THE SECURITY OF SEA LANES IN SOUTHEAST ASIA

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Abstract

Asian economies rely heavily on the sea for transportation: analysts have warned that disruption of regional sea lanes by terrorists or pirates can have severe economic repercussions. However, this article contends that the threat has been overstated and measures taken by the littoral countries have further lowered the risk.

Keywords: Malacca Straits, piracy, maritime terrorism, sea lanes, Southeast Asia

The Rise of Asia

The emergence of China and India as new major global players is expected to transform the regional geopolitical landscape. Behind the rise is a combination of high economic growth rates, expanding military capabilities, and large populations. The combined 2002 gross domestic products (GDP) of China, India, and Japan already total half that of the United States in nominal terms.[1] By 2015, a study by the National Intelligence Council in the United States forecasts that the same combined GDPs will surpass those of the United States and the European Union (EU), reaching $19.8 trillion (China),

1. Economic Intelligence Unit, *Country Report: United States of America* (London: Economist Intelligence Unit, November 2003), p. 5; "Country Forecast: China," ibid., p. 11; "Country Forecast: Japan," ibid., p. 12; and "Country Forecast: India," ibid. The 2002 GDPs of the United States, China, Japan, and India are US$11,145 bn; US$1,299 bn; US$3,986 bn; and US$501.2 bn, respectively, in nominal terms.

$14 trillion (India), and $11.6 trillion (Japan), respectively, in 1998 dollars.[2] By 2050, Goldman Sachs projects that the situation will become even more astounding when the three Asian GDPs combined will add up to slightly more than twice the U.S. GDP and about four times that of Russia, the United Kingdom, Germany, France, and Italy combined in 2003 dollars.[3] In 2050, therefore, the largest economies in the world will be China, the United States, and India, respectively, with Japan at a distant fourth. The sheer size of China's and India's populations—projected by the U.S. Census Bureau to be 1.4 billion and almost 1.3 billion, respectively, by 2020[4]—implies that the standard of living there need not approach Western levels in order for these countries to become important economic powers.

Besides China, India, and Japan, the economies of other developing countries such as Indonesia could also approach the economies of individual European countries by 2020. Experts assess that over the course of the next decade and a half, Indonesia may revert to high growth of 6% to 7%, which, along with an expected population increase from 226 million to around 250 million, would make it one of the largest developing economies.

Barring any unforeseen reversals to the globalization process, the rise of these regional powers is virtually guaranteed; this will result in an increase in regional demand for energy and raw materials both as factors of production and consumption and will also spur inter-regional and intra-regional trade flow. Because the sea is the major transportation medium for trade and the conveyance of energy and raw materials, dependence on the regional sea lanes will increase. In particular, the sea lanes along Southeast Asia are vital to the transportation of goods, energy, and raw materials to the dynamic economies of Northeast Asia.

Major Sea Lanes in Southeast Asia

The major sea lanes in Southeast Asia are constricted at key straits such as the Straits of Malacca and Singapore Strait, the Sunda Strait, and the Lombok Strait. The Straits of Malacca are 600 miles long and provide the main corridor between the Indian Ocean and the South China Sea. The major sea lanes

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2. National Intelligence Council, *Global Trends 2015: A Dialogue about the Future with Nongovernment Experts* (Washington D.C.: National Intelligence Council Publication, 2000), pp. 34–38.

3. Dominic Wilson and Roopa Purushothaman, "Dreaming with BRICs: The Path to 2050," *Goldman Sachs Global Economics Paper,* no. 99, <http://www.gs.com/insight/research/reports/99.pdf>, October 1, 2003, p. 4. The forecast 2050 GDPs of China, the United States, India, and Japan, are US$45 bn, US$35 bn, US$27 bn, and US$7 bn, respectively, in 2003 dollars.

4. National Intelligence Council, *Mapping the Global Future: Report of the National Intelligence Council's 2020 Project* (Washington D.C.: Government Printing Office, December 2004), p. 47.

used by tankers from the Middle East are the Straits of Malacca and the Singapore Strait: around 26 tankers, including three fully loaded supertankers heading for Asian ports, pass through the Singapore Strait daily. Because this strait is relatively shallow, only 23 meters deep at most points, the International Maritime Organization (IMO) has required an under-keel clearance of 3.5 meters for ships transiting the straits, which translates to ships of at most 200,000 deadweight tons (DWT).

At its narrowest point, the navigable channel is only 1.5 miles wide. In terms of total volume, more than 200 ships of 300 gross tons and above and of 50 meters or more in length pass through the Straits of Malacca daily—about 60,000 annually—carrying 80% of the oil transported to Northeast Asia.[5] In terms of value, the total tonnage carried by the Straits of Malacca amounts to 525 million metric tons worth a total of $390 billion.[6] The traffic volume makes Malacca the busiest straits in the world currently, and it is likely to be even busier in future because of increasing trade flows and energy demands in Asia. According to the *Lloyd's List* bulletin, new orders for 200 liquefied nitrogen gas (LNG) carriers will be required to satisfy the growth in demand during the next 15 years.[7] The trend of increasing traffic has also been observed for the traffic data as reported via the Malacca Straits Ship Reporting System, or STRAITREP.[8] The data from 1999 to 2004 indicate that traffic in the Malacca Straits increased by 45% within the six-year period.

