

Maritime Cooperation in the Asia-Pacific Region

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WANG YINGHUI, SEP 28 2011

The Asia-Pacific region requires more cooperation rather than competition due to the complexity of its regional security and maritime situation, as well as the importance of the sea to the area. According to Sam Bateman, the Asia-Pacific region is where maritime cooperation is most needed, and is most necessary and important.[1] This region is home to some of the world's most important powers (including rising powers like China and India), the presence of the United States, traditional security issues like North Korea and Taiwan, and has numerous maritime territorial disputes. Therefore, maritime cooperation is imperative and will be a strong contributor and lubricant for confidence building and stabilization in the region. In recent years, there have been continuous efforts in maritime cooperation and mechanism building. However, cooperation continually coexists with friction, and the barriers for deeper cooperation seem to be strong and insoluble. In 2000, according to Sam Bateman, it was far from what Michael Leifer has termed "a stable maritime regime." The factors that contribute to difficulty in cooperation include conflicting claims to offshore territory and maritime space, established suspicion and distrust among countries, competition over resources, and increasing political tension. In particular, there has emerged a new worrisome trend of naval buildup, which is happening in many countries in the region, such as China, India, and various Southeast Asian countries. Some scholars even worry about a possible arms race.

Thus, is the trend towards more cooperation faltered? My tentative answer is, cooperation is still going on, but is difficult, and recent developments show that maritime cooperation seems to be affected more than ever before. This essay will first give a brief review of the recent maritime cooperation efforts in the region, and then analyze major factors or barriers that contribute to the difficulty of cooperation.

Functional Areas of Maritime Cooperation and Development in the Asia-Pacific Region

Cooperation in these areas has consistently gone forward, and to a large degree under the framework of the International Maritime Organization (IMO), ASEAN, ARF, APEC, and PSI. However, the situation is far from satisfactory. The following are the functional areas of maritime operation, and in each area there is progress, as well as problems.

- *Shipping/Marine Safety/Search & Rescue.* Shipping, seaborne trade, and marine safety are key areas of maritime cooperation. The "archipelagic" nature of the Asia-Pacific region means that, other than by expensive air transport, intra-regional trade is carried out mainly by sea. Established regimes, arrangements, and agreements include the Head of Asian Coast Guard Agencies Meetings, which are used for sharing information on maritime security, the Western Pacific Naval Symposium, the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (its information sharing center is in Singapore), and border control arrangements between neighboring countries. Earlier establishments like the Asia-Pacific Memorandum of Understanding (MOU), the Transportable Working Group (TWG), and APEC, are still functioning. At present, the main problem in the region is the lack of agreed upon contingency arrangements for dealing with emergencies. The likely ineffectiveness of the SOLAS Ship Security Alert System is a particular problem. In this regard, Sam Bateman commented that the Asia-Pacific region today "lacks effective arrangements and the necessary capacity" to provide for the safety and security of shipping and seaborne trade, and to maintain law and order at sea in general.[2]
- *Fishing.* The problem of illegal fishing and overfishing, and the management of fisheries must be

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approached on a cooperative basis. The cooperation in this regard includes the APEC's Fisheries Working Group (FWG) and the Marine Resources Conservation Working Group (MRC). Their purpose is to promote the conservation and sustainable use of fishing resources, promote sustainable development of aquaculture, find solutions to the management problems of resources for fisheries, and enhance food safety, among others. Moreover, fisheries are no longer just a national issue, as fishing is increasingly conducted in EEZs and in some disputed waters. This has led to incidents and disputes between Japan and Russia, Japan and China, Vietnam and China, and Taiwan and Japan.

