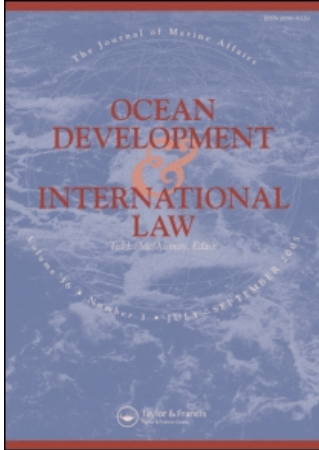


This article was downloaded by:[Australian National University Library]
On: 7 March 2008
Access Details: [subscription number 773444558]
Publisher: Taylor & Francis
Informa Ltd Registered in England and Wales Registered Number: 1072954
Registered office: Mortimer House, 37-41 Mortimer Street, London W1T 3JH, UK



Ocean Development & International Law

Publication details, including instructions for authors and subscription information:
<http://www.informaworld.com/smpp/title-content=t713774325>

Maritime Security in the South China Sea: Coordinating Coastal and User State Priorities

David Rosenberg ^a; Christopher Chung ^b

^a Department of Political Science, Middlebury College, Middlebury, Vermont, USA

^b Strategic and Defence Studies Centre, The Australian National University, Canberra, Australia

Online Publication Date: 01 January 2008

To cite this Article: Rosenberg, David and Chung, Christopher (2008) 'Maritime Security in the South China Sea: Coordinating Coastal and User State Priorities', Ocean Development & International Law, 39:1, 51 - 68

To link to this article: DOI: 10.1080/00908320701641602

URL: <http://dx.doi.org/10.1080/00908320701641602>

PLEASE SCROLL DOWN FOR ARTICLE

Full terms and conditions of use: <http://www.informaworld.com/terms-and-conditions-of-access.pdf>

This article maybe used for research, teaching and private study purposes. Any substantial or systematic reproduction, re-distribution, re-selling, loan or sub-licensing, systematic supply or distribution in any form to anyone is expressly forbidden.

The publisher does not give any warranty express or implied or make any representation that the contents will be complete or accurate or up to date. The accuracy of any instructions, formulae and drug doses should be independently verified with primary sources. The publisher shall not be liable for any loss, actions, claims, proceedings, demand or costs or damages whatsoever or howsoever caused arising directly or indirectly in connection with or arising out of the use of this material.

Maritime Security in the South China Sea: Coordinating Coastal and User State Priorities

DAVID ROSENBERG

Department of Political Science
Middlebury College
Middlebury, Vermont, USA

CHRISTOPHER CHUNG

Strategic and Defence Studies Centre
The Australian National University
Canberra, Australia

Maritime security concerns in the South China Sea are increasing for several reasons: higher volumes of shipping traffic, protection of exclusive economic zone resources, piracy, terrorist threats, greater international scrutiny of ports and shipping, and the modernization of regional naval and coast guard forces. Coastal states and international user states have many overlapping interests in the South China Sea, for example, in promoting safe navigation through its busy sea-lanes. On other issues, in particular, antipiracy or anti-maritime terrorism measures, they have different views about the seriousness of the threats and the responses necessary to address them. This article examines the convergent and divergent maritime security interests of coastal states (China, Indonesia, Malaysia, and Singapore) and international user states (Australia, India, Japan, and the United States) in the South China Sea. It finds that multiple stakeholders pursuing diverse interests have yet to close the gap between goals and means of achieving maritime security.

Keywords Malacca Strait, maritime security, piracy, South China Sea, terrorism

Introduction

For whosoever commands the sea commands the trade; whosoever commands the trade of the world commands the riches of the world, and consequently the world itself.

Sir Walter Raleigh (1554?–1618)

“A Discourse of the Invention of Ships, Anchors, Compass, &c.”

The Works of Sir Walter Raleigh, Kt., vol. 8 (1829, reprinted 1965), 325

The South China Sea is one of the world’s busiest international sea-lanes. More than half of the world’s oil tanker traffic passes through its waters. Over half of the world’s

Received 7 September 2006; accepted 29 January 2007.

Address correspondence to Christopher Chung, Strategic and Defence Studies Centre, The Australian National University Canberra, Australia. E-mail: chris.chung@anu.edu.au

merchant fleet (by tonnage) sails through the South China Sea every year. Port cities on the South China Sea, such as Hong Kong and Singapore, have become key hubs in the world economy. For the many export-oriented, energy-importing countries of Northeast Asia and Southeast Asia, the sea-lanes of the South China Sea are the main arteries of transportation for vital energy imports and commodity exports.

In addition to being a major crossroad in the world economy, the South China Sea is also a repository of valuable natural resources, including hydrocarbons and fisheries. This gives rise to two sets of stakeholders with security interests in the region. First, coastal states—countries with extensive coastlines on the South China Sea such as Indonesia, Malaysia, Vietnam, and China—mainly want to protect their recently declared sovereign rights and resource control over an exclusive economic zone (EEZ) up to 200 nautical miles (nm) off their coastlines, as provided by the United Nations Convention on the Law of the Sea (UNCLOS).¹ Second, international user states—countries with major distant shipping and naval interests, such as Australia, India, Japan, and the United States—want to maintain freedom of navigation through the straits and sea-lanes of the South China Sea for their merchant shipping and naval vessels.

Some countries do not neatly fit into this dichotomy. For example, Singapore, a coastal state with very little coastline, is a major hub in the world economy with a vital interest in maintaining safe and secure shipping, and it therefore shares many common concerns with the United States and Japan. China, a coastal state with an extensive coastline and EEZ resource claims, is also a major trading and ship-owning country with a growing dependence on vital energy imports. This gives Beijing a strong vested interest in securing the sea lines of communication (SLOCs) in the South China Sea.

In the wake of the September 11, 2001 al-Qaeda attacks on the United States, international user states have focused strongly on piracy and the threat of maritime terrorism. However, there are some enduring, if less dramatic, maritime security concerns of growing importance among coastal states of the region. They include managing the steady growth of the region's vital shipping industry and protecting the extensive environmental resources in the EEZs of coastal states, as well as modernizing naval and coast guard forces to support these objectives.

Coastal and international user states have many overlapping interests in the South China Sea, for example, in promoting safe navigation through its busy sea-lanes. On other issues such as antipiracy or anti-maritime terrorism measures, however, they have different views about the seriousness of the threat and the responses necessary to address it. This article examines the convergent and divergent maritime security interests of coastal and international user states in the South China Sea. It finds that these multiple and diverse efforts to pursue naval interests, shipping safety, EEZ resource control, and marine conservation in the South China Sea constitute a significant transformation of the traditional doctrine of the freedom of the seas to a new enclosure movement of ocean governance.

International User State Interests in Regional Maritime Security

The United States

The U.S. policy related to the South China Sea has been determined largely by two factors: a long-term interest in maintaining freedom of navigation and, since September 11, 2001, its global war on terrorism.

The South China Sea is the main thoroughfare between the Pacific Ocean and the Indian Ocean and, therefore, is of great strategic significance. The United States sends its warships, including aircraft carriers from its Pacific Fleet, through the South China Sea in support of its military missions in the Arabian Sea and Persian Gulf. It is the vital artery that connects America's prime Asian ally, Japan, with its Middle East energy suppliers.