The Lombok Strait in Indonesia is wider, deeper, and less congested than the Straits of Malacca. It separates the islands of Lombok and Bali. The minimum passage width in the Lombok Strait is 11.5 miles and the depths are greater than 150 meters. Lombok is therefore considered the safest route for supertankers; the bigger types of these eastbound ships sometimes transit this channel. For example, tankers that exceed 200,000 DWT have to divert through the Lombok Strait because of the depth constraints of the Straits of Malacca. Most ships transiting the Lombok Strait also pass through the Makassar Strait between the Indonesian islands of Borneo and Sulawesi, which has an available width of 11 miles and a length of 600 miles. About 3,900 ships transit the Lombok Strait annually; in terms of value, the total tonnage carried by the Lombok

5. John J. Brandon, "Piracy on High Seas Is Big Business," *International Herald Tribune*, December 28, 2000.

6. Sumihiko Kawamura, "Shipping and Regional Trade: Regional Security Interests," in *Shipping and Regional Security*, eds. Sam Bateman and Stephen Bates (Canberra: Strategic and Defense Studies Center, Australian National University, 1998), p. 15.

7. Tony Gray, "Fears of Growing LNG Carrier Surplus Dismissed by Expert," *Lloyd's List*, Informa PLC, May 13, 2005.

8. The STRAITREP is a Mandatory Ship Reporting System adopted by the IMO to aid in navigational safety in the Straits of Malacca and Singapore whereby ships transiting the Straits will have to report details of their passage to the respective Vessel Traffic Services (VTS).

Strait is 140 million metric tons worth a total of $40 billion. Ships carrying iron ore from Australia to China also enter the Indonesian Archipelago through the Lombok Strait.

The least of the three straits is the Sunda Strait. Located between Java and Sumatra, it is 50 miles long and is another alternative to the Straits of Malacca. Its northeastern entrance is 15 miles wide; because of its strong currents and limited depth, deep-draft ships of over 100,000 DWT do not transit the strait, and it is not heavily used. About 3,500 ships transit the Sunda Strait annually; in terms of value, their total tonnage is 15 million metric tons worth $5 billion.

In addition to permitting the transport of oil and iron ore to the major economies in Northeast Asia such as China, Japan, Taiwan, and South Korea, the Straits of Malacca and Sunda Strait also carry a significant amount of container traffic: large ports sit astride both these sea lanes. The ports that lie along the Malacca and Singapore Straits include Singapore as well as Malaysia's primary port, Port Klang, and Tanjung Pelepas. In Indonesia, Tanjung Priok sits astride the Sunda Strait. Singapore, of course, is a major transhipment hub and overlooks the main east-west route within the global hub and spoke container network. Based on 2005 data, Singapore was the top container port in the world, handling 23.2 million twenty-foot equivalent units (TEUs); Port Klang (the 14th largest container port) handled 5.5 million TEUs; Tanjung Pelepas (19th largest) handled 4.2 million TEUs; and Tanjung Priok (24th largest) handled 3.3 million TEUs.[9]

Because the Malacca, Lombok, and Sunda Straits are so important to the transport of oil and raw materials—such as iron ore—as well as for the conveyance of container traffic, the free and safe navigation of commercial vessels in these sea lanes is an important issue. In this respect, piracy and terrorism are major threats to the security of shipping in the sea lanes of Southeast Asia.

Piracy/Armed Robbery

A myth has been perpetuated that the Straits of Malacca and Singapore Strait are both infected with pirates. However, the data observed do not seem to correlate with this view. Taking International Maritime Bureau (IMB) data from the years 2000 to 2005, the total number of piracy attacks in these straits ranged from 26 to 64 per year.[10] To the puritan, one piracy attack is one too many, but before any alarm bells are rung we should note the context that these figures represent only a tiny proportion of the ships that transit the straits. The proportion of ships attacked in the Malacca and Singapore Straits

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9. John Fossey, "Musical Chairs," *Containerization International*, March 2006, p. 67.

10. Annual International Chamber of Commerce International Maritime Bureau Piracy Reports, 2000–05.

ranges from 0.04% to 0.11% of the total number of ships transiting annually. This figure is dwarfed by figures for crimes committed on terra firma in some countries. Furthermore, attacks are predominantly made on vessels proceeding on local voyages as well as on smaller vessels, e.g., fishing vessels or tugs below 1,000 gross tonnes. Relatively few attacks occur on mainline "through-traffic" vessels such as oil and gas tankers bound for East Asia.

As to the profile of the pirates, it is reported that three types of groups typically perpetrate sea piracy in Southeast Asia: (1) small criminals, (2) well-organized criminal gangs, and—it is said by academics—(3) armed separatists.[11] Although piracy has occurred in the region for centuries, what makes it dangerous now is that pirate gangs appear to be better equipped and organized than most local naval authorities. They make use of speedboats, modems, radars, satellite phones, Very High Frequency (VHF) radios, and modern weaponry to take control of merchant ships. They also use hijacked ships for human smuggling and the transport of illicit drugs and weapons.[12] Crime syndicates involved in piracy incidents take advantage of governments that lack the financial resources, political will, or efficient policing to successfully tackle the pirates' criminal activities.

