

ASEAN MARITIME SECURITY COOPERATION IN SOUTH CHINA SEA CHALLENGES AND OPPOTUNITIES

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Introduction

Southeast Asia is undergoing a significant transformation, shifting from a Cold War-era framework to a more collaborative and multifaceted regional structure. This evolution is driven by the region's rich diversity in history, culture, religion, colonial legacy, and ethnicity. As a result, traditional security concerns focused on military and ideological issues are giving way to a broader emphasis on non-traditional security, encompassing economic, social, and environmental matters. The region's future trajectory will be shaped not only by the actions of its constituent states but also by the policies and roles of external powers, including the United States, China, Japan, and India. In that context, Maritime security is paramount, as Southeast Asia's geography, with its extensive coastlines and strategic sea lanes, makes it a critical hub for global trade and commerce.

In addition to ensuring safe passage of shipping, maritime security in Southeast Asia also requires effective maritime law enforcement and maintenance of maritime order. These concerns encompass a range of challenges, including constabulary, economic, and human welfare issues. Given the transnational nature of these challenges, no single littoral state in the region can effectively address them alone. Instead, cooperation among ASEAN member states and their dialogue partners is necessary, supported by a robust mechanism. This paper will explore maritime security issues in ASEAN, assess current security cooperation efforts, and analyze the challenges and prospects for enhanced maritime security cooperation within the region.

Maritime Security Conundrum

Maritime Boundary Disputes The most troublesome maritime boundary disputes are those in the South China Sea, where Indonesia, Malaysia, Brunei, Philippines, Vietnam, China, and Taiwan claim their sovereignty to some parts of the sea and island territories. These claims are believed to be very important because the archipelagic seas may have vast petroleum resources and the islands are strategically positioned for support of sea lanes control or amphibious warfare. On several occasions such claims escalate to military clashes. Recent standoff between China and Philippines is one such example. Examples of the clashes in the South China Sea are; a clash between Chinese and Vietnamese navies at Johnson Reef in the Spratly Islands which caused several Vietnamese boats sunk and over 70 sailors killed in 1988, a clash between China and the Philippines after China occupied Philippine-claimed Mischief Reef when Philippine forces evicted the Chinese and destroyed Chinese markers in 1995, and a clash between the Philippines and Vietnam when Vietnamese soldiers fire on a Philippine fishing boat near Pigeon Reef in 1998.¹ The possibility of renewed clashes clearly exists because the current situation is still volatile as a resolution for each maritime boundary dispute is still pending. Although the ASEAN member states and China indicated their desire to minimize the risk by agreeing to a Declaration on the Conduct of Parties in the South China Sea in 2002, the declaration is something less than a binding code of conduct or a consensus about the way forward.²

MARSEC In SLOCs The international sea lanes passing through Southeast Asia, particularly the Straits of Malacca and Singapore, Sunda, and Lombok, are crucial to the economic and political well-being of billions of people worldwide. These sea lanes are the lifeblood of East Asian economies, which rely heavily on uninterrupted access to raw materials, markets, and investment opportunities. Despite the end of the Cold War, the strategic importance of these sea lanes remains vital for global and regional powers, as they provide a link between naval deployments in different regional seas.

As interdependence among nations grows, cooperation and communication for the management and safeguarding of these passages have become essential. Regional and global powers consider the Straits of Malacca and Singapore, as well as the sea lanes near the Spratly Islands in the South China Sea, to be of utmost importance for regional maritime security, stability, and seaborne trade.

Threats to these sea lanes may arise from environmental conditions like grounding and collision, domestic instability in littoral states, and policies affecting freedom of navigation, such as piracy, armed robbery, and territorial disputes. Recognizing the commonality of these threats can help determine the forms of interstate maritime security cooperation, areas to be covered, and states to be involved.

However, a mutual understanding of these threats is currently lacking among ASEAN member states, hindering effective cooperation.