Washington has repeatedly indicated a strong commitment to protecting international shipping rights through the South China Sea, including during time of conflict. Over a decade ago, in June 1995, then-Assistant Secretary of Defense Joseph Nye said that the U.S. Navy would be prepared to escort and protect any civilian ships passing through the area if freedom of navigation were threatened.² Nye also explained the three components of the U.S. policy of "active neutrality": The United States would remain neutral on the issue of territorial disputes in the South China Sea, it would oppose the use of force in settling them, and it would not allow any threats to peace and stability in the region to go unchecked.

To meet these objectives, the United States has accumulated massive military superiority in the region, including 6 aircraft carriers and 27 nuclear-powered submarines. The U.S. Pacific Fleet is the world's largest naval command, including approximately 190 ships, about 1,400 Navy and Marine Corps aircraft, and 35 shore installations. Over 300,000 Navy, Army, Air Force, Marine Corps, Special Operations, and intelligence military personnel are integrated under the unified command of the U.S. Pacific Command (PACOM).³

In the aftermath of the September 11, 2001, al-Qaeda attacks on the United States, the Bush administration focused extensively on the threat of terrorism, including in Southeast Asia. Admiral Thomas Fargo, then commander of U.S. forces in the Pacific, on a visit to Singapore and Malaysia warned that the threat of seaborne terrorism needed to be taken as seriously as attacks from the air, especially in the Malacca Strait. Fargo noted that Jamaah Islamiyah (JI) was a menace in the region while then-Defense Secretary Donald Rumsfeld anticipated U.S. forces would be hunting terrorists in the Strait of Malacca "pretty soon," as they were already doing with the Armed Forces of the Philippines in Mindanao.⁴

Three major international maritime security initiatives were launched by the Bush administration: the Container Security Initiative (CSI), the Proliferation Security Initiative (PSI), and the Regional Maritime Security Initiative (RMSI). While the first two are global in scope, the third was directed specifically at the Strait of Malacca. The CSI, first proposed by the U.S. Customs Service in January 2002, aims to counter the grave risk in the large number of shipping containers delivered to the US every year. In 2001, there were more than 5.7 million containers and 214,000 arrived at the 301 ports of entry to the United States.⁵

CSI's purpose is to identify high-risk containers and use technology to screen them in the originating ports rather than in the destination ports in the United States. In order to be approved as a CSI port, a government must agree: to allow U.S. Customs personnel to supervise the screening of containers bound for American ports; to purchase screening equipment designed to detect not only illicit narcotics but also radiological, chemical, biological or conventional weapons; to submit to U.S. Customs an electronic manifest with a full and complete description of the container's contents 24 hours in advance of its projected arrival in the United States; and to install new technologies and developments in "smart containers."

The CSI constitutes a major change in global shipping practices by shifting inspection from the arrival port to the loading port. There was no significant opposition to the measure; to the contrary, it was implemented widely and relatively quickly and smoothly. Reflecting

this, by the end of 2002 compliance with CSI had been achieved by 18 of the world's top 20 ports that export containers to the United States.⁶ At the beginning of 2006, nearly 50 ports were certified as CSI compliant, accounting for 90% of trans-Pacific container cargo shipped to the United States.⁷ Many ports and states have complied with CSI requirements because the economic incentives, getting one's goods to market as soon as possible, are high. Conversely, the costs of noncompliance could be very high through possible delays in inspecting cargo, unloading cargo, or both. The CSI web site warns noncompliant ports that their U.S.-bound containers may be suspended or banned in the event of a terrorist strike or catastrophe.

The PSI aims to seize shipments of weapons of mass destruction (WMD) and missile-related equipment and technologies by sea, land, or air before they fall into the hands of terrorist organizations or their state sponsors. Participating states have agreed on a statement of interdiction principles, including a commitment to share information related to suspected proliferation activities, to interdict the transshipment of WMD, and to strengthen national and international laws to allow the aggressive interdiction of vessels suspected of carrying WMD. The interdiction principles further state that members have a commitment to board suspicious vessels sailing within their national waters, to board vessels flying their own flag in international waters, and to "seriously consider providing consent" to boardings of their own flagged vessels by other PSI states.⁸

Washington has negotiated bilateral shipboarding agreements with several major flag states, including Panama, Liberia, the Marshall Islands, Cyprus, Croatia, and Belize.⁹ Under these agreements, if a vessel registered in the United States or partner country is suspected of carrying proliferation-related cargo either one of the parties to the agreement can request of the other to confirm the nationality of the ship in question and, if necessary, authorize the boarding, search, and possible detention of the vessel and its cargo.¹⁰

While more than 75 countries around the world currently support the PSI,¹¹ Australia, Japan, New Zealand, Singapore, and Thailand are the only countries from the Asia-Pacific that have publicly indicated their support. In the rest of Asia, support for PSI is weak. Despite considerable pressure from Washington to fully and publicly participate in the PSI, key maritime nations such as China, India, Indonesia, Malaysia, and South Korea have thus far not joined. Moscow's resistance to joining was overcome only in June 2004 when it announced that it would do so and contribute subject to PSI actions not violating international law or Russia's domestic legislation.¹²

South Korea is unlikely to join, reflecting concerns about the reactions of North Korea and China and the possible implications for the Six-Party Talks.¹³ China has reservations about the efficiency and legality of the PSI because it involves interdictions. Beijing may also be worried that the initiative could be detrimental to its legitimate commercial shipping and trade interests.¹⁴ India, too, has resisted joining the PSI. Several reasons may underlie this.¹⁵ First, the PSI contributes to enforcement of the Nuclear Non-Proliferation Treaty (NPT),¹⁶ but India is not a party to that instrument. Second, options for WMD transport between China and Pakistan include land or air routes and not just those by sea, blunting the tool of maritime interdiction. A similar possibility exists for material from North Korea transiting China and ending up in Pakistan. Third, by joining PSI, India's imports of technology and materials to support its own nuclear program could come under closer scrutiny. And, fourth, membership could raise the ire of neighbors such as China, Indonesia, and Malaysia.

Both Indonesia and Malaysia do not rank counter-WMD transport as their highest maritime security threat. Both give highest ranking to threats to their sovereignty, then to issues such as arms smuggling, illegal migration, the environmental and fisheries impacts

of oil spills, and threats to fishermen, especially from pirates.¹⁷ As Valencia succinctly put it: “WMD are simply not Malaysia’s or Indonesia’s chief concern.”¹⁸

A major obstacle for the PSI is that most of the components for WMD are dual-use, having both civilian and WMD applications.¹⁹ The potential interdiction of dual-use materials may threaten legitimate commerce. It is also very difficult to provide assurances that decisions about interdiction will not be politically influenced or based on who is sending or receiving the shipment. For example, although India, Pakistan, and Israel are nuclear states and not parties to the NPT, the United States does not consider them “states of proliferation concern.” They are accordingly exempt from PSI interdictions.