The emphasis on combating piracy is important because sea piracy has been linked to the threat of maritime terrorist attacks since the events of September 11, 2001. Young and Valencia note that the "conflation of 'piracy' and 'terrorism' has become common in the U.S. mass media and in government policy statements."[13] However, the authors challenge this conflation, and their article focuses on the difference between piracy and terrorism. Young and Valencia also think that the root causes of piracy and terrorism are different: pirates are financially motivated; terrorists are politically or religiously motivated to redress perceived injustices. This distinction will be key in determining the long-term approaches to combating both phenomena, even if short-term measures may appear to be similar. This view of the different motivating factors behind the pirate and the terrorist has gained wide acceptance in the region. Even so, we must continue to watch for the possibility of an overlap between piracy and maritime terrorism simply because they are operationally similar and it is difficult to distinguish between the two when an incident is unfolding. Piracy thus forms the background noise from which maritime terrorist attacks may materialize.

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11. Peter Chalk, *Grey-Area Phenomena in Southeast Asia: Piracy, Drug Trafficking, and Political Terrorism* (Canberra: Canberra Papers on Strategy and Defense, no. 123, Strategic and Defense Studies Center, Australian National University, 1997), chapter 2.

12. William M. Carpenter and David G. Wiencek, "Maritime Piracy in Asia," in *Asian Security Handbook 2000*, eds. W. Carpenter and D. Wiencek (Armonk, N. Y.: M. E. Sharpe, 2000), pp. 92–93.

13. Adam J. Young and Mark J. Valencia, "Conflation of Piracy and Terrorism in Southeast Asia: Rectitude and Utility," *Contemporary Southeast Asia* 25:2 (August 2003), pp. 270–74.

Maritime Terrorism

Another threat to Southeast Asian resource and trade security is the specter of maritime terrorism. In the new era of globalization, ports have evolved from being traditional interfaces between sea and land to being providers of complete logistics networks, spurred chiefly by containerization. Containerization has made it possible for carriers to shift cargo delivery from a port-to-port focus to a door-to-door focus. This stems from the interchangeability of the various modes of transporting containers (by road, rail, or sea) also known as intermodalism, whereby it has become possible for goods to move from the point of production—without being opened—until they reach the point of sale or final destination. Ports are also being differentiated by their ability to handle the latest generation of container ships coming on-stream. According to a study by Ocean Shipping Consultants, it is expected that by 2010, ships of 8,000 TEUs will be dominant in all trades. Concepts for a container ship of 18,000 TEUs, the draft of which will maximize the available depth of the Straits of Malacca, are already on the drawing board.[14] The dual trend for ports is to be providers of complete logistics networks and also venues capable of handling large container ships coming online. This means that high-volume, mainline trade will focus on just a few mega-ports that will become the critical nodes of global seaborne trade.

So important are hub ports in the global trading system that it has been estimated that the global economic impact from a closure of the hub port of Singapore alone could easily exceed $200 billion per year from disruptions to inventory and production cycles.[15] The shutdown of the ports on the west coast of the United States in October 2002 because of industrial action cost the U.S. up to a billion dollars a day, highlighting the crucial role of hub ports.[16]

Hub ports therefore are potentially lucrative targets for terrorists. Maritime terrorists could hijack carriers of liquefied petroleum gas (LPG) and turn them into floating bombs to disable ports.[17] The immolation of a tanker carrying 600 tonnes of LPG would cause a fireball 1,200 meters wide, destroying almost everything physical and living within this diameter. Beyond, a large number of fatalities and casualties would occur.[18] Other possible scenarios for maritime

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14. Daniel Y. Coulter, "Globalization of Maritime Commerce: The Rise of Hub Ports," in *Globalization and Maritime Power*, ed. Sam J. Tangredi (Washington, D.C.: National Defense University Press, 2002), pp. 135–38.

15. John H. Noer and David Gregory, *Chokepoints: Maritime Economic Concerns in Southeast Asia* (Washington, D.C.: National Defense University Press, 1996).

16. George Bush, "Remarks by President George W. Bush Re: West Coast Ports Work Stoppage," *White House Briefing*, Federal News Service, October 8, 2002.

17. Michael Richardson, *A Time Bomb for Global Trade: Maritime Related Terrorism in an Age of Weapons of Mass Destruction* (Singapore: Institute of Southeast Asian Studies, 2004), pp. 112–14.

18. Ben Sheppard, "Maritime Security Measures," *Jane's Intelligence Review*, Jane's Information Group, March 1, 2003.

terrorism include detonation in a hub port of a "dirty bomb"—a conventional bomb configured to disperse radioactive material. Such a bomb could be smuggled via a container in a container ship.

Besides attacks on hub ports, attacks on shipping could also be an attractive option for maritime terrorists. If such attacks were to become severe, owners and captains might choose to divert from current sea lanes to safer routes. This kind of diversion would likely be costly for industry. A 2002 study done by the U.S. National Defense University concluded that if the Malacca, Sunda, Lombok, and Makassar Straits and the South China Sea were blocked for transit, the resultant extra steaming costs would run $8 billion a year, based on 1993 trade flows.[19] No doubt the cost would be even higher if current trade flows were used for the estimate.

The organization that currently appears to be the only real threat to shipping in the Straits of Malacca is the Jemaah Islamiah (JI, lit., Islamic community or organization). The group has shown an interest in attacking shipping in the Straits of Malacca and U.S. naval vessels visiting Singapore.[20]

Prominent officials have also indicated that commercial shipping could be a potential target. At the 2003 Shangri-La Dialogue,[21] Singapore's then-Deputy Prime Minister Dr. Tony Tan warned that with the hardening of land and aviation targets, the threat of terrorism is likely to shift to maritime targets, particularly commercial shipping.[22] Other officials have echoed Tan's warning. On August 5, 2004, England's First Sea Lord and Chief of Naval Staff Admiral Sir Alan West warned that al-Qaeda and other terrorist groups were plotting to launch attacks on merchant shipping. He also said that seaborne terrorism could potentially cripple global trade and have grave "knock-on effects" on developed economies.[23]

Singapore and its Western official counterparts tend to highlight the maritime terrorism threat and to conflate maritime terrorism with piracy to create a

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19. Coulter, "Globalization," p. 139.