- *Marine Environmental Protection.* In this regard, key international treaties were not paid the attention due, with low levels of ratification and poor enforcement. A major effort is required in the region to redress this situation. There still lacks a common legal framework to bind countries to carry out their relative responsibilities.
- *Security and Law and Order at Sea.* Piracy, drug smuggling, nuclear arms trafficking, human trafficking, maritime terrorism, and illegal migration are of particular concern in the Asia-Pacific region. Regional maritime cooperation in dealing with these issues is complicated because they are traditionally handled by a variety of domestic law enforcement agencies and there is sensitivity regarding national sovereignty. The ongoing problems, according to Probal Ghosh on CSCAP in 2006, are with the continuing controversy of Proliferation Security Initiatives (PSI) and the difficulties of some countries in implementing the International Ship and Port Facility Security (ISPS) Code.
- *Security and Management of Offshore Oil and Gas.* UNCLOS III lays the foundation for the reallocation of resources. There are still uncertainties about jurisdiction, security responsibilities, and cooperative contingency response arrangements. East Asian and Southeast Asian countries have been looking at possible oil and gas reserves beneath the sea to support future economic prosperity, and to ease the problem of a growing energy shortage. Both cooperation and conflicts result from oil and gas resources, especially around waters in the South China Sea and East China Sea. There has been cooperation in exploiting the discovered resources, while conflicts keep emerging from speculated potential resources. Since November 2002, the Declaration on the Conduct of Parties served as a framework restricting territorial expansion in the South China Sea and set a rule of common development. However, there have still emerged conflicts between countries over disputed islands.

Trends: A Mixture of Cooperation and Challenges

In recent years, there has been more multilateral cooperation and capacity building efforts on the national, regional, and world levels, to maintain good maritime order and safeguard maritime security. In 2004, cooperation in antipiracy progressed significantly, especially in the Malacca Strait between Malaysia, Singapore, and Indonesia. The three countries have strengthened naval control, intelligence sharing, and maritime affairs. In 2005, they utilized planes to scout the strait for pirate activities, and the flight crews are nationals from the different countries, which is done for better information-sharing. The Indian Navy also joined the multi-national piracy patrol in the Strait of Malacca in 2006. It was reported that by 2009, piracy had sharply decreased in the region due to cooperation among the governments.[3]

A prominent and positive example was the international collaboration in regard to the Tsunami response. Southeast Asia is an area full of natural disasters and so more urgent international cooperation is needed. In 2004, an earthquake on the west coast of northern Sumatra triggered large tsunamis, killed more than 250,000 people, and affected millions of people in 12 countries. Among other relief efforts, maritime cooperation played a key role in the disaster relief work. The increase of multilateral exercises that address non-traditional maritime challenges are another case in point. Exercise Rimpac, in June 2008, was the largest maritime exercise ever, involving 35 ships, six submarines, and 150 aircraft from 10 countries, including the active participation of Australia, Canada, Chile, Japan, the Netherlands, Peru, the R.O.K, Singapore, the U.K. and the United States. Also, Russia, Mexico, and Columbia sent observers. In May 2008, Exercise Cobra Gold was launched by Thailand with 15,000 personnel participating from five countries, which focused on peacekeeping and HA/DR. These same forces later joined the Myanmar disaster relief work. There were ten nations observing the exercise including Pakistan, India, and China. India has steadily increased its engagement with other countries in maritime cooperation, and its navy was a major contributor to the 2004 tsunami response.

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However, there has been a different trend towards tension, independence of action, or unilateralism, which has definitely inhibited maritime cooperation. Factors behind this derive from unresolved sovereignty issues, a deepening mistrust among some nations caused by naval buildups in some countries, and unwillingness to undertake multilateral collaboration.

Sovereignty issues really matter most. Some countries in the region strongly adhere to independence and sovereignty in the region, and are generally reluctant to agree to cooperative activities if they appear to compromise national sovereignty or security. This is reflected in overlapping EEZs, and islands or reefs. In the past few years, incidents occurred continuously in Asia-Pacific seas which greatly hampered relationships between the countries involved, and created barriers against maritime cooperation. In 2009, in the South China Sea, a chain of events occurred that led to controversy. The Philippines, in February, passed a bill and claimed Scarborough Shoal and other islands. In March, Malaysia landed on Swallow Reef and Ardasier Reef and claimed sovereignty over them. China has condemned both actions.[4] Also, in March 2009, a clash occurred between Chinese vessels and the USS Impeccable near China's EEZ. China severely denounced the US action as improper and claimed it was a spy ship. On several occasions tension has also arisen between the US and China in the Yellow Sea, where the Chinese have been strongly opposed to the US conducting military exercises with Japan and the ROK. Sovereignty issues are driven by the competition for resources, such as fishing, oil and gas, and vice versa, so this can cause a hindrance to cooperation.

