Soderbaum, 2006, pp. 180). They note that regionalism is growing due to the lack of global political will to tackle sub-global problems, leading countries to regionalize to face impending issues or threats (Hettne & Soderbaum, 2006, pp. 180). The lack of global will and the collaboration of geographically linked states creates a sort of regional-level neighborhood watch, where individual countries unite to perform specific duties and services and focus their attention on their regional issues.

On a regional level, this neighborhood watch-like process functions such that neighbors within a community (e.g. ASEAN, EU, African Union, etc.) take on their security challenges in partnership with a law enforcement entity (e.g. United Nations Security Council). The neighborhood watch handles minor security issues within its purview, but when problems happen outside its scope, the watch calls for government law enforcement. An example of this is when ASEAN requested intervention from the United Nations on the Vietnam-Cambodia conflict. In a neighborhood watch-like system, regions handle their economic, security, cultural, and political issues intra-regionally, and, when confrontation cannot be diffused or resolved intra-regionally, they forward the issue to external and international mechanisms for resolution.

2.4 REGIONAL SECURITY COOPERATION: EFFECTS ON NATIONAL, REGIONAL, AND INTERNATIONAL SECURITY

Scholars also argue that regional cooperation ultimately addresses global concerns (Hettne & Soderbaum, 2006, pp. 182). This means that a regional security cooperation can affect national, regional, and global security matters. For countries that are not global powers, this presents a tremendous advantage. Put into perspective, China, Europe, Russia, and the United States as global powers can individually affect global security policy positively or negatively. In contrast, Thailand, Cambodia, and Malaysia are less capable of making an equivalent impact on global security when acting independently. However, that dynamic is changed when those countries work together as ASEAN.

2.5 REGIONAL SECURITY COOPERATION CHALLENGES: COMMITMENT ISSUES

Intervention and the enforcement of agreements depend on level of commitment, common ideals, values, and material capacity (Stadtmuller, 2005, pp. 107). Stadtmuller points to the EU and NATO to illustrate how well-developed institutional cooperation can still fail when interests are not aligned, such as divides created from Iraq (Stadtmuller, 2005, pp. 107). Miller argued how regional mechanisms and cooperation could bring about what he referred to as normal peace, which in turn leads to warm peace (Miller, 2000, pp. 56). He proposed three levels of peace: cold peace, in which there could be a threat of war; normal peace, in which there is a minimum threat of war; and warm peace, which contains no threat of war and is generally associated with democratic cooperation (Miller, 2000, pp. 56). The most fundamental principle of a regional security effort is that the participating members must act as one unit when facing security challenges; a break in unity tears at the fabric of the union and lessens their impact. In this study, ASEAN has been chosen as the potential candidate for a higher level of cooperation in the maritime domain. On the surface, ASEAN seems ripe for more comprehensive engagement; however, deep below, there are still unresolved issues.

2.6 REGIONAL SECURITY COOPERATION CHALLENGES: MARITIME SECURITY

At the core of this research is maritime security. When exploring definitions for maritime security, no consistent definition was observed, but there were some commonalities. According to Bueger (2015), "It remains open what and who should be coordinated or regulated and who should build what kind of capacity. In short, and as several observers have alluded to: no international consensus over the definition of maritime security has emerged" (pp. 160). Despite the non-consensus, many authors, scholars, organizations, and governments use the term as if it is commonly known; in truth, they likely have different ideas of what constitutes maritime security. Since there is no common definition of maritime security, this paper defines maritime security as the measures and mechanisms used to promote the security, safety, and protection of waters within a state (or collection of states joined in a maritime security cooperation) maritime domain from traditional and non-traditional security threats, activities, and actions from foreign and domestic actors that violate the sovereign laws and regulations of the respective state (or collection of states joined in a maritime security cooperation) consistent with international law. The first part is concerned with the protection of a state's or states' maritime domains, and the second part is concerned with that protection being consistent with international law. Maritime security is broad and expansive in scope and even involves land-based activities. Every activity that humans do at sea, legally and illegally, eventually comes back to land. The maritime domain functions mostly as an intermediary for human activities. Having adequate security and enforcement measures in the maritime domain is critical, because it is in the maritime domain that sovereign states' security frameworks and mechanisms are more exploitable versus their on-land security measures.

2.7 ASEAN: BRIEF OVERVIEW

ASEAN was established in 1967 to promote regional cooperation, economic growth, and peace and stability among its members (ASEAN, 2007b, para. 3). ASEAN has three main pillars: the ASEAN Economic Community, the ASEAN Socio-Cultural Community, and the ASEAN Political-Security Community. The ASEAN Political-Security Community would be the pillar that could support the functions and implementation of an ASEAN maritime security cooperation (ASEAN, 2007b, para. 4). ASEAN's fundamental principles, written in the Treaty of Amity and Cooperation in Southeast Asia (TAC), include respect for national sovereignty, right to non-external interference in domestic affairs, handling disputes peacefully and without force, and cooperation among members (ASEAN, 2007b, para. 1). ASEAN has been successful in building regional cooperation, but the real test of cooperation has always been in the maritime domain.

2.7.1 ASEAN: Maritime Security Dilemma

Maritime security in Southeast Asia is one of ASEAN's most divisive issues. The association's members came together on many divisive issues in the past, but regional maritime security cooperation is an area where the association has made the least progress compared to other areas of cooperation. However, the lack of progress in maritime security cooperation in ASEAN is not because members are not interested, but rather because reaching an agreement is difficult. Some cooperation efforts are revealed through various documents such as the Declaration on the Conduct of Parties in the South China Sea (DOC), the Code of Conduct in the South China Sea (COC), and the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP), among others. Therefore, some level of maritime cooperation among members exists, but an operationalized regional maritime security cooperation is a level of cooperation and coordination that ASEAN has not yet reached. Operationalized security cooperation is "a specific type and degree of cooperation in which policies addressing common threats can be carried out by midlevel officials of the states involved without immediate or direct supervision from

strategic-level authorities" (Bradford, 2005, pp. 64). Operationalized security cooperation could yield the most benefits to ASEAN maritime security challenges but may also be the most difficult to negotiate. Can ASEAN overcome its divisions challenges to pursue region-wide maritime security cooperation, or are ASEAN's internal differences too great to address its maritime security challenges through a maritime security cooperation?

CHAPTER 3

RESEARCH METHODS

3.1 TYPE OF RESEARCH

This thesis documents primarily descriptive research but also contains some elements of explanatory research. The first half of the study is descriptive and explores and observes Southeast Asia's maritime security challenges, as well as ASEAN members' response to them both collectively and individually. This research approach intends to reveal the current situation and assess whether a regional maritime security cooperation would benefit the region. The second half of this research examines the internal framework and inner workings of ASEAN to determine whether a regional maritime security cooperation could even function within the organization. Since a maritime security cooperation within ASEAN does not currently exist, this research uses the explanatory research approach to explain how a maritime security cooperation could work within ASEAN.

3.2 DATA COLLECTION AND SOURCE

This research is qualitative and uses secondary data sources. The primary focus of the cost-benefit analysis is on qualitative aspects of a maritime security cooperation. This study is conducted through documentary review and uses sources such as academic books, journals, and articles, as well as ASEAN's and member states' official statements and records, United Nations and affiliate sources, and other government, NGO, think tank, and media sources.

3.3 STUDY AREA

The study area of this research is Southeast Asia; however, some data are collected on maritime security cooperation initiatives outside ASEAN. The reason for outside collection is because other regions have established regional maritime security cooperation and established frameworks and results. Additionally, other maritime security programs are assessed for their applicability to Southeast Asia. All collected data are reviewed the context of an ASEAN maritime security cooperation.

3.4 DATA ANALYSIS

After all the data have been identified, collected, and interpreted, the findings are assessed through qualitative data analysis and documentary review. The researcher examines ASEAN's maritime environment and the effectiveness of ASEAN's current approach in addressing maritime security challenges in the region. Regional statistics provided from the United Nations, ASEAN, academic sources, and think tanks are used to obtain a sense of the state of the ASEAN maritime environment. In the second part of this research, ASEAN's official documents, principles, and framework are analyzed to determine where, how, and if a regional maritime security cooperation could not only exist in ASEAN but have operational success. It must be noted that the regional maritime security cooperation conveyed in this research will not be a security forum, but rather an operationalized security cooperation.

CHAPTER 4

ASEAN MARITIME DOMAIN AND MARITIME SECURITY CHALLENGES

4.1 ASEAN MARITIME DOMAIN: REGIONAL EVALUATION

The maritime domain has become increasingly important in today's globalized world. While the internet may electronically connect the world's global e-commerce, digital goods, data, and information though fiber-optic cables and the like, the maritime domain physically connects the world's global trade, goods, energy, and cargo through maritime sea lines of communication. Additionally, even when it comes to how the world is electronically connected by the internet, 99% of international data comes from fiber-optic cables that are laid across the ocean floor (Armbrecht, 2016, para. 1). The maritime domain also plays a significant role in shaping coastal state economies. As previously mentioned, by every measure, maritime trade is on the rise, especially in Asia: 61% of global trade goes to Asia, and 41% of trade comes from the region (United Nations Conference on Trade and Development [UNCTAD], 2018, pp. 8). Southeast Asia's main collective resource is the maritime domain they share; 9 out of 10 ASEAN members are physically connected to Southeast Asian waters. Southeast Asia has fisheries, untapped energy potential, critical SLOC, and vast trade flowing in, out, and through the region. In regard to location, few places in the world are better geographically located. It is Southeast Asia's geographical location that makes the region as a whole a critical SLOC. When navigating to and from the Indian and Pacific Oceans, Southeast Asian waters are the preferred route, specifically the Strait of Malacca and the South China Sea. The significance of the region's maritime domain is not only important to ASEAN, but also to the world. A critical incident in any of the Southeast Asian waters could affect millions to trillions of US dollars, depending on the significance and duration of the crisis (China Power, 2017, Disrupting South China Sea Trade section, para. 1). The listed facts account for

a temporary to long-term shutdown of the Strait of Malacca. If all of the various other Southeast Asian waterways were shut down simultaneously, the effects would be catastrophic to the global shipping community. The next three sections cover Southeast Asia's SLOCs and trade, energy transport and untapped seabed resources, and fishery and marine resources. These categories are significant to any region. The goal of the next section is to examine how Southeast Asia measures up to the rest of the world in these categories.

4.1.1 Sea Lines of Communication and Trade.

Southeast Asian waters link not only countries but entire continents (India, Asia, and Australia) together by sea. Asia alone contains over half of the world's population, and Southeast Asia and China collectively have over two billion people (Statista, 2019, para. 2; Statista, 2018). If Asian countries effectively manage their economic and trade portfolios, they will be in a position of economic dominance by the second half of the century. Asia is already geographically advantaged when it comes to international trade flows, and its economies have an appetite for growth. Asia trade statistics already reveal that trends are headed in an upward direction, but Southeast Asia holds most of the region's vitality. It is through Southeast Asian waters that most trade is received and distributed to the rest of the world. Here, three subregions in Southeast Asia are reviewed for importance: the Sulu and Celebes Seas, the Malacca Strait, and the South China Sea. The Sulu and Celebes Seas are approximately "100,000 square miles and 100,000 square miles respectively" and have an approximate trade value of $40 billion USD annually (Storey, 2018, pp. 2). The Malacca Strait is the world's second busiest strait and has more than 83,000 vessels transiting its waters annually; further, according to the Singapore Ministry of Defense, it carries "almost half the world's total annual seaborne trade tonnage" (Stewart, 2018, para. 5; Singapore Ministry of Defense [MINDEF], 2015, para. 1). The South China Sea is the heart of Southeast Asia's SLOCs and trade. Nearly all global seaborne traffic that flows through Southeast Asia transits to or from this vital body of water. According to China Power (2017), one-third of global shipping, accounting for 21% of global trade and valued at $3.37 trillion USD, crossed

the South China Sea in 2016 (para. 1, 3). For ASEAN members, the South China Sea is a main source of trade: Cambodia 100%, Vietnam 86%, Indonesia 85%, Brunei 76%, Thailand 74%, Philippines 72%, Singapore 66%, and Malaysia 58% (China Power, 2017, para. 2). Even for external powers, their dependence on the South China Sea is important: 64% of China's maritime trade, 42% of Japan's maritime trade, and 14% of US trade is transported across the South China Sea (China Power, 2017, para. 4). The importance of the South China Sea and other Southeast Asian waters cannot be overstated. The waterways are directly tied to the securities and economies of states within and external to the region.

4.1.2 Energy SLOC and Untapped Seabed Resources.

When it comes to energy SLOC and untapped seabed resources, the South China Sea and the Strait of Malacca are the region's key waterways. The South China Sea transports an estimated 30% of global maritime crude oil (US Energy Information Administration [EIA], 2018, para. 1). According to the Singapore Ministry of Defense, "70 percent of Asia's oil imports pass through the SOMs [Straits of Malacca]" (2015, para. 1.) When examining the two waterways together, it is easy to grasp the significance of the two critical SLOCs. The Malacca Strait and the South China Sea are the primary trade routes connecting the Middle East oil producers to Asian consumers. In 2016, 90% of crude oil that passed through the South China Sea came from the Strait of Malacca (EIA, 2018, para. 2.), while an estimated 16 million barrels of oil per day flowed through the Malacca Strait and 5 million through the South China Sea (Stewart, 2018, para. 5; EIA, 2018, para. 1). Even external powers depend on Southeast Asian waters. The Malacca Strait and the South China Sea accounted for nearly 80% of China's oil imports (Rimmele & Huchel, 2018, pp. 35). Additionally, according to EIA (2018), "China [42%], Japan [20%], and South Korea [18%]—collectively accounted for nearly 80% of trade crude oil volumes transiting the South China Sea" (para. 7). Southeast Asian waters are not only critical for international trade and energy transport but are also critical to states' energy security. If these routes were cut off for any reason, there is no question that the energy-consuming countries that rely on these waterways would experience a security crisis.

Southeast Asia's energy significance goes beyond what is shipped across its waterways—what lies below is also quite impressive.

There is some debate between the US and China regarding the magnitude of untapped energy resources in the South China Sea. The US EIA estimates "11 billion barrels of oil and 190 trillion cubic feet of gas," while the China National Offshore Oil Corporation estimates "125 [billion] barrels of oil and 500 [trillion cubic feet of gas]— up to one third of China's total oil and gas resources" (Umbach, 2017, pp. 1). The South China Sea has more proved and probable energy resources than Europe and is almost comparable to other regions in the world (US Energy Information Administration [EIA], 2013). The potential resources that exist within the South China Sea could provide respective claimants some level of energy independence. Additionally, they could further improve the region's economic standing. The US estimates the value of untapped hydrocarbons to be between $3 and $8 trillion USD, while China estimates it to be between $25 and $60 trillion USD (Corr, 2018, para. 1).

4.1.3 Fisheries and Marine Resources.

Research indicates that Southeast Asia is one of the best in another category: fisheries and maritime resources. Southeast Asia's fisheries are among the top five fisheries in the world and comprise about 12% of the global fish catch (South China Sea Expert Working Group [SCSEWG], 2017, para. 1). The ASEAN aquaculture industry produced 23.8 billion dollars in 2014 (Chan, et al., 2017). Southeast Asia has two vital fishery territories that are worth examining: the South China Sea and the Coral Triangle. The South China Sea has one of the most diverse marine ecosystems in the world, hosting "3,365 species of fish" (Gnanasagaran, 2018, para. 2). The South China Sea has more than half of the world's fishing vessels and, in 2015, supported the livelihood of approximately 3.7 million fishermen (SCSEWG, 2017, para. 1). While the South China Sea figures are notable, the next discussed subregional area, the Coral Triangle, is recognized as the most important fishery in the world.

The Coral Triangle is an essential part of the world's marine ecosystem. This region covers approximately 1.5% of the entire ocean but "represents 30 percent of the world's coral reefs," has the "highest coral diversity in the world – 76% of the world's coral species," and contains more than "6,000 species of fish" (Gray, 2018, para. 2-3; World Wide Fund for Nature, 2010, para. 1-2). There is more coral in the Coral Triangle than the rest of the world combined. On the economic and livelihood front, the Coral Triangle supports the livelihoods of over 120 million people (Gray, 2018, para. 5). Some of these numbers may overlap with the South China Sea, as the Coral Triangle overlaps with the South China Sea in some areas; therefore, some of the fishery statistics of the South China Sea and the Coral Triangle may be duplicates. The Coral Triangle also covers areas outside ASEAN states.

Southeast Asia's fisheries are linked directly to regional food security. Overlapping claims, differences of approach, mismanagement of fishery resources, and external problems with China's expansion into the South China Sea further complicate proper fishery management in the region. These traditional and non-traditional security issues create an atmosphere of food and fishery insecurity. Some scientists believe fisheries of the South China Sea are on the verge of collapse due to broad fishery mismanagement (Bale, 2016, para. 13). Many ASEAN members' waters are already underserved as a result of a lack of resources and cooperation to properly provide good stewardship of their seas, and the South China Sea dispute and internal differences lead to even less cooperation on this issue. While states may be concerned about territorial issues and rights, criminals use this as an opportunity to exploit unpoliced areas and rob the states of their already depleting fishery resources.