20. "Malacca Strait Is Terror Target, Admit Militants," *Lloyd's List*, August 26, 2004; and Singapore White Paper, *The Jemaah Islamiyah Arrests and the Threat of Terrorism* (Singapore: Ministry of Home Affairs, 2003), pp. 29–30.

21. Started in 2002, the Shangri-La Dialogue is a conference held by the U.K.'s International Institute for Strategic Studies (IISS) that has involved, at one point or another, defense ministers, deputy ministers, chiefs of defense staff, national security advisers, permanent under secretaries, intelligence chiefs, and other national security and defense officials from Australia, Brunei, Cambodia, Canada, China, East Timor, France, India, Indonesia, Japan, Korea, Malaysia, Mongolia, Myanmar, New Zealand, Pakistan, the Philippines, Russia, Singapore, Thailand, the United Kingdom, the United States, and Vietnam.

22. Dr. Tony Tan, deputy prime minister and minister for defense, Singapore, "Maritime Security after September 11," Second IISS Asia Security Conference, Singapore, May 30–June 1, 2003.

23. "First Sea Lord Warns of al-Qa'eda Plot to Target Merchant Ships," *Lloyd's List*, Informa PLC, August 5, 2004.

sense of urgency in developing immediate countermeasures to the threat. Both Malaysia and Indonesia have preferred to delink the issue of piracy and maritime terrorism and adopt a low-profile approach. Their predominant Muslim populations and long-held suspicion of Western intentions have led them to pursue a more nuanced and sensitive approach; both countries prefer to emphasize indigenous solutions to the problem and to adopt a long-range view. For Malaysia this means adopting a more moderate version of Islam; in Indonesia's case it means focusing on strengthening the capacity of the security agencies to handle such threats and economically developing the poorer regions. Despite the different approaches, all three countries, even the initially reluctant Malaysia and Indonesia, have realized the need to adopt visible hard measures, not only as a deterrent but also to assure the international community that something is being done to improve the security of the sea lanes.

That said, maritime terrorism remains a low-probability event. For example, over the past three decades maritime terrorist attacks have constituted only 2% of all terrorist attacks worldwide. Apart from a small number of hostage-taking incidents, none of these has taken place in the Straits of Malacca.[24]

National Measures

Having detailed the nature of the threats of piracy and maritime terrorism, we can add that the littoral countries have already taken steps to address these issues. Their measures can be classified as national, bilateral, or multilateral. For example, the Indonesian Navy is responding to increasing piracy in its waters by promoting a package of reforms and modernizing the Navy's ships to push toward a new emphasis on coastal interdiction and more patrols against illegal activities.[25] Indonesia has also set up well-equipped Navy control command centers (*puskodal*) in Batam and Belawan, emplacing special forces that can respond to armed hijackings and piracy.[26] The Indonesian chief of naval staff has urged the shipping community to contact the two control command centers if it faces problems with piracy in Indonesian waters.

The Indonesian Ministry of Home Affairs has also undertaken dissuasion programs that focus on alleviating poverty and bolstering people's welfare in remote areas. In particular, the regencies—Rokan, Hilir, Bengkalis, Siak, Palawan,

24. Data converted from Lieutenant Commander Krzysztof Kubiak, Polish navy, "Terrorism Is the New Enemy at Sea," *United States Naval Institute Proceedings* 129:12 (December 2003), p. 68.

25. Robert Karniol, "Indonesian Navy to Focus on Coastal Interdiction," *Jane's Defense Weekly*, November 12, 2003.

26. Admiral Bernard Kent Sondakh, "National Sovereignty and Security in the Strait of Malacca," paper delivered at the Conference on "The Straits of Malacca: Building a Comprehensive Security Environment," Maritime Institute of Malaysia, Kuala Lumpur, October 11–13, 2004, pp. 8–10.

Indragiri Ilir, and Karimun—that border the Malacca and Singapore Straits are currently the main priority areas. The next priority goes to the dozens of regencies that border the other sea lanes of communications (SLOCs) through Indonesia.[27]

Malaysia has also taken action to keep the piracy rates low in the Malacca and Singapore Straits. The Royal Malaysian Navy has built a string of radar tracking stations along the Straits of Malacca to monitor traffic and has acquired new patrol boats.[28] In 2000 at the maritime enforcement level, a special anti-piracy task force was established by the Royal Malaysian Marine Police with immediate acquisition of 20 fast-strike craft and four rigid inflatable boats (RIBs) at a cost of RM 15 million ($4.12 million). Sixty marine police officers have been trained to form the marine police tactical commando unit. This unit will be assisted by two more elite police forces, the Special Action Forces and the 69 Commando Unit, which will accompany the marine police. The marine police tactical commando unit has been deployed along the Straits of Malacca.[29] In addition, the Malaysian Police have also deployed assault weapons on tugs and barges plying the busy shipping lanes of the Straits of Malacca in response to two attacks involving tugs in March 2005 after a long absence of piracy in Malaysian waters.[30] The Royal Malaysian Navy has also intensified its training activities and patrols in the northern reaches of the Straits beyond the area of the one-fathom bank, in an effort to increase the naval presence and thus deter both piracy and maritime terrorism.[31]