Transnational Maritime Crimes The rise of globalization has led to a significant increase in maritime activities, making the seas more vulnerable to various transnational crimes. These crimes, including piracy, armed robbery, weapons smuggling, narcotics smuggling, and human smuggling, thrive in the increasingly porous maritime environment. Recognizing the need for collective action, littoral states agree that cooperation is essential to address these challenges. However, differences in perspectives and proposed solutions still need to be discussed and resolved to effectively combat these maritime threats.

Security of Maritime Resources Southeast Asia is also rich in gas, oil and mineral resources. A lot of offshore energy installations are operating in many countries in the region. Companies extracting oil, gas or other natural resources depend on offshore platforms or terminals along the coast from which the extracted goods are shipped to various destinations around the world. A large number of those mining sites and oil or gas fields in Southeast Asia are located in economically less developed or politically volatile areas, some with ongoing armed conflict. The exploitation of these fields is therefore only possible with efficient security arrangements in place.

Another resource security issue is more problematic. It is the issue of fishery which is a main source of food security in the region. The need for food and economic income leads to rapid depletion of fish stocks in the region, particularly in the Gulf of Thailand. With the Exclusive Economic Zone (EEZ) and archipelagic states jurisdictions established by the United Nations Convention on the Law of the Sea (UNCLOS) 1982, there are no more high seas in Southeast Asia. Many traditional

fishing ground formerly free for all to fish have been changed into either archipelagic waters or EEZ where the littoral state has the sole jurisdiction over living resources. Although the UNCLOS 1982 calls upon the coastal and archipelagic states to respect traditional fishing rights, no proper provision is made in the Southeast Asian waters and fishermen fishing in traditional fishing ground are often considered to be engaged in illegal fishing. There is also the related issue of fishery disputes, including the passage of fishing vessels through the EEZ of a third country. Thailand has many problems with its neighbors such as Malaysia, Myanmar, Cambodia and Indonesia. So far, there is no regional mechanism to settle such disputes.

Maritime Environmental Security As global warming and natural disasters intensify, the shipping industry is facing pressing concerns. Navigational safety and environmental security in narrow passages, such as the Straits of Malacca and Singapore, are of paramount importance. With over 200 vessels passing through the Straits daily, including deep-draft vessels, VLCCs, merchant ships, warships, and fishing vessels,³ the risk of ship groundings, collisions, and oil spills is high. These incidents not only harm the environment but also contribute to pollution from land-based activities like industrial waste, agricultural runoff, coastal construction, sewage discharge, solid waste disposal, and hazardous waste dumping.

Despite the existence of international conventions addressing maritime environmental issues, regional states have ratified them inconsistently due to differences in legal systems, interpretations, interests, and perspectives on maritime environmental security. This inconsistency hinders effective cooperation and implementation of measures to mitigate environmental threats in the region.

Present Security Set up in ASEAN

ASEAN Regional Forum (ARF) The ASEAN Regional Forum (ARF) was established in 1994, following the ASEAN Heads of State and Government's declaration to enhance

external dialogues on political and security matters in the Asia-Pacific region. The ARF comprises 27 countries, including the 10 ASEAN member states, 10 dialogue partners (Australia, Canada, China, the EU, India, Japan, New Zealand, South Korea, Russia, and the US), one observer (Papua New Guinea), and six additional participants (North Korea, Mongolia, Pakistan, East Timor, Bangladesh, and Sri Lanka).⁴

Characterized by consensus-based decision-making and minimal institutionalization, the ARF focuses on confidence-building measures and has made modest progress in fostering a sense of strategic community. While efforts to develop preventive diplomacy and conflict management tools are still in their early stages, the ARF's existence has contributed to a significant reduction in armed conflicts among ASEAN member states over the past three decades, with only a few exceptions, such as the 2009 and 2011 border clashes between Thailand and Cambodia.