In sharp contrast with the CSI and PSI, the RMSI proposed by the United States caused considerable consternation around the South China Sea. Admiral Fargo, then-commander of the U.S. Pacific Command, introduced the RMSI in a speech to the U.S. Congress on March 31, 2004. He remarked that “we’re looking at things like high speed vessels, putting Special Operations Forces on high-speed vessels so that we can use boats that might be incorporated with these vessels to conduct effective interdiction in, once again, these sea lines of communications where terrorists are known to move about and transit throughout the region.”²⁰

Malaysia and Indonesia immediately and vehemently rejected the idea of U.S. troops in the area, emphasizing their own capabilities in tackling the threat. Malaysian Deputy Prime Minister and concurrently Defense Minister Najib Tun Abdul Razak emphasized that the presence of foreign forces in the region or “interdiction” operations in the Strait of Malacca would not be tolerated.²¹

Washington began almost immediately to backpedal on the idea. Defense Secretary Donald Rumsfeld and Pacific Fleet Commander Admiral Walter Doran stated that Admiral Fargo’s earlier comments on the RMSI had been misreported. They said the plan was still very much in its early stages and that it would focus primarily on intelligence sharing, not a U.S. troop presence.²²

The U.S. Navy has since sought to pursue its regional maritime security interests through other, primarily bilateral, means. In June 2005, for example, it began a series of bilateral naval antiterrorism exercises in Southeast Asia as part of the annual Cobra Gold exercise regime. In the joint U.S.-Singapore training drill in the South China Sea, more than 15,000 troops took part along with naval aircraft, a submarine, and 12 ships. A major emphasis of the exercise was preventing a maritime terrorist strike on the high seas. From Singapore, the U.S. Navy traveled to Malaysia, Thailand, Brunei, Indonesia, and the Philippines to continue separate bilateral exercises.²³

Japan

Japan has several vital interests in safeguarding the sea-lanes of the South China Sea. It is a major player in international trade, ranking fourth in world merchandise trade in 2004 with exports worth almost US\$566 billion.²⁴ Two-way trade with the member countries of the Association of Southeast Asian Nations (ASEAN) in 2004 totaled US\$140 billion, making it Japan’s fourth ranked trading partner after China, the United States, and the European Union-15.²⁵ Japan is also a major commercial maritime power in terms of deadweight tonnage registered and controlled; in January 2006, it ranked second behind Greece on these two measures.²⁶

Japan’s import dependence is extremely high. Almost all of Japan’s oil supply is imported from the Middle East through the South China Sea or the archipelagic sea-lanes

on its periphery. It imports 99% of its petroleum and 70% of its food by sea, mostly through the Strait of Malacca. Ships carry 99% of Japanese exports by volume. Not surprisingly, Japan sees maritime security as an integral part of its comprehensive security strategy.

Japan is a core member of the PSI, hosting the first exercise held in Northeast Asia in October 2004. Titled "Team Samurai," the exercise was conducted offshore from Sagami Bay and the port of Yokosuka southwest of Tokyo. Nine coast guard and naval vessels and planes from Japan, Australia, France, and the United States participated in the exercise while 18 countries sent observers.²⁷

Tokyo has also promoted its own proposal to combat piracy and maritime terrorism threats. Initially, it made a sweeping proposal for tackling maritime security, an ocean-peacekeeping (OPK) fleet to conduct multinational naval and coast guard patrols in both territorial and international waters. Japan's OPK proposal was met with skepticism, if not suspicion, by China and several Southeast Asian states. Indonesia, in particular, was unwilling to allow Japanese vessels to patrol Indonesian waters and was further reluctant to bear the cost of participating in joint exercises. Faced with disaster relief challenges, separatist struggles, and widespread poverty, Jakarta does not rate piracy as a top priority security issue. Malaysian policymakers also rejected Japanese joint patrols, concerned about violation of their country's sovereignty and limitations on controlling their EEZ. Singapore, possessing interests closely aligned with those of Japan, was most receptive. China opposed the OPK proposal, perhaps out of concern that Tokyo might be using the piracy issue "to justify the expansion of its naval presence, to compensate for any decline of US patrols, and to prevent Chinese influence over SLOCs in Southeast Asia."²⁸

Japan modified its antipiracy diplomacy, resulting in two recent successes. First, in June 2004, regional coast guards, government officials, and representatives of the International Maritime Organization (IMO) and the International Maritime Bureau (IMB) established the Asia Maritime Security Initiative (AMARSECTIVE). This provides for regional technical assistance and information sharing.²⁹ The second success was the 2004 Regional Cooperation Agreement on Anti-Piracy in Asia (ReCAAP), aimed at preventing and responding to piracy and armed robbery against ships as well as strengthening cooperation among member countries in the areas of information sharing, capacity building, and operational matters.³⁰ Taking effect on 4 September 2006, by year-end 14 countries had ratified the agreement: Bangladesh, Brunei, Cambodia, China, India, Japan, Laos, Myanmar, the Philippines, Singapore, South Korea, Sri Lanka, Thailand, and Vietnam. An information-sharing center has been established in Singapore, commencing operations in November 2006. Although they have yet to sign the agreement, Malaysia and Indonesia have both indicated their willingness to cooperate with the center.

Bilateral approaches by the Japanese Coast Guard (JCG) have enjoyed considerable success. The JCG has provided training, equipment, and funding to all the coastal states of the South China Sea, and has conducted joint training exercises with a number of Southeast Asian states. Tokyo has also funded the installation and maintenance of navigational aides and buoy tenders, and provided technical assistance to upgrade marine safety data management systems and hydrographic surveys.

Tokyo's efforts in working with South China Sea littoral states to combat the shared threats of piracy and maritime terrorism have generally been welcomed. Singapore, in particular, has appreciated Japan's offers of assistance and encouraged Tokyo in its bilateral and multilateral initiatives.³¹ In relation to the Strait of Malacca, however, both Malaysia and Indonesia oppose Japan's (and other user states') direct involvement in patrolling the waterway, citing concerns about infringement of sovereignty. Instead, they welcome the provision of technical assistance and information sharing to develop better maritime

situational awareness. Tokyo, in response, has emphasized capacity building through training and provision of equipment.

Australia

Australia's seaborne trade is valued at more than A\$180 billion annually. Almost all (99.5%) of the country's trade by weight and 73.5% by value is seaborne.³² North Asia was Australia's most important regional trading partner in 2005, with two-way trade valued at A\$112 billion, followed by the European Union (A\$51 billion) and then Southeast Asia (just under A\$44 billion).³³ Japan, China, South Korea, Singapore, Thailand, and Malaysia rank as Australia's most important trading partners in Asia, with the former consistently ranking number one. These factors make freedom of navigation and secure SLOCs in the South China Sea and its margins a high priority for Australia. Reflecting this, in September 2005 Royal Australian Navy Chief Russ Shalders offered to share Australia's experience in air surveillance as a contribution to the "Eyes in the Sky" air patrols of the Strait of Malacca launched by the littoral states.³⁴

Australia's defense planners have traditionally focused on conventional threats in Southeast Asia. As the government's 2000 defense white paper notes, Australia "would be concerned about any major external threat to the territorial integrity of the nations in our nearer region, especially in maritime Southeast Asia, whether that threat came from outside or inside the region."³⁵

The primary vehicle for Australia's multilateral security commitment in the region has been the Five Power Defence Arrangements (FPDA). Under the FPDA, Australia, New Zealand, and the United Kingdom commit themselves to consult with Malaysia and Singapore regarding the defense of the latter two countries' territory against external aggression. Traditionally, the annual FPDA exercises have focused on conventional security threats.³⁶ Air defense exercises have been held since the 1970s, while regular land and sea exercises first began in 1981. Since 1991, combined air, land, and sea exercises have been held, known as "Stardex." More recently, joint air and sea exercises have been launched, titled "Flying Fish."³⁷ In June 2004, the FPDA defense ministers agreed to expand the focus of the exercises to include nonconventional threats such as terrorism and piracy. The first exercise to focus on maritime security took place in the South China Sea in October 2004, followed by a second in September 2005. Venturing further into the nontraditional security realm, the 2006 meeting of FPDA defense ministers agreed to explore cooperation in humanitarian assistance and disaster relief.³⁸

India's "Look East" Policy

India's "Look East" policy started taking shape in the early 1990s, after a huge balance of payments crisis compelled an overhaul of economic policy, and after the collapse of the Soviet Union forced a fundamental reassessment of India's traditional strategic outlook. The policy aimed to establish strategic links with as many countries in the region as possible, to develop closer political and economic links with ASEAN, to "carve a place for India in the larger Asia Pacific," to avoid being "left out" of the sweeping changes in the region, and to showcase India's potential for investment.³⁹

India has pursued its "Look East" policy on two fronts: by seeking bilateral ties with individual governments and by seeking partnership status with ASEAN. India became a "Sectoral Dialogue Partner" of ASEAN in 1992; a "Full Dialogue Partner" in 1995; joined

the ASEAN Regional Forum (ARF) in 1996; became a full summit Partner of ASEAN in 2002; acceded to ASEAN's Treaty of Amity and Cooperation⁴⁰ in 2003; and in 2004 signed an agreement with ASEAN to promote peace, progress, and shared prosperity. More recently, India attended the inaugural East Asia Summit in December 2005.