Another important measure adopted by the Malaysian government is the formation of the Malaysian Maritime Enforcement Agency (MMEA), the equivalent of a coast guard, which was set up in November 2005. The MMEA will bring together several existing maritime enforcement agencies such as the Royal Malaysian Marine Police, the Fisheries Department, Immigrations Department, Customs Department, and Marine Department. The consolidation of maritime-related agencies into a single command of the MMEA is expected to enable more focus and enhance Malaysia's ability to deal with maritime-related offenses.[32]

27. Robert Magindaan, "Maritime Terrorism Threat: An Indonesian Perspective," paper presented at the Observer Research Foundation Workshop on "Maritime Counter Terrorism," New Delhi, November 29–30, 2004, p. 3.

28. Nick Brown, "Malaysia Asks for Help to Fight Piracy," *Jane's Navy International*, Jane's Information Group, November 1, 2003.

29. Iskander Sazlan, "Counter Maritime Terrorism: Malaysia's Perspective," paper presented at the Observer Research Foundation Workshop on "Maritime Counter Terrorism," p. 13.

30. "Malaysia to Deploy Armed Police on Tugs and Barges," *Lloyd's List*, April 4, 2005.

31. Admiral Dato' Sri Mohd. Anwar bin H. J. Mohd. Nor, chief of navy, Royal Malaysian Navy, "Malaysia's Approach," presentation at the ASEAN Regional Forum (ARF) Regional Cooperation in Maritime Security Conference, Singapore, March 2–4, 2005.

32. Iskander Sazlan, "Counter Maritime Terrorism," p. 13.

The MMEA will also be involved in enforcement duties and search and rescue. The Royal Malaysian Navy transferred six patrol vessels to the MMEA in June 2005.[33]

Singapore has also implemented a range of measures to step up maritime security. These include an integrated surveillance and information network for tracking and investigating suspicious movement, intensified Navy and Coast Guard patrols, random escorts of high-value merchant vessels plying the Singapore Strait and adjacent waters, and the redesignation of shipping routes to minimize the convergence of small craft with high-risk merchant vessels.[34] In addition to increasing its own patrolling activities, Singapore has cooperated closely with the IMO by implementing amendments to the International Convention for the Safety of Life at Sea in the form of the International Ships and Port Facility Security (ISPS) Code, which came into effect in July 2004.[35] Singapore has also signed the 1988 Rome Convention on the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA Convention). The convention would extend the rights of maritime forces to pursue terrorists, pirates, and maritime criminals into foreign territorial waters; it also provides guidelines for the extradition and prosecution of maritime criminals. Under the U.S. Megaports Initiative, Singapore will install radiation detectors at its ports to scan containers for nuclear and radioactive material.[36] The Singapore Navy has formed the Accompanying Sea Security Teams (ASSeT), similar to armed marshals, to board selected merchant ships proceeding into and out of harbor to prevent the possibility of a ship being taken over by terrorists.[37]

Bilateral Measures

In addition to individual measures, there have been efforts at bilateral cooperation based on a web approach. Indonesia and Singapore agreed in 1992 to establish the Indonesia-Singapore Coordinated Patrols in the Singapore Strait. This has involved the setting up of direct communication links between their

33. Nick Leong, "RMN to Transfer Six Patrol Ships to New Agency," *Star* (Petaling Jaya, Malaysia), April 27, 2005, <http://thestar.com.my/news/story.asp?file=/2005/4/27/nation/10767646&sec=nation>, accessed April 27, 2005.

34. Richand Scott, "IMDEX: Singapore Stresses Counters to Maritime Terrorism," *Jane's Defense Weekly*, November 1, 2003.

35. The ISPS Code is an IMO-mandated code that entered into force on July 2004. The code covers ships of over 500 gross tons on international voyages, port facilities serving ships on international voyages, passenger ships, and mobile offshore drilling units. It requires that ships and port facilities carry out security assessments, after which ship and ports are required to create security plans, appoint security officers, and maintain certain security equipment.

36. David Boey, "Radiation Detectors for Singapore Port," *Straits Times* (Singapore), March 11, 2005.

37. Goh Chin Lian, "Armed Navy Escorts for Suspect Ships," ibid., February 28, 2005.

navies and the organization of coordinated patrols every three months in the strait.[38] Singapore and Indonesia have also set up a joint radar surveillance system, known as Project SURPIC, for Surface Picture, which will monitor traffic in the Singapore Strait.[39] Indonesia and Malaysia also decided in 1992 to establish a Maritime Operation Planning Team to coordinate patrols in the Straits of Malacca. The Malaysia-Indonesia Coordinated Patrols are done four times a year, and so is the Malaysia-Indonesia Maritime Operational Coordinated Patrol, which is conducted together with other maritime institutions, such as customs, search and rescue, and police forces from the two countries.[40]