Combining all the facts regarding the SLOCs, maritime trade, energy transport, untapped resources, and fisheries, Southeast Asia ranks high in all listed categories. It is clear that Southeast Asia is one of the most important and critical regions in the world. Due to these factors, the Southeast Asia maritime domain is assessed to be critically important both regionally and internationally.

4.2 ASEAN MARINTIME SECURITY CHALLENGES: TRADITIONAL AND NON-TRADITIONAL THREATS

Peace and stability in Southeast Asia are vitally important to the world. The region's SLOCs and trade routes, energy transportation routes and potential sources, and fisheries and marine resources are all leading markets and industries. In all of the listed categories, Southeast Asia is among the world's top regions and, in some cases, is number one. It is also important to note that Southeast Asia has more leading markets than what is listed in this paper. However, just as Southeast Asia has these significant advantages, it also has significant challenges. Southeast Asia's traditional and non-traditional security challenges are corrosive to the region's progress. Like cancer, if Southeast Asia's various forms of security challenges are left unchecked, the security threats could take down the whole region, ultimately destroying the region's resources and obliterating all the progress that has been made.

4.2.1 Traditional Security: ASEAN vs. China.

The main challenge in Southeast Asia is undoubtedly the South China Sea dispute. The South China Sea dispute has had multiple adverse effects, such as intra-ASEAN division, ASEAN and China division, and external major power influence. All three of these dynamics lead to regional traditional security challenges on three levels: intra-regional, interregional, and international. In brief, some of these challenges arose as a result of colonization and the transformation of the international system after the Cold War (Tonnesson, 2001, pp. 9). The effects of the listed events left Southeast Asia in a cultural, political, and territorial disarray. All these world events directly affected the region and shaped many of the region's dynamics and conflicts, some of which are still present today. Similar effects can also be observed in other former colonized regions, like Africa and India. From the beginning of colonization to World War II, Southeast Asian territories were claimed, exchanged, and fought over by major powers (Tonnesson, 2001, pp. 9). These various forms of exchanges blurred the lines of sovereignty and true ownership in the region.
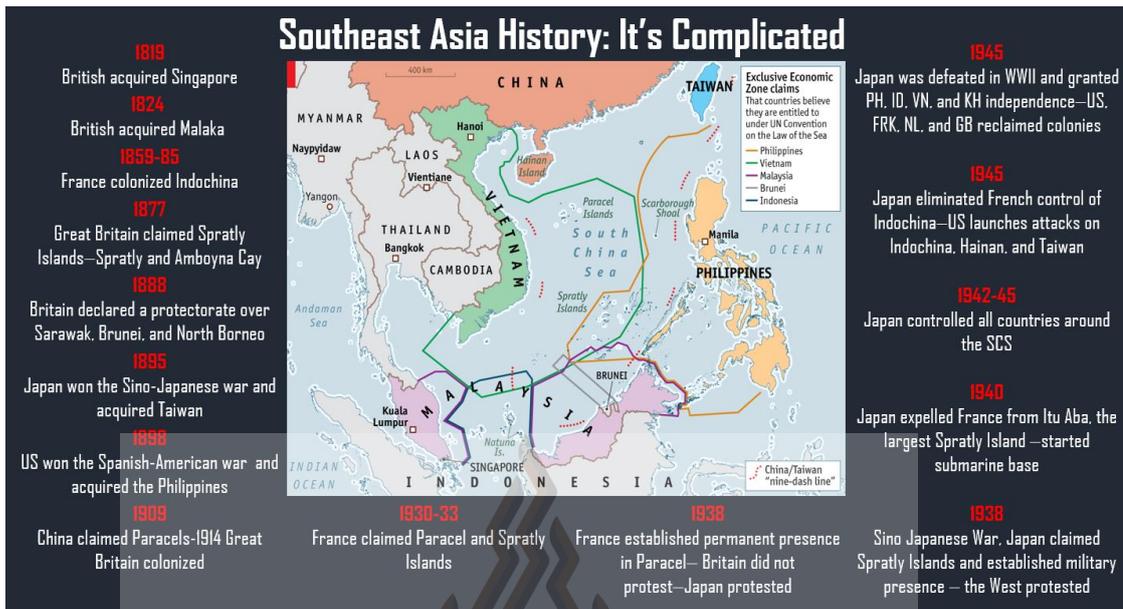
Figure 4.1 Southeast Asia's history of colonization and territory exchanges

Source: Tonnesson, 2001
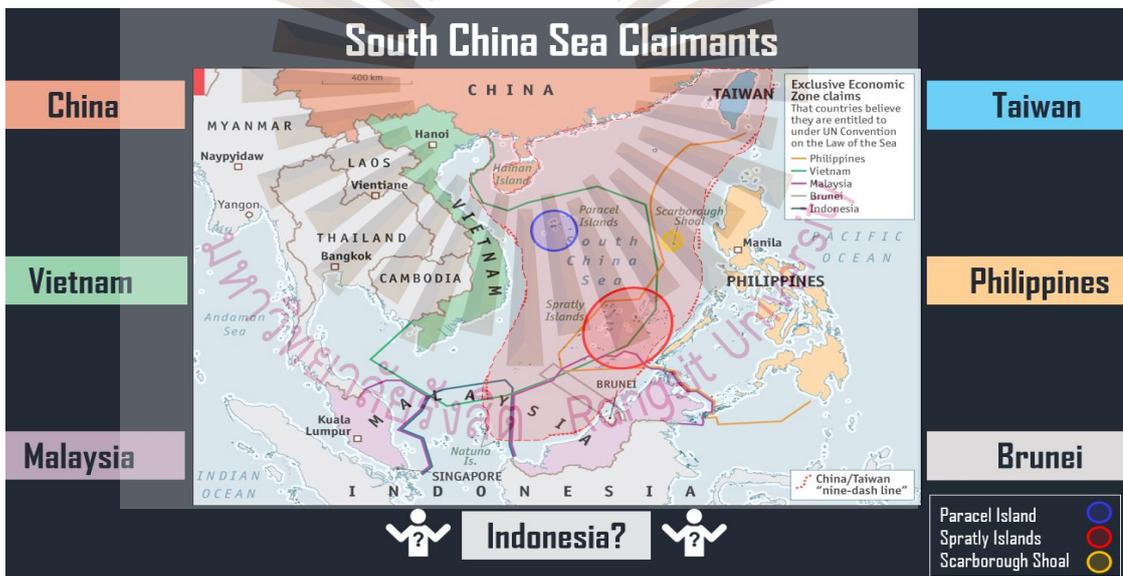
Figure 4.2 South China Sea claimants

Source: The Economist, 2017

With that said, there are legal precedents and international norms that all claimants in the region can use as a mechanism to sort out their territorial disputes and provide a peaceful path to final delimitation. Although the entire group of claimants have territorial disputes against each other, no claimant's claim is as significant and impactful on the region as China's, who claims nearly 90% of the entire South China

Sea (Moore, 2018, para. 7). This section will go over historical legal precedence in maritime law, current international legal instruments, and regional agreements that should shed light on the legal arguments on both China's and Southeast Asia claimant's territorial claims. The four precedents are Mare Liberum, the United Nations Convention on the Law of the Sea (UNCLOS), the Permanent Court of Arbitration (PCA), and ASEAN's and China's regional agreements.

Mare liberum, coined by Dutch legal scholar Hugo Grotius in his 1608 book De Jurae Praedae, expanded upon an already established idea called the Freedom of the Seas. It refers to "the principle that the high seas are open to all States and no State may validly purport to subject any part of them to its sovereignty…" (Papastavridis, 2011, pp. 46, 50). This concept dominated international maritime law prior to the United Nations Convention on the Law of the Sea (United Nations, 1998, para. 1). Prior to UNCLOS, the prevailing thought was that the sea was owned by no nation and was free and open to all nations. A nation claiming the sea for itself has never been an accepted form of sovereignty.

The second precedent can be made through the codification of international maritime law through UNCLOS, which China and all of ASEAN had signed by 1994. UNCLOS, with 157 signatures and 168 parties, is the most comprehensive treaty on maritime law and the use of the world's oceans (United Nations Treaty Collection [UNTC], 2018). UNCLOS covers a wide range of issues, including peaceful usage of the world's oceans, nations' rights and entitlements, and distinct types of maritime features. The South China Sea claimants have two fundamental issues that must be resolved: territorial sovereignty, which refers to who owns what, and maritime feature classification, which establishes feature status and relevant rights and entitlements. Maritime feature rights and entitlements are explicitly addressed in UNCLOS.
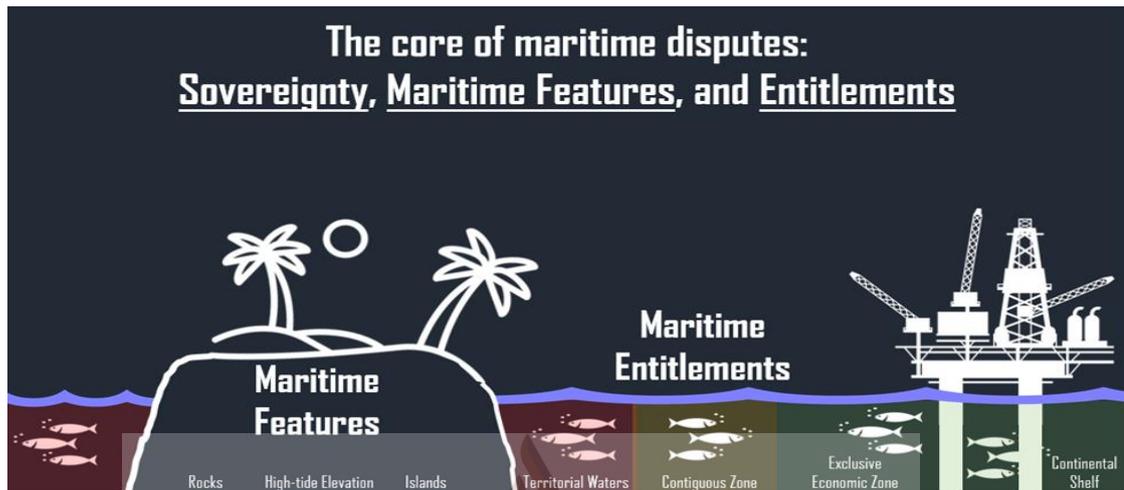
Figure 4.3 The core elements of maritime disputes

Source: Pyrtle, 2019

A brief explanation of UNLCOS is that there are five maritime jurisdictional zones: (1) territorial sea, (2) contiguous zone, (3) exclusive economic zone, (4) continental shelf, and (5) the high seas (United Nations, 1982). The territorial sea is a 12-nautical-mile (nm) extension of a state's sovereignty, with a few navigation exceptions, such as innocent passage, transit passage, and force majeure (United Nations, 1982). The next zone is the contiguous zone, which begins seaward of the territorial sea and measures up to 24 nm from the shore or baseline (United Nations, 1982). This zone allows a coastal state to enforce financial, immigration, customs, and sanitation laws for vessels entering and exiting its territorial waters (United Nations, 1982). The next zone is the exclusive economic zone, which overlaps the contiguous zone and extends up to 200 nm from the baseline (United Nations, 1982). This zone allows states to enforce and exercise rights over its marine resources within the sea and seabed (United Nations, 1982). The last zone a state has authority over is the continental shelf, which overlaps both the contiguous and exclusive economic zone and specifically gives a state rights and entitlements to the use of its seabed (United Nations, 1982). The continental shelf has special distances depending on the dynamics of its edge. Generally, it is measured up to 200 nm from the baseline, but special continental shelf dynamics allow some states to extend their continental shelf up to a maximum of 350 nm from the baseline or no more than 100 nm from a depth measuring 2,500 meters (United Nations, 1982).

The final zone is the high seas, which is an area beyond any state's control besides the flag state that a vessel is subject to (United Nations, 1982). For example, a Thai vessel on the high seas is still subject to the Thai government's authority and jurisdiction.
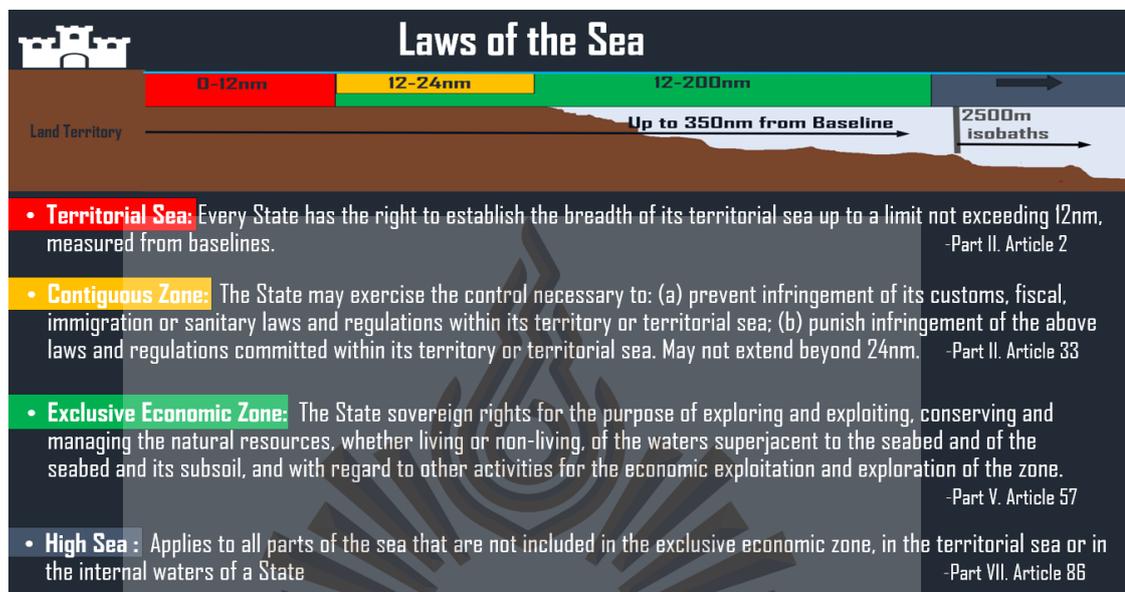
Figure 4.4 Maritime jurisdictional zones explained

Source: United Nations, 1982; Pyrtle, 2019

Defining maritime features is another part of UNCLOS that provides instrumental guidance in the South China Sea dispute. According to UNCLOS, there are three types of maritime features: islands, rocks, and low-tide elevations (United Nations, 1982). While islands and rocks are naturally formed features that are always physically above high tide, the main difference between the two is that an island can support human and economic life and a rock cannot (United Nations, 1982). An island is entitled to all maritime zones, whereas a rock is only entitled to a territorial sea and contiguous zone (United Nations, 1982). A low-tide elevation is a naturally formed feature above the waterline only at low tide, cannot support human and economic life, and according to UNCLOS has no maritime entitlements (United Nations, 1982). Mass land reclamation construction projects on a rock or low-tide elevation feature does not change the feature's status (United Nations, 1982).

Concerning the South China Sea dispute, UNCLOS is important because it is (1) signed by every state in the dispute and (2) specifically addresses states' rights and entitlements to maritime features. Therefore, states cannot simply make things up as it suits them. UNCLOS should have been the first principled document to quell China's overreach in the South China Sea, but it has not worked.
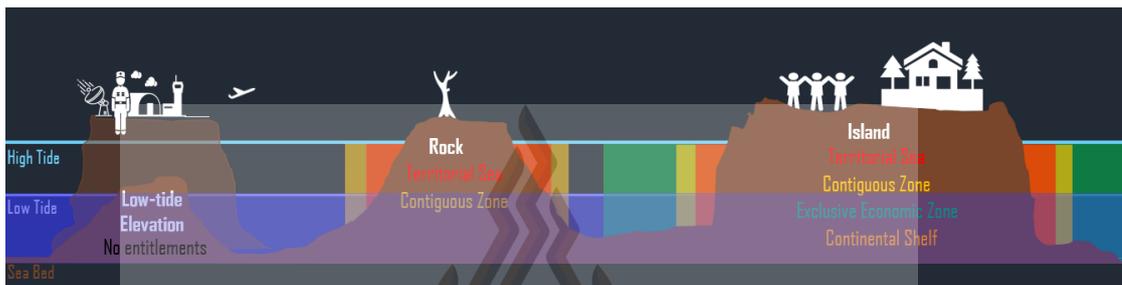
Figure 4.5 Maritime features explained

Source: United Nations, 1982; Pyrtle, 2019

The third precedent the Permanent Court of Arbitration ruling against China in the case of The Philippines v. China in the South China Sea Arbitration. The court found that China violated and misapplied multiple international maritime laws in the following categories: historic title, status of maritime features, land reclamation activities, law enforcement activities, regional fishing rights, and the protection and preservation of the marine environment (Permanent Court of Arbitration [PCA], 2013; Pyrtle, 2019, pp. 6).China denies the court's ruling and any wrongdoing. China even claimed that the court did not have any authority over the issue and cited that the South China Sea dispute was a territorial issue to which China made declarations upon signing in 1994 not to proceed in any UNCLOS delimitation proceedings (UNTC, 2018, China section). However, the court did not rule on territorial sovereignty, delimitation processes, or anything with respect to China's UNCLOS declarations. China's other claim is that they decided not to participate in the proceeding; however, non-participation does not void the court's legal and binding authority on treaty members when a case is brought against them (United Nations, 1982, Compulsory Procedures Entailing Binding Decisions section). If one reviews the relevant laws and takes time to understand the facts and circumstances of the case,

the arguments China has made do not make legal sense. The PCA ruling was the third breakdown of China's South China Sea claim in the region.