ASEAN Defence Ministers' Meeting (ADMM) The ASEAN Defence Ministers' Meeting (ADMM) is the premier ministerial-level mechanism for defence, security, and cooperative consultation in ASEAN. Established in 2006, following the 2004 Special SOM Working Group on Security Cooperation in Jogjakarta, ADMM aims to contribute to the ASEAN Security Community's objectives outlined in the 2003 Declaration of ASEAN Concord II.⁵

The annual ADMM gathering enables ASEAN defence ministers to discuss and exchange views on current defence and security issues, promoting mutual trust, confidence, transparency, and openness. The forum also addresses non-traditional security challenges and explores ways to enhance defence cooperation, contributing to regional peace and stability.⁶

Within the ASEAN security cooperation framework, various military-to-military interactions have taken place, including:⁷

- ASEAN Chief of Defence Forces Meeting
- ASEAN Chief of Army Multilateral Meeting
- ASEAN Naval Chiefs' Meeting (ANCM)
- ASEAN Air Force Chiefs Conference

- ASEAN Military Intelligence Meeting
- ASEAN Armies Rifles Meet

ASEAN Maritime Forum (AMF) The ASEAN Maritime Forum (AMF) originated from the 2003 Declaration of ASEAN Concord II, which emphasized the trans-boundary nature of maritime issues and concerns. To address these challenges, the AMF was established as a follow-up to the ASEAN Security Community's objectives.⁸ The forum serves as a platform for exchanging ideas on maritime security issues, as well as broader and cross-cutting concerns like marine environmental protection, illegal fishing, smuggling, and maritime transportation.⁹

Challenges

Integration of ASEAN Community Since its inception in 1967, ASEAN has made significant strides in strengthening cooperation and relations among its member states. A major milestone was the signing of the ASEAN Free Trade Area (AFTA) agreement in 1992, which aimed to promote the region's competitive advantage as a single production unit. The agreement was signed by the six original member states - Brunei, Indonesia, Malaysia, the Philippines, Singapore, and Thailand - and later joined by Vietnam (1995), Laos and Myanmar (1997), and Cambodia (1999).

In 2002, the ASEAN Heads of Government proposed the creation of an ASEAN Economic Community (AEC) by 2020. The following year, the Declaration of ASEAN Concord II (Bali Concord II) outlined the vision for an ASEAN Community by 2020, comprising three pillars: the ASEAN Security Community (ASC), ASEAN Economic Community (AEC), and ASEAN Socio-Cultural Community (ASCC).

The ASEAN Charter, adopted in 2007 and effective in 2008, serves as the legal and institutional framework for the ASEAN Community, impacting the lives of Southeast Asians without supranational functions.

ASEAN's integration has been accompanied by the ASEAN Plus Three (ASEAN+3) framework, engaging China, Japan, and South Korea. This has expanded to include India, Australia, and New Zealand (ASEAN+6), as well as the United States and Russia

(ASEAN+8). These engagements facilitate idea-sharing, capacity-building, and confidence promotion through multilateral forums and combined exercises. However, the increasing number of players poses challenges in decision-making.

ASEAN Security Community (ASC) The ASEAN Security Community (ASC) is an aspirational framework under the ASEAN Charter, aiming to foster region-wide political and security cooperation without establishing a defense pact, military alliance, or joint foreign policy. Instead, the ASC encourages mutual reinforcement of cooperation among ASEAN member states while respecting their individual foreign policies and defense arrangements. ASEAN members share the responsibility of maintaining regional peace, stability, and security, free from external military interference. The ASC also seeks to promote broader peace and security in the Asia-Pacific region. The framework comprises six key components: Political Development, Shaping and Sharing of Norms, Conflict Resolution, Post-Conflict Peace Building, and Implementation Mechanisms. By working towards the ASC's goals, ASEAN member states may be more inclined to relax their sovereignty sensitivities, fostering greater cooperation and regional integration.