Besides the three littoral states, other regional countries have become involved in the security of the Straits of Malacca. Since September 2004, the Indian and Indonesian navies have conducted joint patrols of the Six Degree Channel, the waterway just west of the Straits of Malacca that lies between Indonesia's Sabang Island and the coast of Aceh in Sumatra and India's Nicobar Islands. All international shipping entering or leaving the Straits of Malacca normally transits the Six Degree Channel.[41] Beginning in September 2003, Malaysia and Thailand also publicly increased the intensity of their cooperative maritime patrols in the northern portion of the straits because of concerns over arms smugglers, insurgents, and terrorists operating in the area.[42] The U.S. has conducted anti-piracy exercises with Indonesia involving the boarding and inspection of shipping.[43] China signed a strategic partnership agreement with Indonesia in April 2005 calling for possible increased maritime cooperation that could include joint efforts to combat smuggling and piracy.[44]

Multilateral Measures

In comparison to the bilateral cooperation that exists in Southeast Asia, the multilateral response to piracy and terrorism has been limited in scope and is only now starting to take shape. Although many multilateral forums exist such

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38. Robert Go, "Singapore Strait Patrols Keep Pirates at Bay," ibid., May 16, 2002.

39. "Singapore and Indonesian Navies Launch Sea Surveillance System," Ministry of Defense (Singapore), news release, May 27, 2005, <http://app.sprinter.gov.sg/data/pr/20050527997.htm>, accessed June 2, 2005.

40. Sondakh, "National Sovereignty," p. 11.

41. Donald Berlin, "Navy Reflects India's Strategic Ambitions," *Asia Times Online*, November 6, 2004, <http://www.atimes.com/atimes/South_Asia/FK06Df05.html>, accessed May 17, 2005.

42. "Malaysia and Thailand to Boost Maritime Border Crime Watch," Agence France-Presse, September 10, 2003, <http://quickstart.clari.net/qs_se/webnews/wed/bl/Qmalaysia-thailand-crime.RtY8_DSA.html>, accessed May 17, 2005.

43. "TNI Starts Anti-Piracy Exercise with U.S. Military," *Gatra* [Phrase] (Jakarta), May 2, 2005, <http://www.gatra.com/2005-05-02/artikel.php?id=84037>, accessed May 9, 2005.

44. "China and Indonesia Seal Strategic Pact," *International Herald Tribune*, April 26, 2005, <http://www.iht.com/articles/2005/04/25/news/indonesia.php>, accessed May 9, 2005.

as the Asia-Pacific Economic Cooperation (APEC), the Association of Southeast Asian Nations (ASEAN), ASEAN Plus Three, and the ASEAN Regional Forum (ARF), concrete measures have materialized only from the latter two.

ASEAN

ASEAN comprises 10 nations: Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, the Philippines, Singapore, Thailand, and Vietnam. The ASEAN work program adopted in Kuala Lumpur in 2002 included an agreement to cooperate in eliminating piracy in the region. The program seeks to increase information sharing about piracy through several mechanisms involving ASEAN. It asks member states to disseminate laws, regulations, agreements, and conventions; cooperate with U.N. agencies and the IMB and IMO; and study piracy trends in the region. The work program also proposes training efforts and encourages ASEAN to seek technical and financial assistance from dialogue partners, relevant U.N. bodies, and other specialized organizations.

The Bali Accord II, adopted at the ASEAN Summit in Bali in October 2003, declared that maritime issues and concerns are transboundary in nature and therefore shall be addressed regionally in a holistic, integrated, and comprehensive manner. The Plan of Action of the proposed ASEAN Security Community also included recommendations to cooperate mutually and to coordinate border patrols to combat terrorism.

ARF

The ARF currently comprises 24 countries, the ASEAN countries, plus Australia, Canada, China, the EU, India, Japan, North Korea, South Korea, Mongolia, New Zealand, Pakistan, Papua New Guinea, the Russian Federation, and the United States. The ARF adopted the *Statement on Cooperation against Piracy and Other Threats to Maritime Security* at the 10th ARF Post-Ministerial Conference held in Cambodia in June 2003. In this document, ARF participants regard maritime security as "an indispensable and fundamental condition for the welfare and economic security of the ARF region."[45] The ARF participants also expressed their commitment to becoming parties to the SUA Convention and its protocol. To date, half of ASEAN have signed the convention, namely Brunei, Myanmar, Singapore, the Philippines, and Vietnam.

ASEAN Plus Three

The ASEAN Plus Three forum comprises the ASEAN nations together with China, Japan, and South Korea. ASEAN Plus Three is an attempt to build a

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45. The Tenth ASEAN Regional Forum, *ARF Statement on Cooperation against Piracy and Other Threats to Security* (Jakarta: ARF Unit of ASEAN Secretariat, June 17, 2003).

regional association that is more limited in its geographic membership than APEC or the ARF. The First ASEAN Plus Three Ministerial Meeting on Transnational Crime (AMMTC+3) was held in Bangkok in January 2004. The meeting focused on all types of transnational crime in the region, including terrorism, money laundering, sea piracy, cyber crime, and the smuggling of drugs, arms, and human beings. Attendees vowed to improve communication and enhance intelligence sharing, especially against the growing threat of terrorism in the region.[46] The meeting's joint communiqué recognized that the root causes of transnational crime—including poverty and development gaps—might be addressed within the ASEAN Plus Three cooperative framework.[47]