The fourth precedent is ASEAN's 50-plus years of regional peace and stability norm setting that, at times, included China in the signing of agreements. Since its beginning, ASEAN has established a proven record of peace and stability in the form of cooperation and rule-based order. ASEAN has been an instrument of peace and stability in the region through various statements and agreements promoting rule-based order:

> The 1971 Zone of Peace, Freedom, and Neutrality (ZOPFAN), the 1976 Treaty of Amity and Cooperation (TAC)—signed by China in 2003, the 1992 ASEAN Declaration on the South China Sea, the 2002 Declaration on the Conduct of Parties in the South China Sea (DOC)—signed by ASEAN and China in 2002, and the 2017 Draft Framework of the Code of Conduct in the South China Sea—agreed by ASEAN and China in 2017 (Pyrtle, 2019, pp. 5).

These four listed precedents are important because they illustrate a pattern of reasonable attempts by ASEAN to pursue peace and security in the regions as a way to confront regional disagreements, and none of these attempts have dissipated China's maritime expansion effort in the region. When international law and norms are not a means to agreement, what other methods of resolution can countries in a multidimensional territorial dispute use.

1) South China Sea Code of Conduct.

One mechanism that ASEAN and China hope will provide operational guidance and quell regional tensions is the South China Sea Code of Conduct (COC). The COC will not address deep-rooted issues or problems that generate regional tensions, such as the need for an amicable maritime delimitation process. The COC merely addresses how the claimants will operate in the same space, irrespective of their territorial disputes. In May 2017, the COC was revived by China. Experts on the subject hint that the historical 2016 PCA ruling may have prompted China to restart

the discussion. To be fair, this researcher has not found evidence that support that view beyond what is circumstantial, but can see how the timetable leans in that direction. Supporters of the COC have stated that the single draft on the participant countries' positions, and China target of the COC being completed in three years (Takahashi, 2019, para. 3-5) should be hailed as achievements. To a degree, the supporters are right; those are noteworthy achievements, especially considering the Declaration on the Conduct of Parties in the South China Sea was signed by ASEAN and China in 2002 and has finally moved into a more tangible phase of negotiation (Takahashi, 2019, para. 3). Critics of the COC argue how effective will the COC be if it becomes another non-binding South China Sea agreement. Both the supporters and the critics have reasonable arguments.

When examining the pathway forward, a non-binding agreement as an outcome is a real possibility. Supporters and critics of the COC point out the challenges ahead and assess that China is unlikely to sign a legally binding COC that undermines its extensive maritime claims, and ASEAN members are also unlikely to sign a COC that supports China's claims (Thomas, 2019, para. 13-18). It is these factors that may lead to a non-binding agreement. If the COC will be non-binding, how will it be different from any other treaty or regional agreement concerning a rule-based order in the South China Sea? Right now, it is a little early to project the success or failure of the COC because negotiations are still formulating the final agreement, but one factor to certainly observe is the binding or non-binding nature of the agreement. If recent history is our evidence, another non-binding agreement will likely share the same failure as other regional attempts to quell the South China Sea dispute.

4.2.2 Traditional Security: ASEAN vs. ASEAN.

Although the ASEAN versus China problem is a more significant traditional security challenge for ASEAN, ASEAN's internal differences still play a chief role in preventing ASEAN from reaching greater cooperation. To be clear, ASEAN's internal differences do not rise to the level of war or overt conflict. In fact, some may say ASEAN should be commended in this area. ASEAN has undoubtedly made

Southeast Asia one of the most peaceful and stable regions in the world. When referring to internal differences within ASEAN, this paper does not refer to intra-regional hostilities or conflicts; rather, it refers specifically to the diverging interests among members that hinders the association's ability to reach unanimous decisions as an organization. Since ASEAN is a consensus-based organization, every member must agree in the decision-making process for the organization to move or make progress. This model works relatively well for reducing conflict; however, it makes the organization less responsive to the ever-changing aspects of international politics, as the association moves at the most reluctant member's pace. ASEAN's internal differences can best be summed up as scholar Nguyen Minh Quang wrote in the East Asia Forum, "within ASEAN, a narrow understanding of individual members' national interests has constrained attempts at enhancing regional cooperation and cohesion. This triggers concern that ASEAN's norm of consensus building is no longer supportive of the region's new security realities" (Nguyen, 2019, para. 4).

The main issue in this respect is how to overcome consultation and consensus—the ASEAN Way—when members' interests are not aligned (Acharya, 2001, pp. 26). In a majority-rule system, internal differences and diverging interests do not impact the ability of a bloc or grouping to progress to the degree they do in a consensus-based system, where everyone must agree in order to make progress. Although the ASEAN Way has been successful in maintaining intra-regional peace among members during its 51-year history, the ASEAN Way approach to addressing issues beyond intra-regional conflict has deficiencies.

Leading ASEAN scholar Archarya (2001) noted the issues with ASEAN's consultation and consensus approach to regional challenges, stating, "ASEAN faces serious challenges, not least from an expanded membership and the rising power of China" (pp. 1). This quote infers two things: (1) the bigger ASEAN becomes, the more difficult it is to reach consensus, and (2) a rising China is an emerging challenge for ASEAN. Now, 18 years later, it is safe to say that Acharya's assessment of ASEAN's internal mechanisms and the emerging environment with China was correct. Acharya's forecast played out in 2012 with ASEAN's first failed Joint Communique

when ASEAN internal issues and China's ability to influence members were on full display to the world (Bower, 2012, para. 1). ASEAN did not make a unified statement on the South China Sea because one of its members, Cambodia, assumed to be influenced by China, voted against making such a statement that was not consistent with China's view on the subject (Bower, 2012, para. 4). This may seem like a small issue, but it is indeed quite significant. To put the failed Joint Communique in perspective, the issue of contention was a statement on the South China Sea, which means the issue was about a sentence or two on a unified ASEAN statement on the South China Sea. ASEAN could not issue a unified statement because one pro-China member, Cambodia, voted against the statement.

4.2.3 Traditional Security Issues: ASEAN vs. External Powers.

Foreign power influence is strong and persistent in the region. The world's remaining super power, the US, and the world's fastest rising power, China, are competing for the heart of Southeast Asia. As mentioned, the region is vital to the international community, and the US and China have critical needs in the region. For the US, the national security goal is open SLOC and trade, and for China, the national security goal is not to be restricted or contained by any foreign power. On the surface, these two national security goals do not conflict; however, when factoring in a super power plus a rising power trying to exert their national security agenda in the same region, this creates a security dilemma. When reviewing external power influence in practice, perhaps the most notable example was the failed ASEAN Joint Communique involving ASEAN member Cambodia and China. This incident revealed the first crack in ASEAN centrality. Nevertheless, China is not the only foreign power that is interested in or has tried to influence the region.
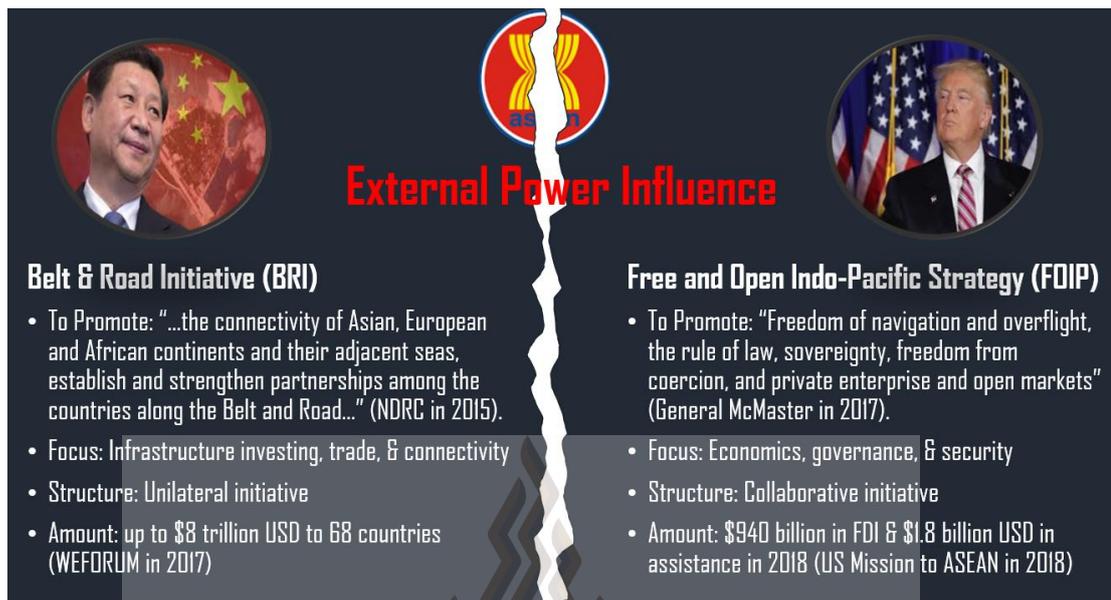
Figure 4.6 External Powers initiatives toward ASEAN

Source: McMaster, 2017; World Economic Forum, 2017; Pyrtle, 2019

Southeast Asia has many external power initiatives directed at the region. Initiatives like China's Belt and Road Initiative (BRI) and the US Free and Open Indo-Pacific (FOIP) strategy are the most notable. The BRI is China President Xi's (up to) $8 trillion USD plan for infrastructure and development financing that would connect China to world trade markets through the development of new rails, roads, maritime routes, and more (Hurley, Morris, & Portelance, 2018). According to Hurley, Morris, & Portelance (2018), "It is an infrastructure financing initiative for a large part of the global economy that will also serve key economic, foreign policy, and security objectives for the Chinese government" (pp. 1). It is China's counter to the US containment strategy and a way to expand China's reach and global influence. The BRI is a unilaterally financed and supported initiative by China that focuses on infrastructure development projects, mostly in developing countries and typically in a bilateral manner with a certain degree of secrecy (Cheng, 2018, para. 7). Although the BRI has had success, it also has experienced failure, with 8 out of 68 participant countries getting into financial trouble (Cheng, 2018, para. 8). Two notable examples of countries either not being able to satisfy their debts or having a high financial dependency on China are Sri Lanka and Djibouti. Due to its debts, Sri Lanka conceded to a 99-year port lease to China in July 2017, and some believe Djibouti provided

China approximately 200 acres for a military base in August 2017 because of its debts and economic dependency on China (Cheng, 2018, para. 2, 9); the Djibouti military base is China's first overseas base (Cheng, 2018, para. 1, 15; Parker & Chefitz, 2018, para. 6).

The FOIP is US President Trump's policy—an evolution of President Obama's Pivot to Asia—to counterbalance China's power and influence in the region. Its three main concentrations are economics, governance, and security. Randall Schriver, Assistant Secretary of Defense for Asia-Pacific Security Affairs, states, "Our priority national security strategy is to promote an open and free Indo-Pacific strategy for countries to protect their national sovereignty, uphold international law, international norms, maintain freedom of navigation and promote free and fair reciprocal trade" (Ganjanakhundee, 2018, para. 3). One significant difference between the FOIP and the BRI is that the FOIP is a US multilateral initiative. The FOIP strategy seeks multilateral cooperation from other participants and combines those initiatives and partnerships under the FOIP. The results are such initiatives as the "BUILD Act—US-based program, Japan-US Strategic Energy Partnership (JUSEP), US-ASEAN Smart Cities Partnership, memorandum of understanding agreements with Australia, Japan, New Zealand, and so on" (Pyrtle, 2019, pp. 8; US Mission to ASEAN, 2018).

The US also conducts Freedom of Navigation Operations (FONOPs) in the region. According to the US Department of Defense (2017), the US Freedom of Navigation program is a "strategy to maintain the global mobility of US forces and unimpeded commerce by protesting and challenging attempts by coastal states to unlawfully restrict access to the seas" (pp. 2).
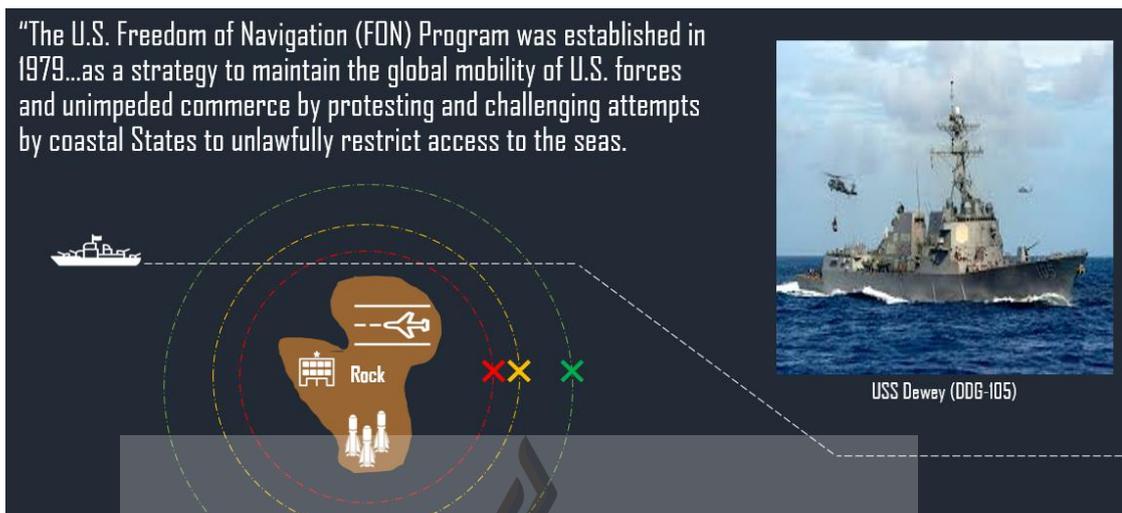
Figure 4.7 US Freedom of Navigation Operations

Source: Department of Defense, 2017; Pyrtle, 2019

Although the general connotation associated with US FONOPs is that it is directed solely toward China, evidence suggests that that connotation is misguided. According to the World Wide Fund for Nature (2018), the US FONOPs targeted multiple excessive claims in the Indo-Pacific region, such as Cambodia, China, India, Indonesia, Malaysia, the Maldives, the Philippines, Sri Lanka, Taiwan, and Vietnam (para. 1). Similar to the FIOP strategy, the US prefers multilateral involvement in the FONOPs program and has called on other nations to join. So far, France and the United Kingdom have conducted their own FONOPs in the region (Luc, 2018, para. 7).

In general, when it comes to foreign power influence in the South China Sea and with ASEAN, there are two external approaches. The US and other Western-aligned powers prefer a more unified and institutionalized ASEAN, whereas China prefers a less unified and institutionalized ASEAN. From the perspective of the US, its interest is better satisfied with a stronger ASEAN that tackles regional challenges as a bloc, while, from China's perspective, its regional peace and stability interests are better met through one-on-one bilateral negotiations. In either case, if ASEAN does not exercise due diligence in the region with respect to supporting its own maritime security, then ASEAN may get sidelined by other major powers positioning themselves in the region to fill the void.

4.2.4 Non-Traditional Security Threats: ASEAN vs. Maritime Transnational Crime

Underneath all of the traditional maritime security challenges in Southeast Asia lie equally significant non-traditional security challenges. The non-traditional maritime security environment is plagued with critical issues surrounding the region. Just over the last five years, the following crimes happened: 13 successful piracy and terrorism-related attacks were executed in the Sulu and Celebes Seas, with 11 more attempted; "61 crew member abductions, 28 crew members were ransomed or released, 17 rescued, [7] killed, and [9] still in captivity as of 2016-2018" (Pyrtle, 2019, pp. 3; Storey, 2018, pp. 2); more than 25,000 Bangladeshi and Burmese were smuggled or human trafficked crossed the Bay of Bengal and the Andaman Sea in the first half of 2015, and, in Laos, Cambodia, and Myanmar alone, the human trafficking and smuggling industry is "estimated at $192 million USD per year" (Pyrtle, 2019, pp. 3; Rashid & Ashraf, 2016, para. 1; United Nations Office on Drugs and Crime, 2016, pp. 21); "approximately 2,000 enslaved fishermen were rescued in a six-month period from March to September 2015" (Pyrtle, 2019, pp. 3; Htusan & Mason, 2015, para. 4; Mutaqin, 2018, pp. 81); wildlife and timber trafficking is estimated at $24 billion USD per year (Pyrtle, 2019, pp. 3; United Nations Office on Drugs and Crime [UNODC], 2016, pp. 23); counterfeit goods and medicines were "estimated at $24.4 billion USD from 2008-2010" (Pyrtle, 2018, pp. 3; UNODC, 2016, pp. 23); and illegal, unreported, and unregulated (IUU) fishing in Indonesia is estimated at $4 billion USD (Pyrtle, 2019, pp. 3; Chalk, 2017, para. 1).