India established a presence in the South China Sea in the early days of the "Look East" policy, conducting its first-ever joint naval exercises with Indonesia (1991), Malaysia (1991), and Singapore (1993). In 2001, India held separate bilateral exercises in the South China Sea with the Vietnamese and South Korean navies. Singapore, which during the Cold War had considered the Indian navy to be a threat, reversed course in 1996 and signed an agreement on military cooperation with India. The Indian navy now conducts exercises regularly with Singapore. Thailand has developed a complementary "Look West" policy and has become an increasingly close ally of New Delhi. Coordinated naval patrols are an element of this closer relationship. India's ties to Vietnam were greatly strengthened in 2000 following the visit of the Indian defense minister to Vietnam.⁴¹ India has entered into bilateral defense cooperation agreements with Malaysia, Singapore, Laos, and Indonesia. It has also provided military aid to the armed forces of Myanmar and Thailand.

India's current maritime doctrine states that "[t]he Indian maritime vision for the first quarter of the 21st century must look at the arc from the Persian Gulf to the Straits of Malacca as a legitimate area of interest."⁴² While India's naval chief, Admiral Arun Prakash, indicated in 2005 that India had no intention of patrolling the Malacca Strait, this view changed in 2006 when New Delhi signaled its willingness to help patrol the strait subject to an invitation from the littoral states.⁴³

India's rapid rise to strategic prominence in the region has been aided by its absence of any history of disputes in the region. It has no territorial claims in the region. Unlike Japan, China, or the United States, India is perceived as having no strategic ambitions in the region. It is seen as a power that could balance China's rise without posing a direct threat. However, as its trade with ASEAN and China grows, India has an increasing economic incentive to keep regional SLOCs open for international shipping.

India is now embarking on Phase II of its "Look East" policy, expanding its scope to include Australia, China, Japan, and South Korea. More emphasis will be placed on security cooperation, including joint operations to protect sea-lanes and the pooling of resources against common threats. The military contacts and joint exercises that India launched with ASEAN states on a low-key basis in the early 1990s are now expanding into full-fledged defense cooperation. As the 2004 India-ASEAN Summit Statement noted, "never before has India engaged in such multi-directional defense diplomacy."⁴⁴

China's Dual Role

As previously noted, China is both a coastal state with an extensive coastline and EEZ resource claims as well as a user state with a large shipping fleet and a growing dependence on energy imports. An energy importer since 1993, China's high energy demand has prompted it to intensify offshore exploration, including a tripartite seismic survey in the South China Sea with the Philippines and Vietnam; to acquire or invest in exploration and production projects overseas; to enter into supply contracts with countries as diverse as Angola, Australia, Iran, Sudan, and Venezuela; and to establish a strategic oil reserve. China's Ministry of Commerce estimated that crude oil imports in 2005 reached 130 million tons, about 6.8% of the world's total and just over 19% more than it imported in 2004.⁴⁵ Any

interruption of tanker traffic through the South China Sea would have immediate negative effects on China's industrial, urban, and transport sectors.

The economic dimension of China's maritime security interests, including in the South China Sea, is underscored by the fact that 90% of its foreign trade is seaborne.⁴⁶ Despite China's high dependence on imported oil from the Middle East and its strong interest in SLOC security for its seaborne trade, it has to date made only limited attempts to contribute to regional cooperative efforts in tackling piracy or maritime terrorism threats in the Strait of Malacca or the South China Sea.

Opportunities exist for China to contribute to "soft" forms of cooperation such as information exchange or bilateral exercises with coast guards. Signing up to ReCAAP enhances China's regional antipiracy credentials. Beijing is very concerned about securing freedom of navigation through the South China Sea; however, it is also aware that the presence of Chinese naval vessels in the Strait of Malacca or other choke points is unlikely to be welcomed by the littoral or user states.

Coastal State Interests in Regional Maritime Security

Coastal states have been under considerable pressure from user states to provide safe and secure navigation through the South China Sea. According to many press reports, piracy is seen as a frequent and violent problem in the region. The coastal states, particularly Indonesia, have been portrayed in the media as not doing enough to suppress piracy. A similar perception relates to the threat of maritime terrorism.

Closer examination of the data on piracy, however, shows that the problem might not be as alarming as portrayed by the media, at least not in economic terms. For example, in 2005 over 63,000 ships sailed through the Strait of Malacca and Singapore Strait.⁴⁷ In the same year, the IMB reported 12 cases of actual and attempted attacks on ships in the straits.⁴⁸ Even after making the generous assumption that all 12 of these piracy cases occurred only on international shipping in the straits, the probability of attack is a relatively low rate of 0.00019 or 19 out of 100,000. In 2003, in the heavily trafficked Strait of Malacca, frequently referred to as one of the most "pirate infested" seas of the world, the risk of a transiting ship being attacked was less than 0.001%.⁴⁹

Moreover, many of these reported piracy attacks were little more than cases of petty theft against ships at anchor in port. The IMB estimated that the average haul of an attack is around US\$5,000. This excludes hijackings of tugs, barges, and commercial ships, none of which had been reported over the prior 3 years.⁵⁰

Many shipowners are reluctant to report pirate attacks to the authorities or otherwise assist in the investigation of pirate attacks. In fact, many shipping companies explicitly prohibit shipmasters from reporting pirate attacks.⁵¹ Apart from reflecting badly on the company's image, reporting a pirate attack may mean that the victim vessel will be detained in harbor for investigation, with the cost of such delays exceeding the losses incurred by a pirate attack. If suspected pirates are arrested, crew members of the victim ship may be unable or unwilling to bear the expense or risk of testifying at the trial.

Many low-cost antipiracy measures are available, such as equipping the superstructure with proper locks and providing antipiracy training. However, shipowners and insurance companies have little economic incentive to implement antipiracy measures. That may be the main reason why piracy persists in the South China Sea, not the neglect or incompetence of coastal states. Representatives of the governments of Indonesia and Malaysia have frequently asked shipping companies and the international community to share the costs

of policing the Strait of Malacca against pirates. Their requests, however, have received little enthusiasm from most international actors involved, with the notable exception of Japan, which has funded a number of initiatives to provide training and resources to the law enforcement authorities in the region.⁵² Contrary to the popular impression from media reports, most shipowners do not see piracy as a menace to international shipping.