In November 2001, at the ASEAN Plus Three Summit in Brunei, Japanese Prime Minister Junichiro Koizumi proposed convening a government-level working group to study formulation of a regional cooperation agreement related to anti-piracy measures. Acceptance of this proposal has led to negotiations for the establishment of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) among representatives of the ASEAN states, China, Japan, South Korea, India, Sri Lanka, and Bangladesh. At a November 2004 meeting in Tokyo, the 16 nations agreed to set up an Information Sharing Center (ISC) in Singapore. It will have the status of an international organization and employ 13–15 full-time staff at full strength, including representatives from the ReCAAP member countries. The ReCAAP agreement will enter into force 90 days after the tenth country has deposited its instrument of ratification with the depository in Singapore. So far 11 countries have signed the agreement and eight have ratified.[48] It is expected that the ISC will be set up by December 2006. This is the first time that governments in East, Southeast, and South Asia have institutionalized their cooperation in combating piracy and armed robbery against ships in the form of a permanent body with full-time staff.[49]

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46. Nancy-Amelia Collins, "War on Terrorism 'ASEAN Plus 3' Pledges to Combat Transnational Terror," *Clarinews*, January 10, 2005, <http://quickstart.clari.net./voa/art/ek/C5EC3E5D-B39E-4FB1-872CCDFD76D82D7C.html>, accessed April 11, 2005.

47. Joint Communiqué: The First ASEAN Plus Three Ministerial Meeting on Transnational Crime (AMMTC+3), Bangkok, January 10, 2004, <http://www.aseansec.org/15646.htm>, accessed April 11, 2005.

48. The 11 countries that have signed to ReCAAP include Brunei, Cambodia, Japan, Laos, Myanmar, the Philippines, Singapore, Thailand, India, South Korea, and Sri Lanka. The eight countries that have ratified the agreement include Cambodia, Japan, Laos, Myanmar, the Philippines, Singapore, Thailand, and South Korea. At press time, India and Sri Lanka had completed their domestic procedures for ratification and were expected to ratify the Agreement soon; Brunei is in the process of completing its domestic procedures for ratification.

49. "Factsheet on the Regional Cooperation Agreement on Combating Piracy and Armed Robbery Against Ships in Asia (ReCAAP)," Singapore, Ministry of Transport, April 20, 2006.

The ISC will maintain a database for piracy-related information and facilitate communication between national agencies prosecuting piracy cases; it will critically analyze the whole topic of piracy based on information made available through government agencies. An Information Network System (IFN) is being developed to support the communications flow and exchange between the ISC and ReCAAP member countries; a prototype of the system is expected to be ready for trials by June 2006. The expenses of the ISC will be funded largely by voluntary contributions from ReCAAP member countries. As the host, Singapore will bear the cost of the premises to house the ISC and the organization's entire start-up costs, including the development of the IFN, as well as the ISC's annual cost of operations.[50] Japan is also contributing $350,000 toward supporting the ISC's activities.

Malacca Straits Coordinated Patrols

When the Regional Maritime Security Initiative (RMSI)[51] was announced by the U.S. Pacific Command (PACOM),[52] the littoral states of Malaysia and Indonesia perceived it as a way for the U.S. to secure its interests in the Straits of Malacca by conducting operational patrols. Both Kuala Lumpur and Jakarta opposed the notion of patrols conducted by extra-regional countries, while Singapore was more open to this option. As a by-product of the RMSI, and in response to concerns expressed by the U.S. over security for vessels transiting the straits, Operation MALSINDO (i.e., Malaysia, Singapore, Indonesia) was born. Currently, 17 ships have been allocated to the patrols, seven from Indonesia, five from Malaysia, and five from Singapore. The first trilateral naval patrols were launched in July 2004; they are aimed at reducing piracy and smuggling activities in the straits, around the clock. Navies patrol only within the territorial waters of their respective countries. The Malacca Straits Coordinated Patrols is part of the Malacca Straits Security Initiative, which encompasses the security arrangements between the three littoral states.

"Eyes in the Sky" Initiative

The "Eyes in the Sky" (EiS) Initiative is also part of the Malacca Straits Security Initiative. Launched in September 2005 at the behest of Malaysia, the initiative

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50. Ibid.

51. The RMSI intends to be a partnership of Asia-Pacific nations that are willing to contribute their resources to enhance security. The RMSI aims to build and synchronize inter-agency and international capacity, to harness available and emerging technologies, to develop a maritime situational awareness to match the picture that is available for international airspace, and to develop responsive decision-making structures that can call on immediately available maritime forces to act when required.

52. The USPACOM, based in Hawaii, is a joint command comprising U.S. Army, Navy, Air Force, and Marine Corps assets.

augments MALSINDO and focuses on the conducting of maritime air patrols in the Straits of Malacca by the three littoral countries (and Thailand, possibly sometime in the future).[53] The participating countries each currently contribute two maritime patrol aircraft (MPA) sorties per week for the EiS; each MPA is allowed to fly above the waters of the states in question no less than three nautical miles from land. Each aircraft has a Combined Maritime Patrol Team (CMPT) on board, comprising a military officer from each of the participating states. As a team, the CMPT establishes a comprehensive surface picture over the patrol area and broadcasts any suspicious contacts on designated radio frequencies to ground-based Monitoring and Action Agencies (MAAs) in each of the four countries. Depending on whose territorial waters the incident takes place in, the respective MAAs can activate patrols to follow up with action. So far the EiS is still in its first phase, with the four countries as the principal operators of the MPA flights. Under Phase 2, extra-regional countries will be invited to participate in the MPA surveillance flights as well.