According to a 2016 United Nations Office of Drugs and Crime report, "drugs and drug precursor trafficking, migrant smuggling and trafficking, maritime [specific related] crimes [e.g. piracy and at sea robbery], environmental crime, and counterfeit goods and medicine" are all on the rise, expanding, and becoming more sophisticated (UNODC, 2016, pp. 45). Although the findings in the report do not refer to maritime-specific crimes, it is reasonable to conclude that the geography of Southeast Asia and lack of maritime enforcement would lead to a significant number of crimes happening by maritime means; after all, "80% of the region is covered by

ocean" (UNODC, 2016, pp. 3). It should be noted that this paper did not cover all of Southeast Asia's non-traditional security threats. There is also an unresolved Rohingya crisis, and many of the refugees have fled by sea. Although the crisis is not covered in detail in this paper, it is a case of mass irregular migration, forced migration, and human smuggling and trafficking of epic proportion. An additional wide-reaching non-traditional security threat in Southeast Asia is natural disasters in the region. Again, the region is covered by 80% water, and, with climate change and the very nature of being surrounded by so much water and so many fault lines (ring of fire), it is prone to natural disasters that are capable of causing damage and carnage that would rival years of non-traditional security threats in one swoop. According to the World Economic Forum, "Disasters in Southeast Asia caused 61% of new displacements in 2017," and the organization "estimated 40% of global losses due to disasters that will occur on the continent in the years to come" (Matthews & Nel, 2018, para. 1, 4). Natural disasters are just as important as the other non-traditional security threats and require massive cooperative efforts to aid in the recovery process afterward. Coast guards and regional humanitarian efforts have historically been ideal for leading maritime-related disaster relief and recovery missions.

4.2.5 Southeast Asia Traditional and Non-Traditional Security Assessment

The Southeast Asia maritime security environment as a whole is getting worse. Southeast Asia's non-traditional security threats, alone, need to be immediately and collectively addressed by the region's coastal states, but traditional security threats like the South China Sea dispute and external power influence push and pull ASEAN members in different directions, ultimately destabilizing the region even more. Southeast Asia has multiple factors leading to insecurity in its maritime domain. How the multiple factors play out and affect each other is displayed in Figure 4.8. On the third tier, non-traditional security threats like terrorism, human trafficking and smuggling, and IUU fishing, among others, are prevalent and remain largely unchecked in the region. Each category of non-traditional security threats deserves its own attention. A category like piracy demands an international-level response at most and a minilateral approach at least, and that is just one category of non-traditional

security threats. Imagine the effort it would take to organize against multiple non-traditional security threats across a region. The second tier is traditional security threats in the form of the South China Sea dispute and internal differences. The South China Sea dispute has exposed internal differences among members and reveals that a divided ASEAN is powerless against China's maritime expansion and in dealing with the Tier 3−non-traditional security threats. The first tier is external powers' influence in the region. External powers are both welcomed and unwelcome factors, stabilizing and destabilizing forces, depending on how ASEAN members are aligned. On the one hand, external powers bring balance to the region for ASEAN members against China; on the other hand, the mere presence of external powers as an alternative to China creates a security dilemma in the region. What ultimately happens is that security challenges in Tier 1 (external power influence) created by foreign powers jockeying for influence in the region spill over into Tier 2 (regional traditional security threats), which creates a security dilemma in the region, forcing ASEAN members to choose among the US, China, and its own interests. Then, the previous tiers run over into Tier 3 (non-traditional security threats) like a waterfall, leaving NTS threats inadequately addressed due to Tier 1 and Tier 2 spillage, which flushes cooperation attempts.

Figure 4.8 South China Sea dispute spillover effect

Source: Pyrtle, 2019

Southeast Asia's traditional and non-traditional security challenges inhibit ASEAN from reaching its full potential. The status quo is under strain with the rising and expanding traditional and non-traditional security threats. On the traditional security side, the ASEAN approach has mostly been to balance conflicting external power interests in the region, sometimes even against its own interest. China has made much progress from this approach, whereas ASEAN has steadily been losing ground. Moreover, internal differences pull ASEAN members apart in many cases. Because of these various factors, ASEAN members must choose ASEAN first. Concerning non-traditional security threats, ASEAN is being overrun by the plethora of security threats. Non-traditional security threats, especially in transnational crimes, valued at $100 billion USD, exceed the three lowest members'—Brunei, Cambodia, and Myanmar—GDPs combined (UNODC, 2016). Although non-traditional threats are not centrally coordinated or are working in concert against ASEAN countries, the effects of the transnational crime throughout Southeast Asia affect the region the same. It does not take the coordination of non-traditional security threats to hurt states: the very existence of non-traditional security threats in a region can do this. Conversely, it does take a coordinated effort to suppress and prevent non-traditional security threats.

CHAPTER 5

**MARITIME SECURITY COOPERATION: MEASURING
THE EFFECTIVENESS OF PAST EXPERIENCES
AND POSSIBILITIES IN ASEAN**

5.1 MARITIME SECURITY COOPERATION: A LOOK AT INTERNATIONAL, REGIONAL, AND SUBREGIONAL COOPERATIONS

Earlier findings on ASEAN's approach toward regional peace and stability reveal that ASEAN has tried multiple approaches, such as promoting intra-regional peace and stability through various regional agreements, endorsing international law and rule-based order, and establishing multiple forums and discussion platforms as confidence-building measures. Members have even chosen international court over conflict when disputes could not be bilaterally solved, and this list is not exhaustive. However, despite all their efforts, regional maritime security is falling short of necessary levels. Several articles detail how criminals working in ASEAN waters can operate with impunity because ASEAN waters are relatively unpoliced. Could a region-wide maritime security cooperation help ASEAN with this issue? In the following section, maritime security cooperations on the international, regional, and subregional level are reviewed for their effectiveness.

5.1.1 International Maritime Security Initiatives: Gulf of Aden Anti-Piracy Cooperation

In 2005, piracy in the Horn of Africa began to rise. The Gulf of Aden and Somalia Basin later became the epicenter of global piracy. By 2011, only six years later, piracy in the Gulf of Aden took the top spot with 243 piracy incidents, overshadowing former number one-ranked Southeast Asia (Do, 2013, pp. xxi). What

shocked the maritime and trade sector the most was the immediate spike and aggressiveness of the incidents (Do, 2013, pp. xxi). To date, the Gulf of Aden's sharp rise in piracy is unprecedented. Additionally, the region's fragile coastal states were powerless to defend against the growing epidemic that had taken over their waterways. In some cases, state officials were complicit by looking the other way and profiting off piracy activities (Do, 2013, pp. xxiv). From 2005–2012, pirates in Somalia had "carried out 1,068 attacks," of which 218 were successful, abducted 3,741 crewmembers, and ransomed 149 ships between \$315–\$385 million USD (Do, 2013, pp. xxi, 1). Since 2005, Somalia piracy costed the global economy approximately \$18 billion USD plus or minus \$6 billion USD and approximately \$53 million USD in ransoms per year (Do, 2013, pp. 1, 15). Those numbers should surely be frightening to the international community. It is reasonable to assume that those profits were likely used to advance other criminal or even terrorist activities. To fend off a threat of that scale, the international community decided that cooperation was the best approach to suppressing piracy in the region. Consequentially, the United Nations Security Council adopted 13 resolutions on piracy in the Gulf of Aden and was joined by other regional and international organizations: "European Union (EU), the African Union (AU), the League of Arab States, and NATO" (Do, 2013, pp. xxi). The cooperation effort was comprehensive and consisted of other international, regional, and domestic government and non-government efforts to include military and non-military initiatives as well. The most significant action that turned the tide of Somalia piracy was in 2009, when UN resolution 1851 was adopted. UN resolution 1851 created the "Contact Group on Piracy off the Coast of Somalia," which was tasked "to facilitate coordination of the 60 countries and 20 international organizations working to prevent piracy" (Do, 2013, pp. xxi). The result of this expansive cooperation effort was that piracy in the region drastically fell from 243 incidents in 2011 to 63 incidents in 2012 (Do, 2013, pp. xxi); in 2013, the number of attacks was the lowest since 2004, a year before the piracy spike even began (Kareem, 2015, pp. 5). The two most notable results of the cooperation are that there has been no successful hijacking from "2013 to mid-2015," and there are no hostages or vessels held as of March 3, 2019 (The World Bank, 2017, para. 1; EU NAVFOR, 2019). EU NAVFOR Somalia has a useful website that displays facts and figures on Somalia piracy (https://eunavfor.eu/key-

facts-and-figures/). Table 5.1 illustrates the results of the cooperation from 2008 to 2018.

Table 5.1 EU Naval Force Somalia-Operation Atalanta Key Facts and Figures

	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Suspicious Events	8	59	99	166	74	20	5	1	2	6	4
Total Attacks	24	163	174	176	34	7	2	0	1	7	2
Of Which Pirated[4]	14	46	47	25	4	0	0	0	0	2	0
Disruptions[5]	0	14	65	28	16	10	1	0	0	2	0

Source: EU NAVFOR, 2019

Upon reviewing Table 5.1, the downward trend of Somali piracy incidents is immediately clear. Regarding the monetary cost-benefit of the Somali piracy cooperation, it is possible to take the annual cost of Somali piracy, estimated at $18 billion USD, from the global economy and ransom payouts, estimated at $53 million USD per year (Do, 2013, pp. 1, 15), and compare them to the annual cost of the multinational cooperation, which was at its highest in 2012 at $6.1 billion USD (Kareem, 2015, pp. 6). However, in 2013, only one year later, the total cost was halved to $3.1 billion USD (Kareem, 2015, pp. 6). According to Kareem (2015), the reduction in cost was mainly due to an increase in operational experience, effective protocols and best practices, and more efficient collaboration and cooperation, which led to a reduction in forces. Members of the cooperation essentially became better and more efficient both individually and collaboratively in fighting piracy, which drove down the cost of operations, including the threat of piracy itself. Furthermore, even if the number would have stayed at $6 billion USD per year, Somali anti-piracy operations would still be cheaper than the yearly $18 billion USD (plus or minus $6 billion USD) cost to the global economy and the $53 million USD annual ransoms that supported piracy and other transnational activities. The previous point is purely from a financial and economic perspective. However, when looking at the human cost of piracy—such as loss of life and physical and psychological injuries to victims of piracy—

the $6 billion USD to $3 billion USD annual price tag shared among multiple nations to inhibit the assault on seafarers passing through the region may be a worthy price: "As per statistics through 2012, approximately 3,741 crewmembers of 125 nationalities fell prey to pirates with detention periods as long as 1,178 days. Reportedly, roughly 90 seafarers died…" (Kareem, 2015, pp. 5). One can only guess what the economic and human costs to the region would have been if there had been no cooperation at all.

Figure 5.1 Gulf of Aden: Somalia piracy international cooperation results

Source: Kareem, 2015; Pyrtle, 2019

These figures illustrate that comprehensive maritime security cooperation is fiscally and ethically proven to be more beneficial than maintaining the pre-cooperation status quo, at least in the Gulf of Aden. One thing to note regarding the Somalia piracy study is that the majority of the help came externally; Somalia and other Gulf of Aden states were unable to suppress the piracy movement alone. The Gulf of Aden raises the point that, if regions are unable to manage their security issues and if the problems are severe enough, then the international community may step in. External power intervention is not necessarily a bad thing and may even be welcomed by some regional parties, but regional parties may find themselves being sidelined as the external powers decide the best way to approach the region's security threat. To prevent external power intervention, regional powers must assume responsibility for their maritime domain. A region that assumes responsibility of its maritime domain is better suited to receive and possibly direct foreign power

assistance in its waterways in times of crisis. After all, who knows a region's security gaps better than the region's members? In the Gulf of Aden, such maritime responsibility and regional maritime security framework from regional members did not exist.

5.1.2 Regional Maritime Security Initiatives: ReCAAP ISC.

Before piracy was an issue in Somalia and other parts of the African region, Asia was home to the most pirated seas. Asia had suffered an uptick of piracy and armed robbery in the 1990s, and members in the region sought comprehensive ways to address the problem. To briefly distinguish piracy from armed robbery, the key element to note is the location—did the incident happen within territorial waters (armed robbery) or outside territorial waters (piracy)? The Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) was established in 2006 to address the region's piracy issue through "information sharing, cooperative arrangements, and capacity building" and was "the first regional government-to-government agreement to promote and enhance cooperation against piracy and armed robbery against ships in Asia" (ReCAAP ISC, 2016, pp. 8; ReCAAP ISC, 2019, para. 1). There were initially only 14 Asian Contracting Parties, but now the cooperation has 20 members, including external parties such as "Europe (Norway, the Netherlands, Denmark, and the United Kingdom), Australia, and the United States," and ReCAAP ISC is recognized as a Centre of Excellence (ReCAAP ISC, 2019, para. 2, 4). The ReCAAP initiative is uniquely different from Western-led maritime security cooperations against piracy, such as NATO Ocean Shield and EU NAVFOR, because ReCAAP's focus is primarily on cooperation through information sharing, while Western piracy cooperation initiatives focus on information sharing but place more weight on enforcement and suppression mechanisms. ReCAAP ISC is a passive but effective approach to anti-piracy cooperation. Though ReCAAP ISC's mandate is not to pursue piracy in an operationalized setting, its numbers over the years still prove the cooperation's effectiveness.

In 2018, Asia had 76 reported incidents (62 actual and 14 attempted incidences). The success of the cooperation over the last decade is illustrated by a 25% decrease in incidents since 2017 and a 10-year low since 2009 (ReCAAP, 2018, pp. 7). ReCAAP also assesses three subregions in Asia: North, South, and Southeast Asia. Of all three regions, Southeast Asia experienced the bulk of the incidences. Each year since 2009, Southeast Asia accounted for as low as 70% and as high as 88% of the total incidents in Asia (ReCAAP, 2018, pp. 11). Since 2016, the trouble areas have been Indonesia, the Philippines, the South China Sea, the Strait of Malacca, the Sulu and Celebes Seas, and Vietnam (ReCAAP, 2018, pp. 11). According to the ReCAAP (2018) report, "The majority of the piracy incidents in Asia occurred in the South China Sea" (pp. 5). Regarding total incidents, the numbers have fluctuated over the years, but, as expressed in Table 2, the numbers are still considerably lower than the height of piracy in Asia in 2015, which had 190 incidences (ReCAAP, 2018, pp, 11).

Table 5.2 ReCAAP Piracy/Armed Robbery Actual Incidents Reported in Asia

Year	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Actual Incidences	82	134	135	124	141	171	190	78	90	62

Source: ReCAAP ISC, 2018

Although ReCAAP has made considerable progress in reducing the overall piracy footprint in Asia, more can be done through operationalized cooperation geared toward anti-piracy operations. According to the report, "ReCAAP ISC reiterates the need for law enforcement agencies to enhance surveillance, increase patrols and respond promptly to the reports of incidents" (ReCAAP, 2018, pp. 4). The following is a step-by-step breakdown of the recommendation: (1) "the need for law enforcement," (2) "enhance surveillance," (3) "increase patrols," and (4) "respond promptly to the report of incidents" (ReCAAP, 2018, pp. 4). A comprehensive operationalized maritime security cooperation could be a step in the right direction in achieving the report's recommendation. If ASEAN were to pursue greater cooperation, it could expand its mandate beyond piracy operations into other agreeable transnational criminal threats. There is nothing that states that maritime security cooperation efforts

must be geared towards one threat. If maritime law enforcement vessels would already be patrolling and safeguarding Southeast Asia's seas, it would be unreasonable for members to restrict themselves to piracy and armed robbery operations. Ignoring all other security threats despite having patrolling assets would not be the best use of assets and resources. Overall, ReCAAP is a success and has been highly effective in reducing piracy in Asia, but an operational law enforcement-based maritime security cooperation working in concert with a ReCAAP ISC-type system could prove to be more effective in prevention, suppression, and response.
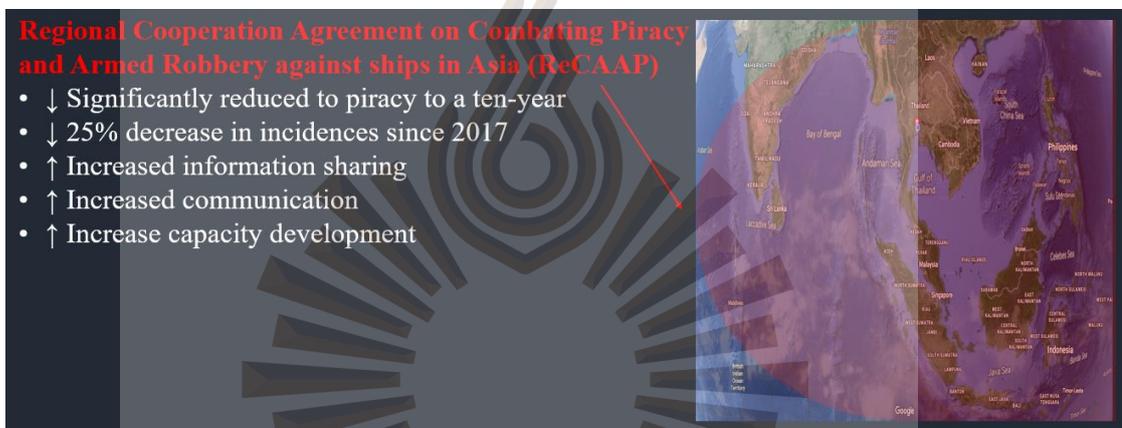
Figure 5.2 ReCAAP maritime security cooperation results