Extra-regional Power Interests Maritime cooperation in Southeast Asia has historically been hindered by rivalries between external powers. During the Cold War, security arrangements were shaped by the bipolar (or tripolar) dynamics between the Soviet Union, the United States, and China. In the post-Cold War era, most regional states view the US presence as a stabilizing force. However, the emerging rivalry between the US and China, as the latter grows into a global power, is introducing new complexities. Additionally, Japan, India, and Australia, three regional powers with significant maritime capabilities, have expressed their maritime security interests and commitments in Southeast Asia. Fortunately, these external powers have aligned their interests with ASEAN's maritime security cooperation goals, particularly in protecting strategic Sea Lines of Communication (SLOCs) from transnational threats. The challenge now lies in establishing a multilateral framework that accommodates the diverse interests of all parties involved, including external actors, to achieve "acceptable-for-all" maritime security cooperation in Southeast Asia.

Opportunities

Relaxing Sovereignty Sensitivities Historically, Southeast Asian states have been extremely protective of their sovereignty, making it a dominant factor in their foreign policy decisions. This has led to the principle of non-interference becoming the foundation of regional state relations, posing a significant obstacle to maritime cooperation. Even cooperative efforts that don't directly compromise sovereignty, such as joint exercises or voluntary information sharing, are met with caution due to concerns about potential encroachment. In some cases, perceived sovereignty infringement is seen as a threat to national security. Leaders worry that cooperation might expose sensitive issues to their domestic audiences, which they would rather downplay. However, there are indications that sovereignty sensitivities may be easing, particularly in the maritime domain, since the signing of the ASEAN Charter and the roadmap for an ASEAN Community by 2027. Recently, regional states have shown a growing willingness to allow limited sovereignty infringement in pursuit of enhanced maritime security. Notably, Singapore and Malaysia submitted a territorial dispute to the International Court of Justice in 2008 and accepted the ruling, demonstrating a relaxation of sovereignty concerns. Additionally, Singapore, Malaysia, and Thailand have allowed the presence of foreign personnel in their ports to meet International Maritime Organization (IMO) and US security standards, further indicating a shift towards cooperation.¹⁰ As regional states recognize the benefits of cooperation, particularly in the maritime area, sovereignty sensitivities can be relaxed while remaining a central consideration.

Increasing the Prevalence of Cooperative Regimes The growth of Confidence Building Measures and various cooperation agreements has laid the groundwork for cooperative regimes, streamlining the implementation of future initiatives. Notable examples of dialogue norms that have established procedures and rules, effectively becoming institutions, include the Council for Security Cooperation in the Asia Pacific (CSCAP), the ASEAN Regional Forum (ARF), the Western Pacific Naval Symposium (WPNS), the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP), and the Asia-Pacific Economic Cooperation (APEC) Working Group on Maritime Security. While these norms still require member states to uphold the "ASEAN way" principles of sovereignty preservation and non-interference, gradual progress has fostered mutual confidence through cooperative

activities. As a result, sovereignty sensitivities are slowly relaxing, allowing for incremental advancements at a comfortable pace for all member states. Regular cooperation has improved information sharing, built familiarity, reduced transaction costs, and created habits of consultation, ultimately paving the way for maritime confidence and security building. This, in turn, sets the stage for rapid development of maritime cooperation in ASEAN in the near future.