Recently, Singapore, Malaysia, and Indonesia also signed an agreement to form a Joint Coordinating Committee (JCC) that will oversee the aerial and sea patrols of the Straits of Malacca.[54] The JCC will be the channel of communication, intelligence exchange, and coordination for all operational security measures relating to the Malacca and Singapore Straits. Officials also signed the Standard Operating Procedures for both Malacca Straits Coordinated Patrols and the EiS maritime air patrols. The procedures enshrine the existing bilateral cross-border pursuit arrangements between Singapore and Indonesia and between Malaysia and Indonesia.

Other Multilateral Arrangements

Besides the agreements and arrangements arising out of existing multilateral mechanisms, two other arrangements exist that have not originated from these more formal mechanisms but are nevertheless important. The two arrangements include the Five Power Defense Agreement (FPDA) and the Western Pacific Naval Symposium (WPNS).

Five Power Defense Agreement.   The FPDA was founded in 1971 and brings together Australia, Malaysia, New Zealand, Singapore, and the United Kingdom in a consultative defense arrangement. The FPDA was formed primarily

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53. Graham Gerard Ong and Joshua Ho, "Maritime Air Patrols: The New Weapon against Piracy in the Malacca Straits," Institute of Defense and Strategic Studies Commentary 70/2005, October 13, 2005, <http://www.idss.edu.sg/publications/Perspective/IDSS702005.pdf>, accessed April 12, 2006.

54. Donald Urquhart, "Malacca Strait Air and Sea Patrols Brought under One Umbrella," *Business Times* (Singapore), April 22, 2006.

as a response to the Indonesian Confrontation;[55] it calls for mutual consultations if any member state faces a security threat. The agreement's original focus on conventional threats has now given way to more non-conventional threat scenarios. Recently, the FPDA agreed to expand the scope of its activities to include non-conventional security threats such as maritime terrorism. Members conducted an anti-terror drill as part of Bersama Lima (Together Five) in September 2004.

Western Pacific Naval Symposium.   The WPNS was created in 1988 and brings together 18 member navies, namely those of Australia, Brunei, Cambodia, China, France, Indonesia, Japan, Malaysia, New Zealand, Papua New Guinea, the Philippines, Russia, Singapore, South Korea, Thailand, Tonga, the United States, Vietnam, plus the observer navies of Canada, Chile, and India.[56] The administrator of the WPNS is the U.S. PACOM. The WPNS originally was a forum designed to promote mutual understanding among navies of the region and increase naval cooperation in the western Pacific by providing a forum to discuss maritime issues, both global and regional. In the process, the WPNS would generate a flow of information and opinion among naval professionals leading to common understanding and possibly agreement.

The symposium has now grown to include regular shore-based and sea exercises and could well form the basis of a U.S.-led security architecture in the Asia-Pacific. At the very least, it is an important confidence building measure that will grow in importance as more countries participate in its activities. It was also decided recently that Coast Guard agencies will be invited to participate in the next WPNS sea exercise to bolster inter-agency coordination and understanding.[57] In May 2005, the WPNS conducted a two-day multilateral sea exercise whose aims included improving the interoperability of participating navies by compiling a picture of the sea situation and the sharing of data through a common data link.

Another new initiative is "Connecting Networks for the Enhancement of Knowledge Sharing," which aims to allow non-navy agencies and intergovernmental agencies to be invited to present topics of interest at workshops and symposia.

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55. The initial underlying rationale for the Five Power Defense Arrangement was that the defense of Malaysia and Singapore remained indivisible and that they still faced common potential threats: most importantly, a revival of the Confrontation [Konfrontasi] approach in the event of reversion to a politically radical leadership in Indonesia like that in 1963 and 1966, which had attempted to destabilize Malaysia, and included Singapore before separation in 1965.

56. WPNS, <http://www.apan-info.net/wpns/>, accessed May 13, 2005.

57. Rear Admiral Ronnie Tay, "Multilateral Frameworks and Exercises: Enhancing Multilateral Co-operation in Maritime Security," presentation at the ARF Regional Co-operation in Maritime Security Conference, Singapore, March 2–4, 2005.

Toward a Stable Maritime Environment

The Asia-Pacific century is poised to begin, with China, India, and Japan leading the way. Fueling the Asia-Pacific engine will be the continued economic growth of China, as well as India, Japan, and the United States. As a by-product and because of regional economic growth, trade flows into and within Asia-Pacific and demand for energy in the region have grown and will continue to grow, leading to an increasing reliance on the sea as a mode of transport.

This surge in the use of the sea means that it is ever more crucial to safeguard the sea lanes. An act of armed robbery that occurred in February 2005 shows the transnational character of the threat to shipping in the sea lanes. The incident involved a Japanese tug and occurred in Malaysian waters; the Japanese crew was taken hostage. Perpetrators from Indonesia were suspected to be responsible. The hostages were finally released in the vicinity of southern Thailand after the Japanese owners paid a ransom. In the wake of transnational threats, the littoral states—besides taking individual measures—must move toward a more cooperative regime among themselves and also with other stakeholders to enhance the security of the sea lanes.

Because countries in the region share significant maritime interests, the creation of a stable maritime environment needs to remain high on the regional political agenda. However, it is important to also keep in mind the three broad principles espoused by Singapore's Defense Minister Teo Chee Hean at the March 2005 ARF Confidence Building Measure Conference on Regional Cooperation in Maritime Security: littoral states have the primary role in addressing maritime security issues, other stakeholders have important roles to play, and consultation should be pursued and the rule of international law observed in the implementation of any new initiatives.