Source: ReCAAP ISC, 2018; Pyrtle, 2019

5.1.3 Subregional Maritime Security Initiatives: Malacca Strait Patrol.

The Malacca Strait Patrol (MSP) is one of the most successful maritime security initiatives both in Southeast Asia and in the world. The MSP was established in April 2006 and consists of littoral states Indonesia, Malaysia, and Singapore; the cooperation was later extended to Thailand in 2008 (Lim, 2016, para. 8). The MSP is hailed as one of the region's success stories. The International Maritime Organization "held up MSP as a model to emulate in addressing the Gulf of Aden piracy problems," and the US Pacific Command also held the security cooperation in high regard (Collin, 2016, pp. 3). While there is always room for improvement, considering how the MSP grew from a concept to a formidable multinational security cooperation and model for maritime security cooperation, the MSP deserves all the respect and recognition it has

been given. Additionally, the further one examines the details of how the security cooperation came about and overcame historical challenges, the more one can understand why it is often cited as a model for other maritime security initiatives. The littoral states had to overcome a lack of resources and experience, past conflicts and internal differences, and past sovereignty disputes and unresolved issues. ¬Some of the initial challenges were not only limited to historical issues. There were cooperation framework issues concerning the scale, scope, and approach to the cooperation. However, at the backdrop of all of these problems were rising piracy issues in the early 2000s. Piracy in the Strait of Malacca rose at an alarming level to the point that, in July 2005, "the Lloyd's Joint War Risk Committee classified the strait as a 'high-risk war zone'," and there were talks from the international community of internationalizing the Malacca Strait (Collins, 2016, pp. 1). If the littoral states did not act deliberately and decisively, then they would risk foreign power intervention (Collin, 2016, pp. 1). Needless to say, the littoral states did act. Although everything did not come together all at once, they prevailed. The first initiative of the Malacca Strait Sea Patrol (MSSP) began in 2004 (Singapore Ministry of Defense, 2015). The security cooperation evolved into what it is today—the MSP. The success of the MSP stems from three operationalized pillars of cooperation: in 2004, sea patrols—the MSSP; in 2005, maritime air surveillance—the "Eye-in-the-Sky" (EiS) Combined Maritime Air Patrols; and, in 2006, information and intelligence sharing—Intelligence Exchange Group (IEG) (Singapore Ministry of Defense, 2015, para. 2). Throughout the process, the parties worked out their differences and established an agreeable framework to form the MSP in 2006. With that said, beyond the MSP states overcoming their historical differences, sovereignty challenges, and cooperation terms of reference, the greatest evidence of the MSP's success was the decline of piracy in the Malacca Strait. According to the International Maritime Bureau (see Table 5.3), there have been no piracy attacks since 2015 "due to the increased and aggressive patrols by the littoral states" (ICC International Maritime Bureau [IMB], 2019, pp. 6, 20).

Table 5.3 ICC IMB Piracy and Armed Robbery Against Ship 2018

Year	2014	2015	2016	2017	2018
Incidences	1	5	0	0	0

Source: ReCAAP ISC, 2018

The MSP has been a key initiative to suppress piracy in the Strait of Malacca, which the numbers in Table 3 demonstrate. As mentioned, the importance of this strait cannot be understated. It was the strait's regional and international importance that forced Indonesia, Malaysia, and Singapore to work together and overcome their differences. The pressure of foreign power intervention also played a role in pushing the urgency of the cooperation. The MSP serves as an example of what coastal states can achieve, even with historical challenges and inherent differences, when it comes to maritime security cooperation. The MSP has even been the model for another Southeast Asian subregional cooperation in the Sulu and Celebes Seas. In the next section, how the MSP was used as a model to combat piracy and terrorism in the Sulu and Celebes Seas is discussed.
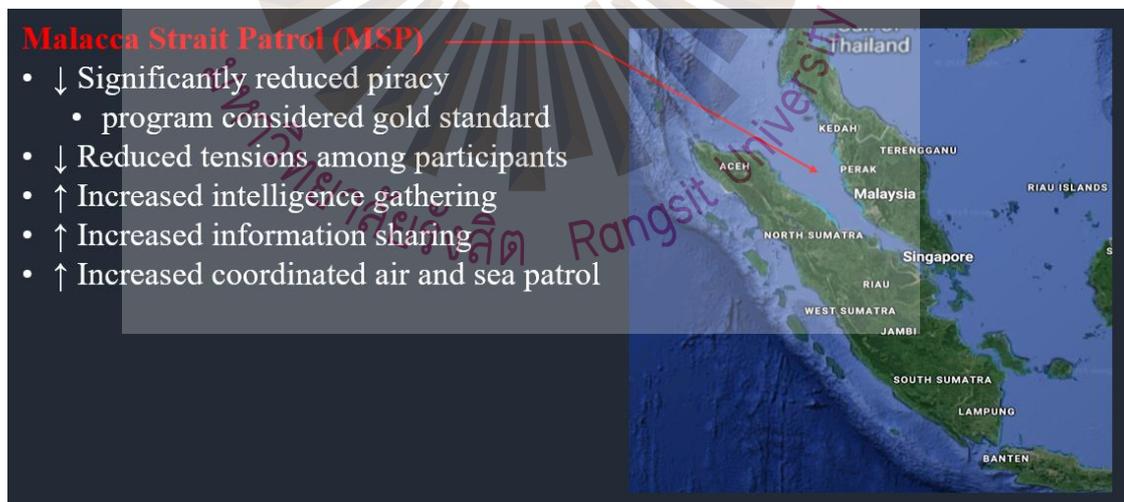

Figure 5.3 Malacca Strait Patrol maritime security cooperation results

Source: ReCAAP ISC, 2018; Pyrtle, 2019

5.1.4 Subregional Maritime Security Initiatives: Trilateral Maritime Patrol.

The Trilateral Maritime Patrol (TMP) is the newest maritime security cooperation in the region. It consists of neighboring states Indonesia, Malaysia, and the Philippines. In the past, these states had a deeply contentious relationship in respect to territorial disputes. In fact, two attempts at regional cooperation failed due to territorial disputes: (1) the Association of Southeast Asia (ASA), consisting of Indonesia, Malaya (now Malaysia), and Thailand from 1961 to 1967, which was predominantly inactive since 1963; and (2) MAPHILINDO, consisting of Malaysia, the Philippines, and Indonesia in 1963, which lasted about a month or two (Acharya, 2001, pp. 48). The common denominator of the conflict was the addition of former British colonies in North Borneo (Sabah) and Sarawak in Malaysia. The additions of both territories to Malaysia did not go over well with the other claimants, Indonesia and the Philippines. At the height of the issue, the Philippines dropped diplomatic ties with Malaysia, and Indonesia pursued a conflict through a policy famously known as Konfrontasi (Acharya, 2001, pp. 5; Gavilan, 2016, The Sabah dispute section). Although, over 50 years later, the warlike tensions among the states have subsided, the three countries have not fully rectified their territorial disagreements. Those factors make the examination of the TMP even more crucial. The underlying question is, will the TMP parties be able to put their historical differences aside to address pressing security challenges, or will their differences prevent greater cooperation amid those challenges? The challenges in the Sulu and Celebes Seas region include (1) the threat of terrorism and piracy in the area, (2) the sheer size of the operation area— approximately "100,000 square miles and 110,000 square miles respectively" (Storey, 2018, pp. 2), and (3) the differences of opinion on approach to and details of the operation. Despite these challenges, it is due to the severity of the Sulu and Celebes Seas' threats of piracy, armed robbery, kidnapping, and terrorism that the TMP was established. The Sulu and Celebes Seas carry about $40 billion USD in trade that transits the area and are targeted by the terrorist organization Abu Sayyaf. Some brief figures on the terrorism and piracy threat in the subregion from 2016 to 2018 were reported as "13 successful attacks on ships and 11 attempted, 61 crew members

abductions," with 28 of them being ransomed or released, "17 were rescued, seven killed and nine are still in captivity" (Pyrtle, 2019, pp. 3; Storey, 2018, pp. 2). Just in the Philippines, the Abu Sayyaf (ASG) made "$7.3 million dollars in ransoms in the first half of 2016 alone. Non-payment of ransoms led the ASG to behead several captives" (Storey, 2018, pp. 4). Imagine what a terrorist organization can do with $7.3 million USD, or the hysteria that ensues when innocent mariners' heads are decapitated. Government and commercial enterprises are dealing with a double-edged sword when handling ransoms. On one side of the blade, paying ransoms equals citizen and employee freedom, but at the cost of financing a terrorist organization, while, on the other side, non-payment of ransoms equals further imprisonment or loss of life but denies terrorist organizations their needed financing. This dilemma is one that is easy to discuss and work out on a superficial level, but it becomes significantly more difficult when real people are involved, especially if the hostages are known or are company employees. This dilemma and regional security threat deserve a responsible response from the TMP, as well as urgency to cooperate. The area is too vast and the threat is too significant for one nation to handle the challenges by itself.

When the TMP representatives were searching for a model for their operations, they decided to use the MSP. The MSP had already been successful in the Malacca Strait, and two of the four MSP members (Indonesia and Malaysia) were also a part of the TMP (Storey, 2018, pp. 3). Early in the cooperation, the TMP defense ministers announced "their intentions of using the Malacca Strait Patrol (MSP) as a model" for all parties and called for "coordinated naval patrols, combined air patrols and exchange of information and intelligence" similar to the MSP (Storey, 2018, pp. 3; Institute for Policy Analysis of Conflict [IPAC], 2019, pp. 8). Although this was considered a success to many observers, areas of disagreement persisted among members. The parties first disagreed on entering each other's territorial waters, areas of operations (due to unresolved territorial disputes), and standard operating procedures (Storey, 2018, pp. 4). All of these disagreements needed to be settled for a successful cooperation. The parties reconciled their territorial disputes through a "non-prejudicial clause," which was essentially "a map agreed upon for the purposes of coordination patrol" but had no other legal implications (IPAC, 2019, pp. 8).

They also worked out details on "the establishment of a 'sea lane corridor' in which synchronized patrols would be conducted," procedures to enter each other's territorial waters, and "the establishment of three Maritime Coordination Centres (MCC) in all three countries" (IPAC, 2019, pp. 8). The Trilateral Cooperation Arrangement (the overarching cooperation framework) was signed on July 14, 2016, and the Trilateral Maritime Joint Patrol was signed on August 2, 2016 (IPAC, 2019, pp. 8-9), demonstrating that the TMP parties were able to work out their differences for the sake of regional security. However, still ahead were problems that were not so easy to overcome, such as limited funding, assets, and deployment resources. However, once Indonesia, Malaysia, and the Philippines decided to join together to establish the Trilateral Security Cooperation, the coordination of resources in itself was a better use of funding, assets, and deployment resources than unilaterally addressing subregional security issues in an uncoordinated manner.

According to Storey, it is too early to assess the effectiveness of the cooperation, and many of the perceived successes are null because other factors were at play (2018, pp. 5-6). However, there was some promising news concerning the possible expansion of the cooperation. According to Storey (2018), "Singapore, Brunei and Thailand have all been mentioned as observers.… Singapore has offered information-sharing support through the Information Fusion Centre" (pp. 4). What the TMP demonstrates is that there is a willingness to cooperate in Southeast Asia to take on security threats, though they may disagree on how. The TMP also shows that security cooperation can reduce tensions among participants and force them to work out their issues and even produce a common approach. The basis of examining the TMP in this paper is not to measure statistical effectiveness—again, it is too early to tell. The purpose is rather to see how the subgrouping would handle its historical differences, internal divisiveness, diverging interests, lack of resources, and massive area to police, while experiencing the real-time challenge of a significant threat of terrorism and piracy in their waters. Thus far, the TMP has made progress in these areas, and the cooperation looks promising. Additionally, if the TMP members can overcome their challenges, then it could provide a model for Southeast Asia along with the MSP. One note for critics who chided the TMP progress is that it is easy to

find fault in anything, let alone a minilateral security cooperation, but the basis of critiques on a security cooperation would be more productive if the cooperation were assessed on the pre-cooperation conditions versus the post-cooperation conditions, considering (1) participant relations and communication and (2) the pre-cooperation security environment versus the post-cooperation security environment.
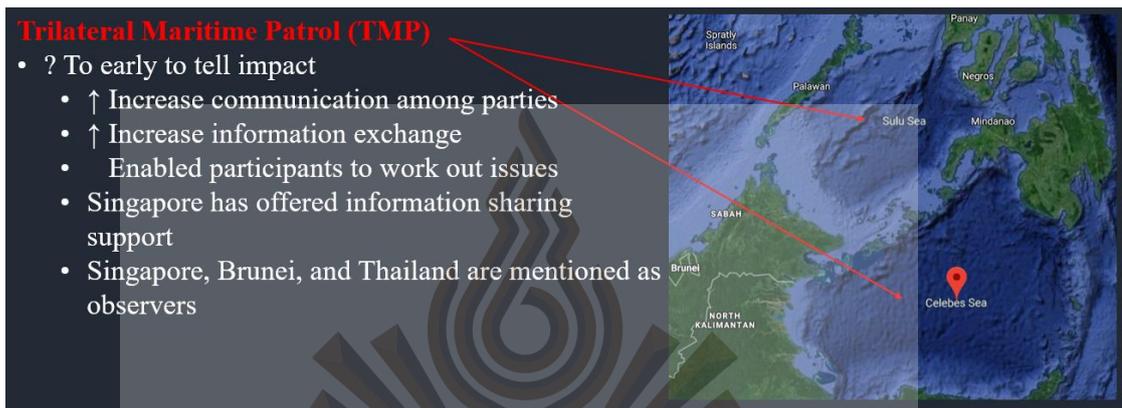

Figure 5.4 Trilateral Maritime Patrol maritime security cooperation results
Source: Storey, 2018; Institute for Policy Analysis of Conflict, 2019; Pyrtle, 2019

5.1.5 Maritime Security Cooperation Assessment.

In every examined case, maritime security cooperation programs were more productive, efficient, and effective than the status quo or pre-cooperation conditions. In all cases, the maritime security cooperation addressed and reduced the threats, addressed participant security issues, improved the security environment, compelled participants to work out fundamental (sometimes historical) issues, and positively affected participant tensions, relationships, communication, and coordination. For Southeast Asia, maritime law enforcement cooperation should be the goal, as opposed to a maritime defense cooperation, if greater cooperation is pursued. Law enforcement cooperations are less threatening and intrusive and are easier to execute than defense cooperations. The reason for this is the type of operations that law enforcement agencies—Coast Guards and marine police— conduct. According to Bekkevold (2017), "Coast Guards normally have the responsibility to provide maritime security and border control, to combat illegal drug trafficking, migration, and fishing, to provide search and rescue, and respond to environmental disasters" (pp. 71). Although

naval assets and forces were the primary assets used in the security cooperations listed in this paper, the security initiatives that they were involved in were of law enforcement type, as opposed to a defense type. The basis of the security initiatives was to address criminal non-traditional security threats in the form of piracy. The initiatives were not designed to address, contain, or respond to state-on-state, traditional security threats. Although these initiatives are considered of law enforcement type, it is important to note that naval or defense assets used for law enforcement purposes can blur the lines slightly. Therefore, it would serve participants' interest better to use designated law enforcement assets for law enforcement initiatives, especially if nations want to expand beyond only conducting counter-piracy operations. However, it is understandable that many countries' national maritime assets do not extend beyond naval assets, and they must use the resources and assets they have.

5.2 ASEAN MARITIME SECURITY COOPERATION: IS IT POSSIBLE?

At this point in the research, four things should be clear: (1) Southeast Asia is among the most important regions in the world, and its resources should be protected; (2) the region faces significant and rising traditional and non-traditional security threats, which no country can unilaterally address; (3) ASEAN has tried to promote peace, stability, and rule-based order through various agreements, treaties, and forums but has not been as successful in the maritime realm as in other areas; and (4) maritime security cooperations are proven efficient, effective, and productive, not only in countering targeted threats but also in building participant relationships. Despite all of ASEAN's efforts, its maritime domain is gradually deteriorating. The one measurable area of improvement in the maritime domain is in the incidence of armed robbery and piracy due to security cooperation in ReCAAP, MSP, and TMP. In all three security cooperations, the status quo was positively changed in two ways: (1) a reduction in armed robbery and piracy activity and (2) improvements in participant relationships. As mentioned in the previous section, those cooperation successes in armed robbery and piracy threats can be expanded to address other regional non-traditional security

threats. There is evidence that maritime security cooperation initiatives are universally effective in addressing security threats and building participant relations. The question that arises now is whether an ASEAN maritime security cooperation is possible in Southeast Asia.