In June 2005 that view changed, however, when the Joint War Committee (JWC) of the London marine insurance market listed the Strait of Malacca and certain areas in the southern Philippines as “prone to hull war, strikes, terrorism and related perils” (together with areas such as Iraq, Lebanon, and Somalia).⁵³ As a result, marine insurance premiums were increased for vessels transiting these areas despite very strong protests by regional governments and shipowners. The JWC removed the listing in August 2006 after regional governments instituted several security measures that are discussed further below.

For some South China Sea coastal states, any proposed international coordination to combat terrorism or piracy is a lesser priority than other issues. These issues include maintaining control over newly acquired ocean resources, protecting national security, or protecting bureaucratic interests. In Indonesia, all three issues may coexist. With a coastline twice as long as the circumference of the earth, and with no more than a few dozen operating vessels to patrol its territorial waters, the Indonesian navy and marine police face a range of problems, including illegal fishing, illegal migration, drug smuggling, and marine pollution. The Indonesian government has estimated that the country loses US\$4 billion each year due to illegal fishing, several times more than the estimated cost of all pirate attacks worldwide.⁵⁴

Singapore has taken the most forceful measures to address maritime security threats. It was the first Asian port to join the U.S.-sponsored CSI and has provided sea security teams to escort selected vessels transiting the Singapore Strait. It has restricted circulation of small craft and ferries within the port area and increased surveillance efforts, spending S\$3.5 million to install tracking devices on all Singapore-registered small boats that identify their location, course, and speed. Together with Indonesia, it operates a radar tracking system on Batam Island to identify, track, and exchange intelligence on shipping in the Singapore Strait. And, in mid-August 2005, it hosted the first PSI exercise to be held in Southeast Asia, code-named “Deep Sabre,” involving military, coast guard, customs, and other agencies from 13 countries.⁵⁵

In 2003, Malaysia and Thailand started coordinated patrols along their maritime frontier. Following this, in 2004 Singapore, Malaysia, and Indonesia began coordinated naval patrols in the Strait of Malacca. In September 2005, the “Eyes in the Sky” initiative began with coordinated air patrols over the strait by the three coastal states. The Philippines, meanwhile, has proposed building on its maritime border patrol exercises with Malaysia and Indonesia by formalizing a tripartite agreement to exchange information and intelligence.⁵⁶

The increase in coordinated patrol activities has been accompanied by an increased effort to modernize regional naval and coast guard capabilities. This is particularly noticeable in the area of submarines. Malaysia, Singapore, Indonesia, Vietnam, China, Myanmar, Thailand, and the Philippines all have purchased or ordered new or secondhand submarines in the past 3 years.⁵⁷

The acquisition of surface combatants is also gathering momentum. Singapore has launched five of its six Formidable class frigates.⁵⁸ Malaysia has commissioned two new frigates, the *KD Lekiu* and *KD Jebat*, and ordered more than 20 new patrol vessels.⁵⁹ Indonesia has ordered two 90-m corvettes from the Netherlands to undertake patrols against piracy, terrorism, and smuggling.⁶⁰ Altogether, Indonesia plans to add 14 new ships to its naval fleet⁶¹ and hopes to attain “green water” navy status by 2020.⁶² China took delivery of two Russian *Sovremenny* class destroyers in 2006, supplementing the two already in its

fleet. Two new locally built guided missile destroyers, new air defense destroyers, and new missile frigates are also planned.⁶³

Malaysia's coast guard, the Malaysian Maritime Enforcement Agency, began operations in 2005 with a fleet of 72 vessels. Indonesia's coast guard is also newly established with start-up assistance provided by Japan. In June 2006, Tokyo and Jakarta exchanged diplomatic notes confirming Japan's donation of three patrol boats to be used for antipiracy and counterterrorism operations.⁶⁴ Vietnam's coast guard, established in 1998, is to be strengthened with the addition of six new locally built patrol vessels, each displacing about 150 tons.⁶⁵

Summary and Conclusion

The number and intensity of regional maritime security problems in the South China Sea are increasing. There are transboundary problems that cannot be solved by any one country; for example, congested navigation, air pollution, illegal or excessive fishing, drug and people trafficking, piracy, and terrorist threats. Hence, there are both a growing demand for regional regime building among coastal states and international user states around the South China Sea and a good window of opportunity for doing so.

Despite the growth in demand and opportunity, however, few multilateral regimes providing maritime security exist in the South China Sea. Why is this so? With the notable exception of shipping, most governments in Asia have calculated that the costs outweigh the benefits. Instead, there have been several ad hoc, issue-specific, agreements with varying degrees of effectiveness. What explains this limited progress?

One reason is that the international user states themselves have divergent priorities and activities. The U.S. policy in the South China Sea during the past 4 years of the Bush administration has been driven primarily by its global war on terrorism. It has been very active in countering threats of maritime terrorism by promoting a broad range of measures, including the CSI, PSI, and RMSI.

Japan is primarily interested in antipiracy measures, reflecting its experience in having its ships attacked by pirates and its acute vulnerability to any disruption to its trade and raw material flows. Accordingly, Tokyo has concurrently pursued bilateral and multilateral channels in promoting its maritime security interests.

Australia's efforts are more in the "soft" cooperation category rather than the formalized approach of the U.S. or Japanese dual-track programs. Canberra is involved in information exchanges and capacity building with the Philippines and Indonesia. It has only recently been involved in active antipiracy and maritime terrorism measures in exercises under the auspices of the FPDA. Australia has also indicated its willingness to share its experience in aerial surveillance with the Strait of Malacca "Eyes in the Sky" consortium.

India has played an active role in maritime security measures in the Andaman Sea, including exercises with the Royal Thai Navy in September 2005 to enhance cooperation on drug and people smuggling, piracy, and illegal fishing. New Delhi has indicated, however, that it has no interest in patrolling the Strait of Malacca. Despite this, it appears to be gearing up for more involvement there as its economic interests in East Asia expand.

Hence, there has been a gradation of scope and intensity of activities in the South China Sea by international user states, ranging from the widespread and active (United States) to the limited and passive (India).

A second reason for limited progress in regional maritime security is that many coastal states give higher priority to protecting national sovereignty and control over their newly

acquired ocean resources than collective antipiracy and counterterrorism efforts. All the major coastal nations of the South China Sea have formally extended their maritime jurisdictions over resources and maritime activities up to 200 nm offshore. Almost no ocean space is left unclaimed. To the contrary, many areas are claimed by two or more countries, creating numerous disputes that complicate regional cooperation. In some cases, joint resource development agreements have been negotiated; for example, between Thailand and Malaysia in the Gulf of Thailand.⁶⁶ Other conflicting claims, as in the Spratly Islands, remain unresolved, but have been deferred for future consideration. Clearly, the countries bordering the Asian seas are trying to identify and pursue their national EEZ interests in the oceans.

This leads to a third reason for limited maritime security cooperation in the South China Sea: mutual suspicions about military and intelligence-gathering activities that are becoming more intensive, intrusive, controversial, and dangerous.⁶⁷ There is general agreement that the exercise of freedom of navigation and overflight in and above EEZs should not interfere with the rights of the coastal state. However, there is disagreement about when overflights become intrusive eavesdropping missions to scout the defenses of potential rivals. A tragic example of this disagreement or misunderstanding was the April 2001 mid-air collision over the South China Sea between a U.S. spy plane and a Chinese jet fighter, which sparked a diplomatic crisis between Beijing and Washington.⁶⁸

A fourth reason is that many governments in the region have limited enthusiasm about America's antiterrorism efforts. Many are not convinced that this is their fight. The majority of the region's Muslims reject Islamic radicalism. Regional governments question the U.S. concentration on its counterterrorism agenda almost to the exclusion of anything else. They question the benign nature of U.S. intentions. Above all, they remain sensitive about any infringement of sovereignty, especially by the naval forces of user states. This was clearly evident in the initial rejection by Indonesia and Malaysia of the U.S. proposal for the RMSI and in a wider regional opposition to Japan's early and highly ambitious proposal for a regional OPK arrangement.