Building Aggregated Maritime Security Cooperation Mechanism A well-designed mechanism is crucial for a system to function effectively. To enhance maritime security cooperation in Southeast Asia, a robust mechanism must be established by ASEAN member states, building on existing ASEAN security cooperation frameworks. This can be achieved by aggregating various disaggregated maritime working groups, such as the ASEAN Naval Chiefs Meeting (ANCM), ASEAN Maritime Transport Working Group (MTWG), Federation of ASEAN Shipowners Association (FASA), Federation of ASEAN Shippers Council (FASC), and ASEAN Port Association (APA), under a unified umbrella organization, for instance, the 'ASEAN Maritime Council'. Furthermore, an 'ASEAN Maritime Commissioner' can be appointed by this council to serve as a key executive body responsible for proposing maritime legislation, implementing decisions, upholding ASEAN maritime treaties and cooperation, and overseeing the day-to-day management of ASEAN maritime security issues. This mechanism is essential for effective maritime security cooperation in ASEAN. The Southeast Asian region is grappling with pressing maritime security concerns, including a complex territorial dispute in the South China Sea that threatens to upset the delicate balance of peace. The Sea Lines of Communication (SLOCs) are increasingly exposed to various threats, such as piracy and armed robbery. Additionally, the environmental security of the Straits of Malacca and Singapore hangs in the balance due to a prolonged debate over responsibilities and contributions. However, ASEAN's progress towards deeper integration offers hope, as member states acknowledge that regional cooperation and collaboration with dialogue partners are crucial for addressing maritime security challenges. Effective cooperation hinges on regional leadership, a multilateral approach, and the ability of member states to set aside sovereignty concerns, foster cooperative regimes, and establish a comprehensive maritime security framework

The ASCC Blueprint 2025 is the **strategy and planning mechanism of the ASEAN Socio-Cultural Community (ASSC)** to develop and strengthen coherent policy frameworks and institutions to advance human and sustainable development, social justice and rights, social protection and welfare, environmental sustainability and ASEAN awareness, and to narrow the development gap.

It has five characteristics namely (i) **Engages and Benefits the People** which focus on ensuring a committed, participative and socially-responsible community through an accountable and inclusive mechanism for the benefit of all ASEAN; (ii) **Inclusive** which promotes high quality of life, equitable access to opportunities for all and promotes and protects human rights; (iii) **Sustainable** ensures the attainment of a community that promotes social development and environmental protection; (iv) **Resilient** with enhanced capacity and capability to adapt and respond to social and economic vulnerabilities, disasters, climate change, and other new challenges; and (v) **Dynamic** which aims for an ASSC that is harmonious and is aware and proud of its identity, culture and heritage.

Across these five characteristics are 18 Key Result Areas which includes biodiversity conservation, social protection, institutional strengthening and empowerment of people and communities, reducing barriers and providing equitable access to basic services, disaster management, climate resiliency, and strengthening health systems.

The ASSC Blueprint's Strategic Measures under each of the KRAs are translated into concrete programmes, projects and activities by the 15 ASSC Sectoral Bodies.

The ASSC Monitoring Division supports the Senior Officials' Committee for ASSC (SOCA) and the ASSC Council in coordinating, monitoring and evaluating the implementation of the ASSC Blueprint 2025 and the ASSC Post – 2025 Strategic Plan as well as assisting SOCA and ASSC Council in preparations for the ASEAN Summits.

Conclusion The maritime security challenges in Southeast Asia are becoming increasingly critical, with multiple claimant states embroiled in a complex dispute in the South China Sea, where any unilateral move or bilateral confrontation has the

potential to destabilize the fragile peace. Meanwhile, the region's Sea Lines of Communication (SLOCs) are growing more vulnerable to various threats, particularly pirate and armed robbery attacks. Furthermore, the environmental security of the Straits of Malacca and Singapore remains precarious due to a prolonged debate over responsibilities and contributions. Fortunately, the Association of Southeast Asian Nations (ASEAN) is moving towards greater integration, with member states recognizing that regional cooperation, in conjunction with dialogue partners, may be the most effective way to address maritime security concerns. Given the diversity among the involved states, strong regional leadership and a multilateral approach are essential. Consequently, the prospects for maritime security cooperation in ASEAN depend heavily on the willingness of member states to relax their sovereignty sensitivities, increase the prevalence of cooperative regimes, and establish a robust aggregated maritime security cooperation mechanism.

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