5.2.1 ASEAN History, Framework, and Norms.

The history of ASEAN is quite interesting. All of the nations that make up Southeast Asia were, at one point, colonized by Western powers, with the exception of Thailand, and, though Thailand was never colonized, it abdicated much of its territory in the process to avoid the same fate as its regional neighbors. The impact of Western powers' control in Southeast Asia was profound and still lingers today. During World War II, Southeast Asia was often used as a staging ground for attacks, and foreign powers pushed and pulled the regional countries in different directions, jockeying for a dominate role in Southeast Asian political and economic affairs—a dynamic that still exists today. After World War II, Southeast Asian nations were decolonized and left to fend for themselves (Caballero-Anthony, 2005, pp. 51). While some alliances to external powers remained, the main task of nation building was left to the newly formed states. Southeast Asian states had deep development issues after decolonization, such as "weak socio-political cohesion of the region's new nation-states, the legitimacy problems of several of the region's postcolonial governments, interstate territorial disputes, intra-regional ideological polarization and intervention by external powers…" (Acharya, 2001, pp. 4).

However, in 1967, those issues caused the founding members (Indonesia, Malaysia, Philippines, Singapore, and Thailand) to mitigate those threats through cooperation with the establishment of ASEAN (Caballero-Anthony, 2005, pp. 50-51). ASEAN was uniquely different from any regional organization that came before and, as some might argue, after it. ASEAN was less institutionalized, more flexible, and promoted consultation and consensus as the bedrock to how it would make decisions. Since then, ASEAN has been recognized as one of the most significant and successful regional organizations in the world due to its rapid rise and the history of non-conflict

between its members (Caballero-Anthony, 2005, pp. 19). To evaluate the success of ASEAN, one must only look at its framework. The most fundamental principles of ASEAN are rooted in peace and stability among members. Everything else within ASEAN stems from those principles. A brief look at ASEAN's founding document, the ASEAN Declaration, also known as the Bangkok Declaration, reveals those principles in detail:

1) To accelerate the economic growth, social progress, and cultural development in the region through joint endeavors in the spirit of equality and partnership to strengthen the foundation for a prosperous and peaceful community of South-East Asian Nations;

2) To promote regional peace and stability through abiding respect for justice and the rule of law in the relationship among countries of the region and adherence to the principles of the United Nations Charter;

3) To promote active collaboration and mutual assistance on matters of common interest in the economic, social, cultural, technical, scientific and administrative fields. (Association of Southeast Asian Nations, 1967, pp. 1)

Beyond the ASEAN Declaration is an embedded history of peace-promoting initiatives within ASEAN. To truly understand ASEAN, one must understand the challenges its members experienced on their path to independence and to becoming functional states. After World War II, as recently decolonized and newly independent states, Southeast Asian states deeply cherished their autonomy and right of non-interference in the establishment of their states. At the time, the main challenge facing the region was the immense power vacuum as foreign powers relinquished control of states to weak and developing regimes, leaving regimes to confront a three-front war: (1) domestic conflict, (2) intra-regional conflict, and (3) external power influence (Acharya, 2001, pp. 4). The challenges overwhelmed the developing regimes. The newly formed states could not fight their domestic and intra-regional battles and deal with external power influence, all while effectively building their state and regime legitimacy. All of these factors, including the failings of other Southeast Asian initiatives—SEATO, MAPHILINDO, and ASA—led to the framework that established ASEAN. The premise of ASEAN was to form an organization that would

lead to regional peace, stability, and cooperation by requiring members to stop intra-regional infighting, which would allow them to focus on their domestic challenges while enjoying non-interference as each member developed and legitimized its regime and state. The way ASEAN pursued this goal was through the promotion of organizational minimalism, consultation, consensus-based decision making, non-interference, non-use of force, and rule-based order (Acharya, 2001; Caballero-Anthony, 2005), along with a collection of principles known as the ASEAN Way. According to Caballero-Anthony (2005), the ASEAN Way is described as "the principles of: seeking agreement and harmony, sensitivity and politeness; the principles of non-confrontation and of quiet, private and elitist diplomacy versus the principle of being non-Cartesian" (pp. 42). To form a maritime security cooperation within ASEAN that is consistent with its values, one must consider the region's history and states' desire for autonomy, which is still present today, and the principles of consensus, non-intervention, and rule-based order. All of these factors will shape how a regional security cooperation could fit within ASEAN.

5.2.2 Examine Security Theories, Concepts, and Initiatives Applicable to ASEAN.

As previously mentioned, ASEAN is rooted in new regionalism theory and is much different than the traditional regionalism model and structure found in the European Union. The reason this is important is because the gap between the two forms of regionalism produces vastly different types of cooperation. For example, the European Union members are more willing to lose some level of sovereignty to gain regional security; for ASEAN members, losing sovereignty would be a non-starter. One must remember how much ASEAN values autonomy, even with the sacrifice of greater security. Trying to convince ASEAN members of a maritime security cooperation that may take away members' autonomy on any level and subject members' maritime forces to an ASEAN maritime security cooperation would be unlikely. It is not consistent with ASEAN's history, principles, or values. Additionally, ASEAN falls within the pluralistic security community, "in which case the members retain their independence and sovereignty" (Acharya, 2001, pp. 16). Staying within

this concept must be a priority. This leads to the question of how ASEAN can have a maritime security cooperation that is true to the pluralistic security community concept, true to ASEAN members' history, and true to the ASEAN framework, principle, and way?

The answer is that it would be extremely difficult, at least in the manner of how traditional regional maritime security cooperation works, such as EU NAVFOR and the NATO Operation Ocean Shield. Developing a traditional regional maritime security cooperation within ASEAN without violating its principles of non-interference, consensus-based decision making, and autonomy is nearly impossible. The most difficult principle to get around is state autonomy, because states would inevitably have to subjugate forces to another authority based on traditional models. ASEAN members would not likely agree to the subjugation of any of their forces to any command. ReCAAP is another regional security cooperation that ASEAN members have had success with. A key thing to note about ReCAAP is that ASEAN members did not have to subjugate any sovereignty to be a part of the cooperation; however, ReCAAP is not an operational security cooperation in the traditional sense; rather, it is mostly an intelligence gathering, information sharing, capacity development organization and alert center. In a ReCAAP report to the United Nations, ReCAAP described its framework agreement as "the agreement provides a framework for Contracting Parties to pursue cooperation in the areas of information sharing, capacity building and cooperative arrangements" (ReCAAP ISC, 2007, pp. 1). A testament to ReCAAP's success shows that intelligence gathering, information sharing, and capacity development alone can be remnants of a successful security cooperation, as displayed previously in Table 3—10-year piracy low. ReCAAP has the most ASEAN members (8 out of 10 members) of any maritime security cooperation in Southeast Asia. Since 80% of ASEAN is a part of ReCAAP, even landlocked member Laos, there must be something that attracts such a wide membership base. The only members who are not a part of ReCAAP are Indonesia and Malaysia, presumably because of sovereignty issues and a belief that the cooperation is redundant to other existing ASEAN security arrangements (Panda, 2013, para. 5). ReCAAP is only one

piece of the puzzle to developing an ASEAN maritime security cooperation. The next piece comes from reviewing the MSP and TMP.

The MSP is a highly regarded operationalized maritime security cooperation. Its operations include coordinated maritime air and sea patrols, intelligence gathering, and information sharing. Because of its success, the MSP was used as a model for the Sulu and Celebes Seas TMP cooperation. With this information, a common thread can be found from the three cooperations (see Figure 5.5).
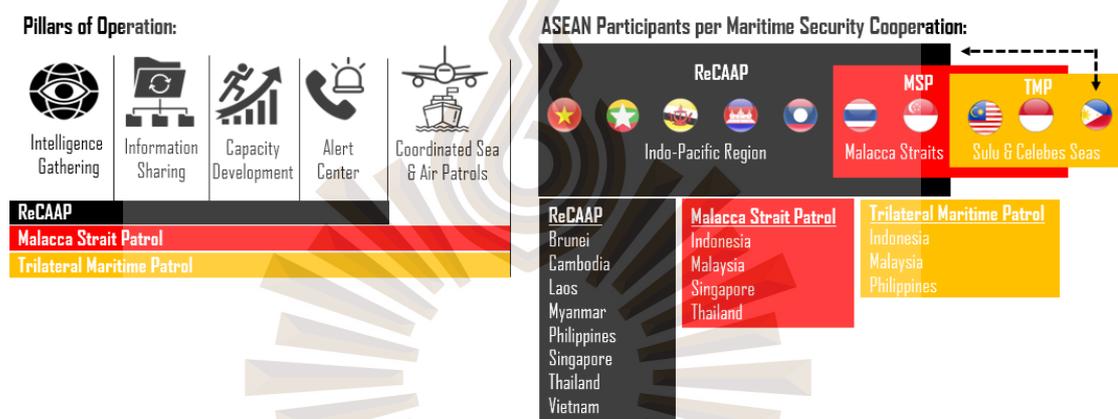
Figure 5.5 Maritime security cooperation efforts across Southeast Asia: initiatives, participants, coverage area, and type of operations
Source: Panda 2013l ReCAAP ISC, 2007; Pyrtle, 2019

Figure 5.5 reveals several observations: (1) all ASEAN members are a part of some kind of maritime security cooperation; (2) some members are in more than one cooperation; (3) collectively, ASEAN members' security cooperation participation covers the entire Southeast Asia region, (4) all security initiatives have intelligence gathering, information sharing, capacity development, and alert centers in common (four proven-effective operation types), (5) according to earlier research, the more effective security initiatives have all of the mentioned elements of the fourth observation point, plus coordinated sea and air patrols, and (6) all members participate in four out of the five pillars of operation.

If all members collectively cover the entire Southeast Asia region, take part in four out of the five pillars of operations, and have intelligence gathering, information sharing, capacity development, and alert centers, why not do it under ASEAN? Southeast Asia's two world-class intelligence and information centers (ReCAAP ISC and Singapore's Information Fusion Centre) would not only be easy plug-ins to any Southeast Asian maritime security cooperation, but both centers appear willing to help in some form. According to Storey (2018), when referring to the TMP, "Singapore has offered information-sharing support through the Information Fusion Centre (IFC) at Changi Naval Base. International liaison officers based at the IFC regularly exchange information on the situation in the Sulu-Celebes Sea" (pp. 4). Furthermore, ReCAAP attributes its success to its three pillars: "(1) information sharing, (2) capacity building, and (3) cooperative arrangements" (ReCAAP ISC, 2016, pp. 51). The keyword in that context is cooperative arrangements. As an example, ReCAAP ISC and MSP IFC formalized standard operating procedures (SOPs) in 2007 for information-sharing and information-exchange exercises (ReCAAP ISC, 2016, pp. 67). Thus, there do not appear to be any operational barriers inhibiting further cooperation, at least in the four operation types (pillar of operations) that all ASEAN members already participate in.

5.2.3 ASEAN Statements on Maritime Security Cooperation.

A piece that has been missing thus far in this research is the question of where ASEAN members stand on the topic. Do they want regional maritime cooperation? Are they happy with the status quo? Basically, what are the members' preferences concerning maritime security cooperation. This section attempts to answer those questions from official press releases and statements from ASEAN-related forums, meetings, and events. Significant statements from the past three years are reviewed to gain a sense of ASEAN members' preferences concerning maritime security cooperation.

In July 2016, "at the 23rd ASEAN Regional Forum Foreign Ministers' Meeting" in Laos, members adopted a statement on "enhancing cooperation among maritime law enforcement agencies (ASEAN Regional Forum Ministers, 2016, pp. 1-

2). The ASEAN Foreign Ministers' statement on maritime security cooperation was significant:

Acknowledging that peace, security and stability at sea, including the safety and security of sea lines of communication, are vital to prosperity in the Asia-Pacific region and the world;

Reaffirming our commitment to develop concrete and effective regional responses to maritime security challenges and other maritime challenges as stated in the Hanoi Plan of Action to Implement the ARF Vision Statement and the ARF Work Plan on Maritime Security (2015-2017);

Concerned about growing maritime challenges that may affect peace and stability in the region;

Recognizing the important role of the maritime law enforcement agencies as the first responders and front-line actors in addressing those challenges;

Emphasizing the need to enhance cooperation among maritime law enforcement agencies with a view to promoting trust and confidence, and strengthening capacity and coordination, thus dealing more effectively with common maritime security challenges and other maritime challenges;

Recognizing that a maritime regime in the region based on international law, including the 1982 United Nations Convention on the Law of the Sea (UNCLOS), which sets out a legal order for peaceful use of the seas and oceans, has facilitated our region's impressive economic growth;

Committed to upholding the principles of international law, including those enshrined in the UN Charter and other relevant international instruments in the conduct of activities by law enforcement agencies and in the conduct of cooperation activities among them…. (ASEAN Regional Forum Ministerial, 2016, pp. 1)

In October 2017, the 4th ASEAN-EU High-Level Dialogue (HLD) on Maritime Security Cooperation in Manila, Philippines released a press statement stating:

The HLD was formally opened by the Keynote Remarks of Philippines National Security Adviser, Secretary Hermogenes Esperon, Jr., and French Navy Rear Admiral Anne Cullere. Both speakers underscored the international nature of maritime security issues and challenges and the need to comprehensively address them in a cooperative manner. (ASEAN-EU, 2017, para. 4)

Even in March 2018, the "Co-Chairs' summary report 10th ASEAN Regional Forum Inter-Session Meeting on Maritime Security" in Brisbane, Australia gave a brief overview of the state of maritime security in the region and ways to improve cooperation (ASEAN Regional Forum, 2018). As part of their summary, they recapped on previous forums and meetings held over the years as a way to bring all the collaborative efforts together. One such example was the ARF Workshop on Enhancing Regional Maritime Law Enforcement Cooperation conducted in Vietnam on January 18, 2018, that stated their key recommendations comprised of the following:

…compiling information on ARF members MLEA systems to provide advice on lessons learned and best practices; conducting a stocktake of existing bilateral and multilateral MLEA cooperation arrangements to identify potential models for enhanced regional cooperation; establishing regional MLEA communication directories; developing common operating terminology; enhanced MLEA engagement with maritime industries, communities and other relevant stakeholders to support MLEA priorities; expanded interoperable activities; working towards a set of common guidelines or principles for ships and aircraft involved in MLEA activities; and to discuss and consider track 1 adoption of the Centre for Humanitarian Dialogue's COPs. (ASEAN Regional Forum, 2018, pp. 19-20)

The listed official statements are not an anomaly. Statements on increasing maritime security cooperation has been a common theme throughout the history of ASEAN. In fact, when researching the topic, official statements contrary to greater cooperation in the field of maritime security could not be found. Moreover, in all cases observed regarding ASEAN and its members' official statements, less cooperation was deemed to be a threat to regional peace and stability. Thus, this research concludes that the problem is not a lack of desire for more maritime security cooperation; it is how to achieve it.

5.2.4 Levels of maritime security cooperation.

In a perfect world, Southeast Asian nations would not have to worry about the implications of their actions from external powers. For example, ASEAN could agree to pursue a regional maritime security cooperation; however, China would likely perceive the initiative as threatening, while the US and its allies would likely welcome the decision. External power influence in the region extends beyond maritime security cooperation. It also stifles other areas of cooperation on matters where China or the US is divided, such as the previously mentioned Belt and Road Initiative (BRI) versus the Free and Open Indo-Pacific (FOIP) strategy. Both initiatives drive a wedge in the region. External power influence and differences of approach are arguably Southeast Asia's two biggest challenges preventing greater cooperation. However, Southeast Asian nations can achieve greater cooperation by entering into more cooperations. It may sound redundant, but research indicates that entering cooperation initiatives leads to greater cooperation. Additionally, a way for ASEAN to move past the influence of external powers is for ASEAN members to act in ASEAN's self-interest, regardless of external power influence. The following section details two paths to region-wide maritime security cooperation: (1) one leading to an integrated regional maritime security cooperation (displayed on the path leading to the left), and (2) one leading to a fully integrated ASEAN maritime security cooperation (displayed on the path leading to the right). The two paths comprise the researcher's interpretation of avenues for region-wide maritime security cooperation. Southeast Asia has multiple maritime security initiatives that cover the entire region: ReCAAP, MSP, and TMP;

however, they are not connected and working in concert with each other. The three initiatives would vastly improve regional maritime security simply by working collectively versus separately. Additionally, these initiatives are piracy focused and could be expanded to target other maritime security threats that the region collectively agrees upon. All of the levels are based on attaining region-wide cooperation by progressively increasing operation capacity, authority, and integration. The levels of maritime security cooperation and integration (MSCI) model, introduced next, can be applied to any region, but the model detailed in this paper specifically considers Southeast Asia's circumstances in building region-wide maritime security cooperation. When reading the following descriptions, it may be helpful to cross reference the level's description with Figures 18 or 19, depending on the level being described.

Level 0: Scattered cooperation. Level 0 is scattered cooperation, which means that cooperation does exist in the region, but it is sprinkled throughout the region. Additionally, there are fewer operation types than the four proven-effective operation types that are present in the most successful maritime security cooperations: (1) intelligence gathering, (2) information sharing, (3) alert center, and (4) capacity building. The four operation types have been proven effective and appear to be prerequisites in all successful maritime security cooperations within Southeast Asia and beyond, and every member within Southeast Asia already takes part in a maritime security cooperation that has, at a minimum, these four operation types. Since all Southeast Asian nations are in maritime security cooperations with these four operations types, building consensus around them should be easy. From a region-wide perspective, Level 0: scattered cooperation is essentially no cooperation at all.