A fifth reason is the lack of reciprocity and transparency associated with the CSI and PSI. The CSI is directed exclusively toward safeguarding U.S.-bound cargo. It does not address Asia-bound trade or intra-Asian trade. The stationing of U.S. Customs officials in the ports of foreign states can be seen as intrusive, evoking images of colonialism and hegemony.

The PSI may limit the rights of commercial vessels operating internationally to remain free from arbitrary search and seizure. Apparently, WMD and related shipments by the United States to its allies are permitted, but what about similar shipments among other countries? There is little transparency or accountability in the decision-making process about what constitutes a suspicious shipment.

Theoretical and Policy Implications

Coastal and international stakeholders are pursuing different interests in diverse ways to achieve maritime security in the South China Sea. For example, the CSI and PSI, in Kerry Nankivell's view, "not only change the rules by which the high seas are governed, but they change the way in which those rules are determined."⁶⁹ The Bush administration announced the CSI and PSI unilaterally and then negotiated a network of formal bilateral and multilateral agreements to include other countries. Many are willing to join with this approach. In justifying the Australian government's strong support of the PSI, for example, Foreign Minister Alexander Downer argued that:

[t]here has to be room in our non-proliferation agenda for a greater variety of measures and fresh thinking. For this reason, Australia, while continuing to support and engage in non-proliferation forums, has wholeheartedly joined the Proliferation Security Initiative. . . . In a time of high demand and limited resources, a results-oriented approach is what is needed. . .⁷⁰

Reinforcing this viewpoint, he noted separately that “[g]one are the days when Canberra Commission-style talk-fests are an acceptable or effective counter-proliferation outcome. This Government is about taking the next steps—practical actions that make a difference.”⁷¹

Whatever the reasons countries cite in support of the CSI and PSI, they represent a significant change—a sea change—in the way maritime policies are developed and implemented. The approaches are a substantial departure from the multilateral, negotiated consensus process that characterized the development of UNCLOS. In that respect, Nankivell suggested that the CSI and PSI may indicate a new form of regime formation—“cooperative unilateralism”—that represents “the gradual movement away from the Westphalian to a hegemonic system of states.”⁷² Not all countries welcome the United States’ security initiatives, however, with some concern expressed about “American praetorian unilateralism.”⁷³

The U.S. security initiatives can and may change over time. Valencia notes, for example, that:

Most of the PSI’s shortcomings stem from its ad-hoc, extra-UN, US driven nature. Bringing it into the UN system would rectify many of these shortcomings by loosening US control, enhancing its legitimacy, and engendering near universal support. Whether or not the PSI is formally brought into the UN system, its reach and effectiveness could be improved by eliminating double-standards . . . and increasing transparency.⁷⁴

Increasingly, coastal state governments and major user states recognize that they have shared interests in ensuring the resources and sea-lanes of the South China Sea are used effectively and sustainably. But they differ markedly on the means for achieving them. Littoral states are insistent that the process of achieving regional maritime security should be locally initiated and led. They are willing to accept external assistance, but contend that ultimately they must have the capability to provide that security. For example, Tokyo’s financial contributions, technical assistance, and joint training are welcomed by the littoral states. These measures not only increase the pool of available resources for maritime security, but also they diversify sources of assistance away from sole reliance on the United States.⁷⁵

The quest for maritime security in the South China Sea provides mixed evidence for the realist model of the state as a rational unitary actor. Singapore perhaps most closely approaches the realist model; however, it is an exceptional case because it straddles both user and coastal state maritime security interests. It is also a major port city whose economy is highly dependent on the continued free flow of seaborne trade. And, quick and broad implementation of antipiracy and anti-maritime terrorism measures is facilitated by the country’s political governance structure and small size.

By contrast, Indonesia is grappling with many conflicting domestic interests—political, economic, bureaucratic, and military—that limit meaningful unitary or uniform definition of the national interest. Some units or individuals within the military are allegedly involved in illegal activities, including fuel smuggling and piracy, especially in the aftermath of the 1997–98 financial crisis and budget cutbacks.

The search for maritime security in the South China Sea appears to provide support for Mancur Olson's theory of rational action. In his 1971 book, *The Logic of Collective Action: Public Goods and the Theory of Groups*, Olson contended that members of large groups usually do not act to attain their common goals.⁷⁶ The major reason for this is that, in a large group, an individual actor has only a negligible influence on creating the collective good, but has to bear a cost if he or she contributes. Furthermore, if a collective good—security—is provided, every group member can enjoy it even if he or she has not contributed to producing it. Hence, there is an incentive to free ride—to wait until others have provided the good and then consume it.

To avoid the free rider dilemma, collective action in large groups requires that major stakeholders provide selective incentives to encourage participation. These may include more cost sharing among participants and more transparency and participation in decision making. The policy implication of this for major maritime user states such as the United States and Japan is to pursue “no regrets” policies that serve multiple objectives for both user states and coastal states. These include, among others, strengthening port security measures, tightening crew screening, and coordinating coastal patrols and emergency response efforts.

Cooperative resource management for security and sustainability can be seen most clearly in the case of fisheries, where ecosystems seldom coincide with territorial boundaries. Overfishing was already a problem before the extension of maritime jurisdiction through EEZ declarations in the 1980s. Given the continued decline in fish stocks in all the China Seas, the changes in catch composition, and the increased incidence of poaching, cooperative fisheries management is vital.⁷⁷

New initiatives bringing together coastal and user states have emerged. In September 2005, Indonesia and the IMO convened a meeting in Jakarta to discuss the safety, security, and environmental protection in the Strait of Malacca and Singapore Strait. It recognized the role of burden sharing between coastal and user states in the use and maintenance of international straits pursuant to Article 43 of UNCLOS.

Following on from this, in February 2006 the United States hosted a meeting in Alameda, California, involving Indonesia, Malaysia, Singapore, Australia, Germany, India, Japan, the Netherlands, Norway, the Philippines, South Korea, and the United Kingdom. China was also invited, but did not send a representative. While the meeting's objective was to coordinate potential user state contributions to assist the Strait of Malacca/Singapore Strait littoral states, little progress was made on burden sharing. On the one hand, the littoral states want burden sharing to include the cost of providing safety and environmental protection services. On the other hand, user states view burden sharing as a means of becoming more directly involved in maritime security measures to address piracy and terrorism threats.⁷⁸

There are also important differences in threat perception. The field of vision of maritime security for many user states is restricted to piracy and terrorism. For the littoral states, however, maritime security has a wider brief, including transnational crime, marine pollution, and marine resource management. Despite these difficulties, in September 2006 Malaysia and the IMO organized a meeting in Kuala Lumpur of coastal states, major shipping nations, and shipping companies. Working groups on safety of navigation and maritime security were established to undertake projects on issues such as the removal of shipwrecks; the establishment of a hazardous and noxious substance response center; the installation of automatic identification system (AIS) transponders for small ships; and the placement of tide, current, and wind measurement systems.

Substantial voluntary contributions have been made by China and Japan to provide for the safety and security of shipping in the Strait of Malacca. Cognizant of the free rider

problem, the idea of a user-pays system to help fund measures such as pollution cleanup and the maintenance of navigational aids has been raised. The United States and many shippers oppose strongly the introduction of any fees, however. Rather, they prefer to see greater transparency and accountability in any use of funds for maritime safety and security. They would also like to see Malaysia and Indonesia ratify the 1979 Convention on Maritime Search and Rescue,⁷⁹ the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA Convention),⁸⁰ and ReCAAP.⁸¹

Perhaps the most ambitious proposal is the Marine Electronic Highway (MEH) program. Funded by the World Bank, UN Development Programme, and the IMO, the MEH project aims to create a shipping traffic control system similar to the global air traffic control arrangement, with comprehensive, integrated electronic information, navigation, and control systems.

Whatever their conflicting claims and mutual suspicions may be, political leaders in the coastal states are beginning to understand that they must cooperate in order to manage the increase in shipping traffic, to address maritime security threats, and to use the resources of the South China Sea sustainably. While some progress has been made, there is as yet no durable agreement on how to share the burden for providing safety and security in the region. Closing the gap between goals and means remains a key challenge for all concerned parties.

Notes

1. 1982 United Nations Convention on the Law of the Sea, 1833 *U.N.T.S.* 397.
2. See: Craig A. Snyder, "Maritime Security in the South China Sea", *Journal of Conflict Studies* 14 (2004): 113.
3. United States Pacific Command, *Pacom Facts, Headquarters, US Pacific Command*, U.S. Department of Defense, 2005.
4. "US to Hunt Malacca Terrorists," *Channel News Asia*, 23 June 2004.
5. Department of Homeland Security, *Fact Sheet: U.S. Customs Announces Container Security Initiative*, February 2002, available at www.usinfo.state.gov/eap/Archive_Index/container.html (accessed 1 December 2006).
6. John Frittelli, "Port and Maritime Security: Background and Issues for Congress," *Congressional Research Service Report for Congress*, Congressional Research Service, 5 December 2003.
7. Department of Homeland Security, *Fact Sheet: Securing U.S. Ports*, 2 February 2006, available at www.dhs.gov/xnews/releases/press_release_0865.shtm (accessed 1 December 2006).
8. International Institute for Strategic Studies, "The Proliferation Security Initiative: An Interdiction Strategy," *IISS Strategic Comments* 9 (2003).
9. Mark J. Valenica, *The Proliferation Security Initiative: Making Waves in Asia*, Adelphi Paper 376 (Abingdon, England: Routledge, 2005), 59.
10. United States Department of State, *The Proliferation Security Initiative*, available at www.state.gov/t/np/c10390.htm (accessed 3 December 2006).
11. Australian Government, Department of Foreign Affairs and Trade, *Proliferation Security Initiative*, 2006, available at www.dfat.gov.au/globalissues/psi/index.html (accessed 13 November 2006).
12. Serge Blagot, "Russia Hesitant to Endorse US' 'Greater Middle East Initiative,'" *The Daily Star*, 7 June 2004, cited in Valencia, *supra* note 9, at 63.
13. Valencia, *supra* note 9, at 63–64.
14. *Ibid.*, at 64.
15. *Ibid.*, at 65.
16. 1968 Treaty on the Non-Proliferation of Nuclear Weapons, 729 *U.N.T.S.* 161.

17. Valencia, *supra* note 9, at 19.
18. *Ibid.*, at 19.
19. The following draws heavily on Valencia, *supra* note 9, at 72.
20. "Crack US Troops May Be Used to Flush Out Terrorists in Key Southeast Asian Waterway," *Channel News Asia*, 5 April 2004.
21. John Burton, "Countries Oppose US Offer to Patrol Malacca," *Financial Times*, 5 April 2004.
22. John D. Banusiewicz, "Officials Clarify Maritime Initiative Amid Controversy," *American Forces Press Service*, 4 June 2004.
23. Eric G. John, "The United States and Southeast Asia: Developments, Trends, and Policy Choices," Statement before the House International Relations Committee, Subcommittee on Asia and the Pacific, Washington, DC, 21 September 2005, available at www.state.gov/p/eap/rfs/rm/2005/53683.htm (accessed 1 December 2006).
24. World Trade Organization, *International Trade Statistics 2005* (Geneva: World Trade Organization, 2005), 21.
25. ASEAN-Japan Centre, *Statistics*, available at www.asean.or.jp (accessed 20 June 2006).
26. United Nations Conference on Trade and Development, *Review of Maritime Transport 2006* (New York: United Nations Conference on Trade and Development, 2006), 33.
27. Ministry of Foreign Affairs of Japan, *The Proliferation Security Initiative (PSI) Maritime Interdiction Exercise, Team Samurai 04*, 28 October 2004, available at www.mofa.go.jp/policy/un/disarmament/arms/psi/overview0410.html (accessed 6 December 2006).
28. Christopher W. Hughes, *Japan's Security Agenda. Military, Economic, and Environmental Dimensions* (Boulder, CO: Lynne Rienner, 2004), 225.
29. Takeda Isami, "Taking the Lead in Regional Maritime Security," *Japan Echo* 31 (2004): 47–48.
30. Regional Cooperation Agreement on Anti-Piracy in Asia, available at www.recaap.org (accessed 29 January 2007).
31. John F. Bradford, "Japanese Anti-Piracy Initiatives in Southeast Asia: Policy Formulation and the Coastal State Responses," *Contemporary Southeast Asia* 26 (2005): 494–497.
32. Government of Australia, Department of Transport and Regional Services, Office of Transport Security, *Maritime Risk Context Statement* (Canberra: Department of Transport and Regional Services, 2003), 4.
33. Commonwealth of Australia, Market Information and Analysis Section, Department of Foreign Affairs and Trade, *Composition of Trade Australia 2005* (Canberra: Department of Foreign Affairs and Trade, 2006), 10–11.
34. Michelle Wiese Bockman, "RAAF Set to Fight Piracy from the Air," *The Australian*, 19 September 2005.
35. Commonwealth of Australia, Department of Defence, *Defence 2000: Our Future Defence Force* (Canberra: Department of Defence, 2000), 31.
36. Damon Bristow, "The Five Power Defence Arrangements: Southeast Asia's Unknown Regional Security Organization," *Contemporary Southeast Asia* 27 (2005): 7–8.
37. *Ibid.*, at 7–8.
38. Ministry of Defence, Singapore, *6th FPDA Defence Ministers' Meeting*, 5 June 2006, available at www.mindef.gov.sg/imindef/news_and_events/nr/2006/jun/05jun06_nr.html (accessed 26 June 2006).
39. G. V. C. Naidu, "Looking East: India and Southeast Asia," *Asia Pacific Forum* (Taipei: Academia Sinica, 2005), 197.
40. 1976 Treaty of Amity and Cooperation in Southeast Asia, 1025 *U.N.T.S.* 319.
41. Faizal Yahya, "India and Southeast Asia Revisited," *Contemporary Southeast Asia* 25 (2003): 7.
42. Integrated Headquarters, Ministry of Defence (Navy), *Indian Maritime Doctrine. INBR 8* (New Delhi: Integrated Headquarters, Ministry of Defence, 2004), 56.
43. "India Has No Intention of Patrolling Malacca Straits," *Daily Times*, 23 July 2005.