Level 1: Subregional information exchange maritime security cooperation. This is the first level of region-wide cooperation. Characteristic of this level is that security cooperation initiatives exist region-wide but are not connected. This level has two or more maritime security cooperation initiatives that collectively cover an entire region and have the four proven-effective operation types; however, the cooperations are not connected or collectively working together. This is the first level where subregional centers exist and are used as central locations to support operations (e.g.,

ReCAAP ISC, Singapore IFC and the MSP Information System, and TMP MCC all have these centers). This level of cooperation focuses on subregional information exchange among participants, but members do not actively participate in subregional coordinated or joint patrols. Participant forces operate independently of any subregional coordination or oversight but have access and supply information to subregional centers to support information exchange capabilities. The current state of Southeast Asian maritime security cooperation is at Level 1 due to region-wide coverage of maritime security cooperation initiatives—ReCAAP, MSP, and TMP—including all regional parties' participation in the four proven-effective operational types; however, they are not linked or collectively working together.

Two paths to regional integration: path to an integrated regional maritime security cooperation or path to a fully integrated ASEAN maritime security cooperation. This level is where Southeast Asia would have to decide on the path that best serves its self-interest. Path 1 (to the left), not numbered in any particular order, could more easily fit into Southeast Asia's current maritime security framework and should have less impact regarding external power influence. At the root of Path 1 security cooperation objectives is the further integration of existing maritime security cooperation initiatives that already exist. Path 2 (to the right) is the pathway to an ASEAN maritime security cooperation and would be more of an overhaul of existing security cooperation initiatives region-wide. Additionally, while Path 2 is the more ideal path from a region-wide coverage perspective, it is more likely to cause a stir with foreign powers whose self-interests are in the region. For instance, China would likely be against an ASEAN maritime security cooperation unless it was actively involved, and the US, Japan, South Korea, Australia, India, France, and Britain would likely support an ASEAN maritime security cooperation.
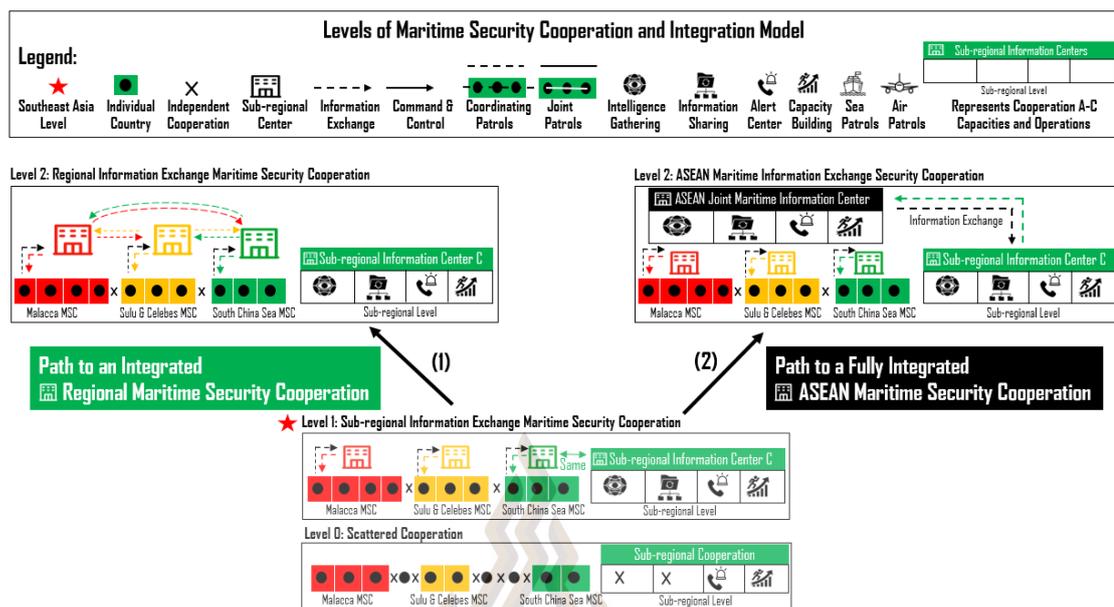
Figure 5.6 Maritime security cooperation and integration model

(Paths 1 and 2, Levels 0 through 2)

Source: Pyrtle, 2019

Path 1 Level 2: Regional information exchange maritime security cooperation. This level of cooperation is where security initiatives break from operating individually and start working collectively, at least in the information exchange arena. Participants' national forces still work independently at this stage (patrolling their own jurisdiction), and their maritime forces are not a part of any subregional coordinated or joint patrol efforts. The main trait of this level of cooperation is information sharing between participants within the cooperation.

Path 2 Level 2: ASEAN information exchange maritime security cooperation. This level is the first step toward ASEAN integration. Rather than security cooperations exchanging information from subregional information centers like in Path 1, Level 2, the subregional information centers pass their information to the ASEAN maritime information center, which will analyze and process information on their behalf. The main difference between Path 1 and Path 2 at this point is whether the cooperation is subregional led or ASEAN led. One added characteristic of an ASEAN-led cooperation is that ASEAN could also function as a depositary for subregional cooperation agreements and offer conciliation and good offices

concerning cooperation disputes. In Path 1, subregional maritime security cooperations support themselves, are stand-alone initiatives, and function independently, like the MSP or the TMP. Path 2 cooperation involves ASEAN in some capacity.

Path 1 Level 3: Regional information exchange and subregional coordinated patrol maritime security cooperation. This level is when subregional information centers in Level 2 advance to subregional coordination centers in Level 3, which allows subregional coordination centers to strategically coordinate patrols within the subregion based on the use of region-wide information exchanges. For this paper, coordinated patrols are maritime sea and air patrols that are conducted with each participant operating within its jurisdiction but working in concert with other subregional partners. To add coordinated patrol operations, officers and personnel of appropriate rank would have to fill subregional coordination centers and must have the authority to move national assets when necessary to fulfill the coordination center's goals. The scope of asset coordination is limited to the subregion, meaning there is no cross-subregional coordination of assets in this level—only cross-subregional coordination of information sharing (see Figure 5.6).

Path 2 Level 3: ASEAN maritime information exchange & subregional coordinated patrol security cooperation. This level also conducts subregional coordinated patrols under subregional coordination centers. The main difference between Path 1, Level 3 (the previously listed level) and this level is that the information exchange is led by an ASEAN joint maritime information center, rather than a subregional information center. The ASEAN joint maritime information center oversees region-wide information and intelligence coordination in this stage. One analogy that describes the interactions of entities and participants between Path 1 and Path 2 at this point would be to imagine two groups working on a project. Group 1 consists of three people of the same rank who work together and share information among each other as they see fit (Path 1). Group 2 consists of three people working on a similar project, but they have a project manager to whom they report their information and who is responsible for overseeing project success (Path 2). The

coordinated patrol efforts in both Path 1 and Path 2, Level 3 are conducted with the subregional coordination centers.

Path 1 Level 4: Regional information exchange and subregional joint maritime security cooperation. This level is the first step into subregional joint patrols. Joint patrols, for the purposes of this paper, are patrols where different participants are combined (working alongside each other) and sometimes integrated, as opposed to coordinated patrols where participant forces operate within their respective delimitation zones but in a concerted manner. To reach a level where members can do joint patrols, the level of trust is high, and many operational divisions have been eliminated and worked out. Additionally, subregional coordination centers in Level 3 are raised to subregional joint command centers in Level 4. On this level, subregional joint command centers take on command and control authority over assets and operations. The difference in authority from subregional coordination centers to subregional joint command centers would be the difference of an authorized person making a suggestion versus issuing an order, respectively. Coordination centers make suggestions and recommendations for assets based off information exchange information, while command centers issue orders to assets. The subregional joint command centers can assume command and control authority over a percentage of assets, delegated assets, or all subregional assets depending on the participants' preference and cooperation framework.

Path 2 Level 4: ASEAN maritime information exchange and subregional joint security cooperation. Prior to this level, the progression of regional integration has been constant between both paths, with the only real difference being whether subregional centers control information exchange or whether the responsibility falls with ASEAN centers. All maritime asset coordination on the subregional level has been the same as well. However, on this level is where that changes, and the benefits of the ASEAN path become more evident. On this level, subregional centers become subregional joint command centers that assume command and control of assets, and ASEAN centers becomes ASEAN maritime joint coordination centers that coordinate information exchange and asset movements across subregions. On this level, ASEAN

has oversight over the regional picture and is able to coordinate across subregions. The main difference between Path 1, Level 4 (the previously mentioned level) and this level is that asset coordination and information exchange responsibilities are with ASEAN, versus being spread across subregional cooperations.

Path 1 Level 5: Regional information exchange and coordinated patrol maritime security cooperation. This is the highest level that Southeast Asia nations can attain without integrating the cooperation under ASEAN. Of course, the cooperation could go higher and be called or turned into something else, but, based on this paper's two paths, any level higher might as well be fully integrated into ASEAN. In this level, subregional joint command centers, which have command and control of assets, become regional coordination centers and subregional joint command centers, which allows the subregional centers to coordinate among one another, as well as have command and control over their subregional assets. The main difference between Path 1, Level 4 and Path 1, Level 5 (the current level) is the addition of regional asset coordination among subregional cooperations. The main difference from this level (Path 1, Level 5) to Path 2, Level 4 (the previous ASEAN path) is that the subregional centers in this path lead cross-subregional coordination efforts, while in Path 2, Level 4, ASEAN leads the cross-subregional coordination efforts and additionally has an oversight role in regional coordination.

Path 2 Level 5: ASEAN joint maritime security cooperation. For the scope of this paper, this level is the highest level of integration in Southeast Asia under ASEAN. On this level, there is full integration of operations and assets (it could also be a percentage of assets), and ASEAN oversees all cooperation efforts. ASEAN's maritime joint command center has command and control and information exchange authority over ASEAN's subregional command centers that conduct joint patrols throughout the region. To effectively reach this level, various internal challenges would need to be resolved, and joint legal frameworks among ASEAN members would need to be established. Although the previous statement would apply to all other levels, it would be particularly essential for this level.

Figure 5.7 Levels of maritime security cooperation and integration (Levels 3–5)

Source: Pyrtle, 2019

The purpose of the levels of MSCI model is to illustrate two potential paths to higher maritime security cooperation and the various aspects of integration. Additionally, the levels of MSCI model provides pathways to higher maritime security cooperation and can function as a marker and roadmap to higher integration. Simply put, the model depicts where a region is in its maritime security cooperation development and provides a path forward. Any initiative on Path 2 would be considered an ASEAN maritime security cooperation. The levels only represent the functions and responsibilities of entities within the respective level of cooperation, rather than the actual names of the cooperation. This paper concludes that there are at least two paths to regional maritime security cooperation: Path 1—subregional-connected maritime security cooperation, and Path 2—ASEAN-led maritime security cooperation. Both paths connect subregional maritime security cooperation together. The main difference is that Path 1 is subregionally connected without any overarching regional organization or entity with oversight, and Path 2 is connected by a regional entity (in this case, ASEAN). Tables 4 and 5 highlight some of the pros and cons of the maritime security cooperation and integration levels.

Table 5.4 Pros and Cons of the Levels of Maritime Security Cooperation and

Integration (MSCI) Model: Path 1 (Subregional Led)

Levels of MSCI	Pros of MSCI	Cons of MSCI
Level 5: Regional Information Exchange & Coordinated Patrol	Joint patrols happen within subregions, and coordinated patrol and information sharing happens among subregions/not as threatening to China while still appealing to Western Powers	A step less than full integration (Path-2, Level 5: ASEAN Joint Maritime Security Cooperation)
Level 4: Regional Information Exchange & Subregional Joint Patrol	Beginning of joint patrols within subregions/continued information sharing happens among subregions	A level of national authority is transferred to a subregional joint command center as a percentage or in whole/joint patrols only happen within subregions, rather than among subregions
Level 3: Regional Information Exchange & Subregional Coordinated Patrol	Beginning of coordinated patrols within subregions/continued information sharing among subregions	Subregional coordination centers have little control over assets and are essentially information-sharing hubs
Level 2: Regional Information Exchange	Beginning of regional information sharing among subregional centers/regionally shared information is gathered and shared with subregional nations	Although information sharing is happening, there is no asset coordination/national governments respond to information individually and without subregional coordination
*Level 1: Subregional Information Exchange	Beginning of subregional centers and the use of the four proven-effective operation types (see page 75-76)/information sharing happens between subregional nations and their respective subregional centers	Information sharing only happens subregionally among participating nations and their respective subregional centers/although information sharing spans across the region, subregional information centers work independently (silos) of each other.
Level 0: Scattered Cooperation	Cooperation exists to some degree across the region	Cooperation is scattered and inconsistent throughout the region/cooperation is below the four proven-effective operation types

* is the current Southeast Asia MSCI level.

Source: Pyrtle, 2019

Table 5.5 Pros and Cons of the Levels of Maritime Security Cooperation and

   Integration (MSCI) Model: Path 2 (ASEAN Led)

Levels of MSCI	Pros of MSCI	Cons of MSCI
Level 5: ASEAN Joint Maritime Security Cooperation (Full Integration)	Highest level of regional cooperation/ASEAN has command and control over subregional assets, information sharing, and patrol operations	Nations give up a high degree of sovereignty to ASEAN/this level of cooperation may be viewed as pro-Western and deemed a threat to China
Level 4: ASEAN Maritime Information Exchange & Subregional Joint Patrol	Information sharing and patrol coordination happens between the ASEAN and subregional level/allows ASEAN and subregional centers to influence the maritime cooperation process	Although subregional centers' information sharing and joint patrol operations are fully integrated, subregional centers still maintain a high degree of autonomy which could be problematic in operation coordination
Level 3: ASEAN Maritime Information Exchange & Subregional Coordinated Patrol (Equilibrium)	Highest level in which ASEAN members still maintain a high degree of control (autonomy) over information sharing, national assets, and patrol coordination	Heavily dependent on each layer's (national, subregional, and ASEAN) voluntary cooperation/each layer's (national, subregional, and ASEAN) autonomy can potentially weaken the entire regional cooperation
Level 2: ASEAN Maritime Information Exchange	Beginning of ASEAN-level information exchange/information sharing and asset patrol coordination primarily happens on the subregional level	Although information sharing has begun among national governments, subregional centers, and ASEAN, national governments still operate in silos in regard to patrol coordination
*Level 1: Subregional Information Exchange	(Same as Path 1)	(Same as Path 1)
Level 0: Scattered Cooperation	(Same as Path 1)	(Same as Path 1)

* is the current Southeast Asia MSCI level.

Source: Pyrtle, 2019

Beyond knowing the various levels of cooperation and integration, forecasting external power responses, and needing effective regional maritime security practices is ASEAN having the infrastructure to establish a maritime security cooperation and the political will to do so. ASEAN has the infrastructure to establish a maritime security cooperation that could easily fit in the ASEAN Political-Security Community (APSC) pillar. There are even bodies within the APSC that can aid in the cooperation functions. With that said, research does not yet indicate that there is political will to change from discussion-based cooperation to operationalized cooperation. There are frequent political discussions and official statements that discuss improving cooperation, but moving beyond rhetoric is the challenge. On the other side, research does indicate that ASEAN is capable of greater cooperation. ASEAN's history of its five original members and now 10 members overcoming various internal and external challenges through cooperation is just one example that demonstrates its capability. The assessment in this section considers ASEAN's capacity and readiness for a regional maritime security cooperation as (1) yes—ASEAN is capable of and ready for a regional maritime security cooperation; (2) somewhat ready—ASEAN is capable of a regional maritime security cooperation but is not ready at the moment; or (3) no—ASEAN is not capable nor ready for a regional maritime security cooperation. ASEAN is assessed as (2) somewhat ready for a maritime security cooperation. The reasoning behind this assessment is that ASEAN has the capacity and framework for greater cooperation, and the transition from the status quo to regional cooperation is not a far leap; however, ASEAN's willingness to do so is unclear. Referring to the previously described workout analogy, ASEAN can have a workout plan and gym membership, but having the will to use the gym and working out is another story.