44. India-ASEAN Summit, *India-ASEAN Summit Declaration, 30 November 2004* (New Delhi: Press Information Bureau, Government of India, 2004).
45. "China to Import 130 mln Tons of Crude Oil in 2005," *Xinhua*, 3 August 2005.
46. Vijay Sakhujia, "Maritime Power of People's Republic of China: The Economic Dimension," *Strategic Analysis* 24 (2001): 2024.
47. Marine Department Peninsular Malaysia, *Klang Vts Straitrep Statistics/Number of Reports*, 2005, available at www.marine.gov.my/service/index.htm (accessed 20 June 2006).
48. International Chamber of Commerce, International Maritime Bureau, *Piracy and Armed Robbery Against Ships: Report for the Period 1 January–30 June 2005* (Barking, England: International Chamber of Commerce, International Maritime Bureau, 2005).
49. Stefan Eklöf, *Pirates in Paradise: A Modern History of Southeast Asia's Maritime Marauders* (Copenhagen: NIAS Press, 2005).
50. Jack A. Gottschalk and Brian P. Flanagan, with Lawrence Kahn and David LaRochelle, *Jolly Roger with an Uzi: The Rise and Threat of Modern Piracy* (Annapolis, MD: Naval Institute Press, 2000), 90.
51. Peter Chalk, *Non-Military Security and Global Order: The Impact of Extremism, Violence and Chaos on National and International Security* (New York: St. Martin's Press, 2000), 59–60.
52. Bradford, *supra* note 31, at 494–501.
53. International Chamber of Shipping (2005), Hull War Risk Listed Areas, ICS(05)28 and IC(05)03, 17 August 2005 (London: International Chamber of Shipping).
54. Eklöf, *supra* note 49.
55. "Singapore, Allies to Stage Maritime Security Drill," *Reuters*, 15 August 2005.
56. Robert Karniol, "Manila Calls for Stronger Ties at Sea," *Jane's Defence Weekly*, 22 June 2005, 15.
57. Micool Brooke, "Asia's Naval Requirements," *Asian Defence Yearbook 2005* (Kuala Lumpur: Asian Defence Journal, 2005), 25.
58. Ministry of Defence, Singapore, *RSN Launches Its Fifth Frigate*, 9 December 2005, available at www.mindef.gov.sg/imindef/news_and_events/nr/2005/dec/09dec05_nr.html (accessed 26 June 2006).
59. J. M. Jamaluddin, "Steady as She Goes as the RMN Celebrates Its 71st Anniversary," *Asian Defence Journal* 4 (2005): 12.
60. Brooke, *supra* note 57, at 24.
61. J. M. Jamaluddin, "The Indonesian Armed Forces: Modernisation and Addressing Deficiencies," *Asian Defence Journal* 11 (2004): 14.
62. Tim Huxley, "Southeast Asia's Naval Forces. Aligning Capabilities with Threats," *IISS Strategic Comments* 12 (2006).
63. Timothy Hu, "Ready, Steady, Go. Country Briefing: China," *Jane's Defence Weekly*, 13 April 2005, 28.
64. Ministry of Foreign Affairs of Japan, *Grant Aid to Indonesia for the Project for Construction of Patrol Vessels for the Prevention of Piracy, Maritime Terrorism and Proliferation of Weapons*, 16 June 2006.
65. Robert Karniol, "Vietnamese Coast Guard Acquires Electro-Optic Sensor System," *Jane's Defence Weekly*, 30 March 2005, 14.
66. Memorandum of Understanding Between Malaysia and Thailand on the Establishment of a Joint Authority for the Exploitation of the Resources of the Sea-Bed in a Defined Area of the Continental Shelf of the Two Countries in the Gulf of Thailand, 21 February 1979, and Agreement Between Malaysia and Thailand on the Constitution and Other Matters Relating to the Establishment of the Malaysia-Thailand Joint Authority, 13 May 1978, reproduced in *International Maritime Boundaries*, ed. J. I. Charney and L. M. Alexander (Dordrecht: Martinus Nijhoff, 1993), 1107–1123.
67. See Mark J. Valencia, "Introduction: Military and Intelligence Gathering Activities in the Exclusive Economic Zones: Consensus and Disagreement II," *Marine Policy* 29 (2005): 97–99; Mark J. Valencia, "Conclusions, Regime Building and the Way Forward," *Marine Policy* 28 (2004): 89–96;

Sam Bateman, "EEZs Pose Security Problems," *Asia-Pacific Defence Reporter* 30 (2004): 39–41; and Jon M. Van Dyke, "Military Ships and Planes Operating in the Exclusive Economic Zone of Another Country," *Marine Policy* 28 (2004): 29–39.

68. Jian Zhang, "Chinese Nationalism and Its Foreign Policy Implications," in *Asia-Pacific Security. Policy Challenges*, ed. David W. Lovell (Singapore and Canberra: Institute of Southeast Asian Studies and Asia Pacific Press, 2003), 108; and Eun Jung Cahill Che and Brad Glosserman, "The Perils of Progress: The US-South Korea Alliance in a Changing Strategic Environment," *Comparative Connections*, June 2001, available at www.csis.org/pacfor/annual/conference2001.htm (accessed 20 June 2006).

69. Kerry L. Nankivell, "The Container and Proliferation Security Initiatives: A First Look," *CANCAPS Bulletin* 41 (May 2004): 6.

70. The Hon. Alexander Downer, MP, Minister for Foreign Affairs, Australia, "Weapons of Mass Destruction: The Greatest Threat to International Security," Speech at the Proliferation Security Initiative, Brisbane, 9 July 2003, available at www.foreignminister.gov.au/speeches/2003/030706_wmd.html (accessed 28 November 2006).

71. The Hon. Alexander Downer, Minister for Foreign Affairs, Australia, "The Threat of Proliferation: Global Resolve and Australian Action," Speech at the Lowy Institute, Sydney, 23 February 2004, available at www.foreignminister.gov.au/speeches/2004/040223_lowy.html (accessed 13 November 2006).

72. Nankivell, *supra* note 69 at 8.

73. Kumar Ramakrishna, *9/11, American Praetorian Unilateralism and the Impact on State-Society Relations in Southeast Asia*, IDSS Working Paper 26 (Singapore: Institute of Defence and Strategic Studies, June 2002).

74. Mark J. Valencia, *The Proliferation Security Initiative in Perspective*, Policy Forum Online 06–41A, Nautilus Institute, 25 May 2006, available at www.nautilus.org/fora/security/0641Valencia.html (accessed 6 December 2006).

75. Yoichiro Sato, "Malacca Straits Security Reflects Hazy Dividing Line," *Asia Times Online*, 14 July 2004, available at www.atimes.com/atimes/Southeast_Asia/FG14Ae01.htm (accessed 14 December 2006).

76. Mancur Olson, *The Logic of Collective Action: Public Goods and the Theory of Groups*, Rev. Ed. (Cambridge, MA: Harvard University Press, 1971).

77. David Rosenberg, "Managing the Resources of the China Seas: China's Bilateral Fisheries Agreements with Japan, South Korea, and Vietnam," *Japan Focus*, 30 June 2005, available at www.japanfocus.org/products/details/1789 (accessed 5 December 2006).

78. Sam Bateman, "Burden Sharing in the Straits: Not so Straightforward," *IDSS Commentaries* 17/2006 (20 March 2006).

79. 1979 International Convention on Maritime Search and Rescue, 1405 *U.N.T.S.* 97.

80. 1988 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, 1678 *U.N.T.S.* 221.

81. Nazery Khalid, "Burden Sharing, Security, and Equity in the Straits of Malacca," *Japan Focus*, 17 November 2006, available at www.japanfocus.org/products/details/2277 (accessed 14 December 2006).