CHAPTER 6

CONCLUSION & RECOMMENDATIONS

6.1 ASEAN MARITIME SECURITY COOPERATION: COST-BENEFIT ANALYSIS

To put all obtained information into perspective, Southeast Asia has significant maritime security challenges and is too valuable regionally and internationally to be overrun by its security challenges and threats. One good question one may ask is, does ASEAN need a maritime security cooperation? Objectively speaking, the answer is based on a degree of opinion in either direction. Facts, statistics, trends, and observations can only get one so far when making a determination that is not an absolute. At some point, a decision needs to be made based on the collection of various points of data (evidence, trends, urgency, etc.). This paper refers to those data points when making a determination concerning maritime security cooperation in Southeast Asia. The evidence indicates that Southeast Asia's waters are critically important to both the world and intra-regional trade and development, regional stability is under attack by both traditional and non-traditional security threats, and there is no holistic mechanism to confront the region's traditional and NTS threats. The trend assessment reveals an ever-increasing trend line of non-traditional security threats, with the exception of piracy, which is the area that Southeast Asian nations are targeting, on some level, through either regional or subregional cooperation efforts. Regarding traditional security threats, Southeast Asia's greatest traditional security threat is the South China Sea dispute, which, as Figure 12 demonstrates, has spillover effects inhibiting greater cooperation. Comparing the South China Sea dispute tensions to a pot of boiling water, the dispute maintains a constant simmer. Some research institutions like the Wilson Center, assess the South China Sea among the areas of the highest probability of major power conflict, while the Council on Foreign Relations rates the area as critically important to US interest (Ott, 2019, para. 1;

Council on Foreign Relations [CFR], 2019). This is important because conflict is possible beyond the Southeast Asian states that are parties to the South China Sea dispute. Conflict in the region can start from within (ASEAN claimants against China or possibly against each other) or from beyond (US against China or vice versa). With all of these variables, an argument for an ASEAN maritime security cooperation is that it could create a common vision and line of effort for regional maritime security, it could address the rising trends in maritime traditional and non-traditional challenges, and it could place ASEAN members in a better position to handle the South China Sea dispute among all claimants and external power intervention. To be clear, the trends are rising without a holistic maritime security cooperation; therefore, implementing a holistic approach could reasonably slow or even reverse the upward trend of traditional and non-traditional security threats.

The status quo of ASEAN regarding its non-holistic approach to maritime security cooperation is being significantly challenged by regional security threats. If the status quo is not working, then it should be altered, modified, or changed. Additionally, the research presented in this paper details how maritime security cooperations positively changed the maritime security environment in every case and positively affected participant relationships. These conclusions all point to a maritime security cooperation being a better solution to ASEAN's various security challenges than the status quo. With the research laid out, it is time to assess how a maritime security cooperation could work in Southeast Asia. As mentioned, some important factors to remember when trying to see how a maritime security cooperation could work in the region include the regional challenges with territorial disagreements, sovereignty issues, the South China Sea dispute, external power influences, and non-traditional security threats.

Table 6.1 Cost-Benefit of a Regional Maritime Security Cooperation versus keeping
the Status Quo

Categories	Regional Maritime Security Cooperation	Status Quo
Autonomy	A level of autonomy is given to the cooperation	ASEAN members maintain their autonomy
Threats	Specifically targets security threats/improves the security environment	Traditional and NTS threats will continue on a upward trend
Relations and Partnerships	Improves communication, partnership/forces members to work out difference/is a confidence-building measure	ASEAN members' relations will likely continue on the same path of what current maritime security efforts have brought/continued non-consensus on methods and approaches to holistic maritime security
Resources	Sharing resources can increase the success rate and security umbrella/increases regional security capacities/can be devoted to region-wide capacity development	Already limited resources can be used on other national or regional initiatives
Vision and Approach	Provides a common vision and approach/considers all participants concerns, limitations, and strengths	ASEAN members will likely continue to have opposing approaches and visions on maritime security cooperation
Overall Analysis	Are proven to positively change pre-cooperation condition/evidence (ReCAAP, MSP, and TMP) support that it could positively change the Southeast Asia maritime environment	Maritime security environment will likely continue on the current trajectory/ the current trajectory could eventually overcome ASEAN's current approach/external powers could eventually take a more active role in Southeast Asia overtime

Source: Pyrtle, 2019

Considering all of this information, along with assessing Southeast Asia's current maritime security approach both subregionally and regionally and using the levels of MSCI model as a reference, the highest and most appropriate level that is feasible to the regional states and would adequately address their security challenges without causing backlash from external powers is Path 2, Level 3: ASEAN information exchange and subregional coordinated patrol maritime security cooperation (see Figure 6.1).
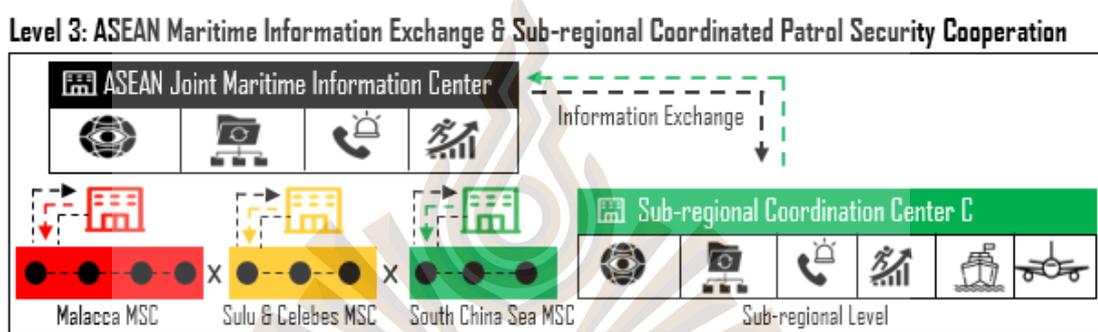

Figure 6.1 ASEAN maritime information exchange and subregional coordinated patrol security cooperation and integration model (Path 2, Level 3)

Source: Pyrtle, 2019

Considering the security requirements, the geopolitical environment, and members' trust, Path 2, Level 3 is Southeast Asia's most appropriate level for region-wide maritime security cooperation at the moment. Southeast Asia's maritime security cooperation, according to the levels of MSCI model, is currently at Level 1. The region is technically covered region-wide with maritime security cooperations; however, the initiatives are independent and do not work together. Since all members are already members of ASEAN, linking information exchanges through an ASEAN joint information center would be the next logical step. Additionally, members would not need to be concerned with sovereignty issues, because ASEAN would not control or coordinate their assets; ASEAN would only serve as a region-wide information exchange and subregional cooperation agreement depository, and would supply conciliation and good offices. The bulk of the work would happen on the subregional level, which is already consistent with subregional cooperations like the MSP and TMP. At the subregional level, participating states would all be partners (equals)

in their subregional maritime efforts. A recommendation would be to expand cooperation efforts beyond piracy and to use the MSP or possibly the TMP as a model for the Gulf of Thailand and the South China Sea. If those two maritime security cooperations were added, the region would be fully covered operationally with information exchanges and sea and air patrols. The reason behind choosing Path 2, Level 3 (see Figure 6.2) is to find a level that gives Southeast Asia the level of maritime security it needs that could be supported by external powers for and against greater ASEAN cooperation.
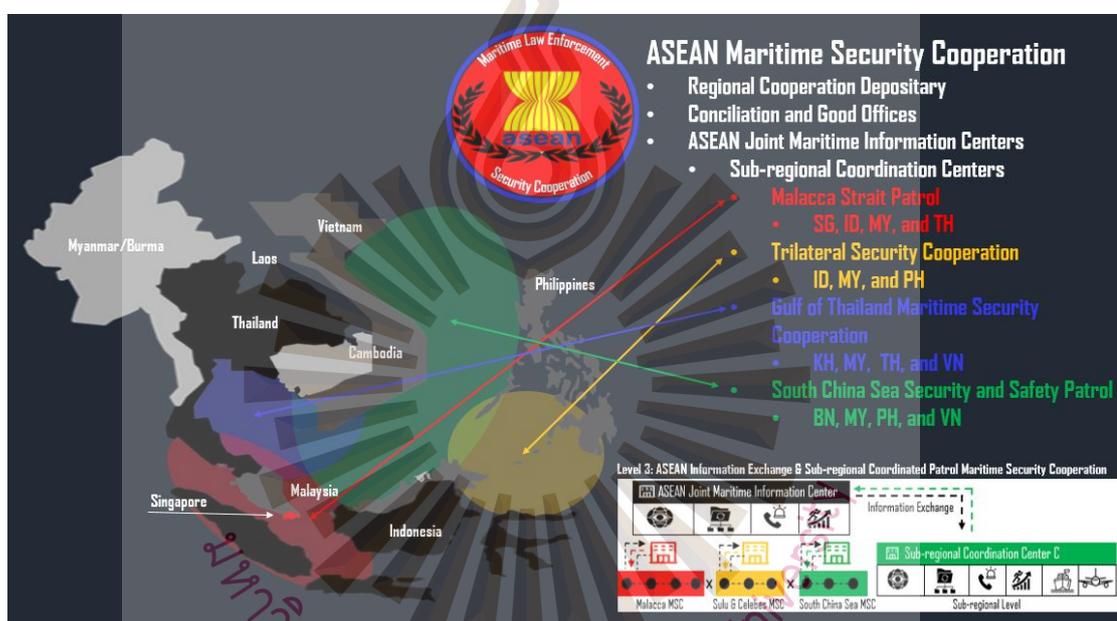

Figure 6.2 ASEAN maritime security cooperation functions, coverage, operations, path, and levels

Source: Pyrtle, 2019

6.1.1 Cost Assessment: Cost of a Maritime Security Cooperation.

Research indicates that a regional maritime security cooperation in the region may be difficult under ASEAN due to the geopolitics in the region. Although ASEAN members would receive many benefits from such a cooperation, the main drawback or cost would be how China responds. As previously mentioned, an ASEAN maritime security cooperation might be perceived as a threat of containment against China, regardless of ASEAN members' intentions. The unknown factor is whether an ASEAN

maritime security cooperation would inadvertently destabilize the region due to an aggressive reaction from China. However, if properly done, ASEAN should be able to manage a negative Chinese response through transparency. To be clear, ASEAN should be able to act on behalf of their security interests regardless of foreign powers' interests. However, foreign powers interest concerning actions in the region is high, especially in regard to the US and China.

Additionally, China has exhibited a history of undermining ASEAN when their interests conflict—for example, 2012's failed Joint Communique, continued advancement even after the PCA ruling, and not acting in the spirit of signed ASEAN-China agreements. These are just some of the reasons interference or aggression from China is considered probable if an ASEAN maritime security cooperation were established without some level of consultation and transparency with China. The best chance of an ASEAN maritime cooperation is Path 2, Level 3. It would be difficult for China to legitimately perceive this level of cooperation as threatening, and it would also provide adequate maritime security cooperation for Southeast Asia. ASEAN would oversee the region-wide information exchange, while the subregional coordination centers would coordinate subregional operations. Additionally, Path 2, Level 3 is not far beyond what is already happening in the region with ReCAAP, MSP, and TMP, except that these are done without ASEAN involvement. However, if China objects to all ASEAN-led maritime security cooperations, there are still Path 1 subregional-led security cooperations. It would be difficult for China to object without being perceived as unreasonable. Path 1 maritime security cooperations would still get the job done but may not be as effective as the ASEAN paths.

6.1.2 Benefit Assessment: Benefits of a Regional Maritime Security Cooperation.

The benefits of cooperation are evident in the ways they address security threats and participant issues, improve the security environment, improve participant communication, increase participant capacity, and force participants to resolve issues. ASEAN's current approach (status quo) to its maritime security threats and challenges

is not sufficient to handle such issues. Moreover, if ASEAN does not change how it approaches the region's maritime security challenges, then it will risk being overrun by traditional security threats (e.g., China having a stronghold in the South China Sea) and non-traditional threats (e.g. proliferation of transnational crimes) that severely affect SLOCs, which opens the door for foreign power intervention, such as in the case of Somalia piracy. Foreign world powers and ASEAN interests are deeply intertwined in the region. This paper has laid out two paths and concludes that a Path 2, Level 3 maritime security cooperation would be more productive than the status quo given the internal and external factors at the present.

6.1.3 Analysis: Assessing the Status Quo Versus Creating a **Maritime Security** Cooperation.

As mentioned previously, four reference points that comprise the conceptual framework are considered in the final analysis of this paper. The first reference point is concerned with understanding the significance of the Southeast Asian maritime domain: (1) the Southeast Asian maritime domain is critically important both regionally and internationally, (2) the Southeast Asian maritime domain is important only to its littoral states or the international community, but not both, or (3) the Southeast Asian maritime domain has no significant impact on its littoral states or the international community. It was determined that the maritime domain is critically important both regionally and internationally. There is robust evidence that the peace and stability of the region's waters have a direct impact on its littoral states and the international community.

The second reference point is concerned with the current state of ASEAN maritime affairs: (1) improving, (2) at an impasse, or (3) deteriorating. The state of maritime affairs is deteriorating. ASEAN maritime affairs are deteriorating in both traditional and non-traditional areas. China is building military islands in the South China Sea, using its Coast Guard to conduct illegal law enforcement activities (as detailed in the PCA ruling), and using coercion and intimidation tactics against ASEAN South China Sea claimants. Additionally, the UNODC assessed Southeast

Asia's non-traditional security challenges as worsening in multiple areas (UNODC, 2016, pp. 45).

The third reference point is concerned with maritime security cooperation effectiveness: (1) universally effective, (2) somewhat effective, or (3) not effective. In all maritime security cooperation case studies this paper and others have reviewed, post-cooperation conditions were statistically better than the pre-cooperation conditions. One study even revealed that the cost of cooperation was reduced by half in one year (2012 to 2013; from $6.1 billion USD to $3.1 billion ISD) due to increased proficiency of operational forces, leading to the reduction of threats, which led to a reduction of needed security forces (Kareem, 2015, pp. 5-6). The cost of security cooperation in that case study also paled in comparison to the human toll of 3,741 crewmember kidnappings and approximately 90 deaths, a $53 million USD average annual ransom paid to criminal organizations, and the $18 billion USD Somalia piracy costed the global economy annually (Do, 2013, pp. xxii-xxiii).

The fourth reference point focuses on whether ASEAN is capable of and ready for a regional maritime security cooperation: (1) yes—ASEAN is capable of and ready for a regional maritime security cooperation; (2) somewhat ready—ASEAN is capable of a regional maritime security cooperation but is not ready at the moment; or (3) no— ASEAN is not capable nor ready for a regional maritime security cooperation. ASEAN is assessed as somewhat ready for a maritime security cooperation. As detailed previously, there is a way to fit a maritime security cooperation within the ASEAN framework, but the political will to do so is not likely present at the moment. This is due to several differences in approach among the association's members, as well as external dynamics in the region. The final reference point considers all previous points to make a final cost-benefit analysis on a maritime security cooperation in Southeast Asia: (1) yes, the perceived benefits of a regional maritime security cooperation when assessed against ASEAN's current maritime security challenges outweigh the cost of maintaining the status quo, or (2) no, the perceived cost of a regional maritime security cooperation does not outweigh the benefits of maintaining the status quo when dealing with regional maritime security challenges.

It was determined that, yes, the perceived benefits of a regional maritime security cooperation far outweigh the cost of maintaining the status quo. In fact, this paper argues that if the status quo does not change, ASEAN could lose its control to external factors and influences over time.

ASEAN members now face considerable maritime security challenges in traditional and non-traditional security threats. In the past, ASEAN has proven its resolve to overcome challenging crises and threats through greater cooperation. Now in front of ASEAN are maritime security challenges, and the organization has tried many things to curtail the threats, aside from addressing the threats holistically in a regional maritime security cooperation. Research reveals that maritime security cooperation initiatives help their participants in more ways than only addressing the threat: they can also improve relationships. The status quo of dealing with maritime security threats in Southeast Asia is failing. ASEAN members have experienced success in reducing armed robbery and piracy, but there are two factors to note: (1) the reduction of armed robbery and piracy in the region is due to cooperation among members, and (2) if members can successfully reduce the armed robbery and piracy threat in the region, other maritime security challenges could likely be addressed through cooperation. If this were a boxing match, ASEAN would be vehemently fighting but would be losing rounds. The problem is not whether ASEAN is fighting or how hard ASEAN fights, but rather in the way ASEAN is fighting. The fear is that, if ASEAN does not modify its technique (status quo) and continues fighting the match in the same manner, the organization will either lose the fight in the 12th round (lose over time) or lose by knockout (lose by some uncalculated event). In either case, it is clear that the maritime threats in Southeast Asian waters have the advantage over how ASEAN approaches maritime security challenges. Additionally, if ASEAN wants to keep foreign powers at bay, the best thing ASEAN members can do is take an active role in building cooperation among members in the region. Maritime security cooperation is not a far stretch for ASEAN. Members are already a part of UNCLOS, ReCAAP, MSP, and TMP, and have other bilateral and minilateral maritime security agreements. Members just need to trust each other and place maritime security over their differences and the influence of foreign powers. Members in the MSP and TMP

have stepped up to the challenge subregionally. To them, protecting the region's waterways is more important than their differences. If that were the case for subregions in the Malacca Strait and the Sulu and Celebes Seas, how much more important is it to protect the entire Southeast Asian maritime domain, one of the most important maritime domains in the world?

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BIOGRAPHY

Name	Lewis Pyrtle
Date of birth	January 26, 1981
Place of birth	Houston, USA
Education	American Military University,
	Bachelor of Arts in Security Management, 2016
Address	6-8 Persiaran Hamshire, 50450 Kuala Lumpur, Malaysia
E-mail address	lewis.pyrtle@outlook.com
Place of work	U.S Department of State, U.S. Embassy Kuala Lumpur
Position	Regional Export Control and Related Border Security Advisor