An important recent development is the increasing naval buildup in the region. It has aroused concerns over whether it is merely "naval modernization" or an "arms race," and has implications for maritime security in the Asia-Pacific. The increase of military spending and armament procurement in this region is manifest, especially in countries like China, India, and various Southeast Asian countries. Though these countries generally deny an arms race, it has caused concerns and mistrust between them. According to Sam Bateman, the buildup generally exceeds basic modernization, and an arms race is really happening.[5] Many navies have added new capabilities, such as missiles, submarines, and large amphibious ships. India even admitted that its military strategy is aimed at dealing with China.[6] In addition, because such a buildup is usually opaque, it increases uncertainty and can lead to a "security dilemma," which leads to a spiral of naval expansion. The implications for regional security are serious, because the presence of more naval military activity in the area, some taking place in disputed waters, can be very destabilizing. Also, the mistrust that exists can be very adverse when attempting to conduct any multilateral maritime operations or initiatives. To address this concern, Bateman calls for more confidence building to reduce the risks of naval clashes, and to create a more stable regional maritime security environment, in which countries do not "feel compelled to continually expand their naval budgets." [7]

Consideration of self-interests and realistic politics still linger on the perception of many countries when it comes to the cooperation issue. Some countries still lack the sense of cooperation, and prefer to have freedom of action. In this way, they will either be inactive or avoid cooperation because the international bindings might erode their national interest. This is particularly true in cooperation over maritime environmental and biodiversity protection. It is difficult to make countries think in a long-term perspective and act for long-term goals, at the expense of seemingly sacrificing their short-term interests. Also, because the cooperation arrangements are not usually legally binding and not compulsory, it makes regime building even more difficult.

Policy Suggestions and Prospects

The previously mentioned issues and challenges are very hard to address. According to Bateman, maritime confidence and security building measures (MCSBMs) are lacking, and it can only be overcome by a greater willingness of regional countries to cooperate, "even though they are reluctant to do so" because of a loss of independence.[8] Similarly, William M. Carpenter also proposed that "a new mindset" is needed to replace the current mindset based on sovereignty, unilateral rights, and agreed maritime boundaries. He listed some initiatives that can be taken:

- *A functions rather than a sovereignty approach to resource management.*
- *Joint resource management.*

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- *Extension of joint resource zones to possible joint EEZs.*
- *Joint maritime surveillance.*^[9]

At the political level, each country should stress the importance of the common good, and give greater attention to the dangers of the current situation. Every country must realize that good maritime order is a public good and a common resource, and it is obligatory to make concerted efforts. A country should understand that self-interest and evading multilateral initiatives are “beggar thy neighbor” behaviors, and will not only cause damaging effects to its neighbors by being self-serving, but in the end will damage its own interests as well. More importantly, taking independent and unilateral actions by not participating will have an adverse impact on other countries and lead to a failure of cooperation. Any failure to cooperate on finding a solution to maritime problems, especially those related to maritime environmental protection, sustainable development, and conservation of marine biodiversity, may lead to a “tragedy of the commons” where all countries ultimately lose.

[1] Sam Bateman, “Regional Efforts for Maritime Cooperation: State and Prospect” in Dalchoong Kim, ed., “Maritime Security and Cooperation in the Asia-Pacific toward the 21st Century,” Institute of East and West Studies, South Korea, 2000, p. 215.

[2] Sam Bateman, “Capacity Building for Maritime Security Cooperation: What are We Talking About?” in *Andrew Forbes, Maritime Capacity Building in the Asia-Pacific Region*, Sea Power Center, Australia, 2010, p. 5.

[3] Michael Schuman, “How to Defeat Pirates: Success in the Strait,” *Times*, Apr. 22, 2009, <http://www.time.com/time/world/article/0,8599,1893032,00.html?xid=rss-topstories-cnnpartner>.

[4] Joel D Adriano, “China, Philippines stoke island tensions,” *Asia Times*, Mar 27, 2009, http://www.atimes.com/atimes/Southeast_Asia/KC27Ae02.html.

[5] Sam Bateman, “Naval Modernization in the Asia Pacific: Regional Security Implications,” *CSCAP Regional Security Outlook 2009-2010*, p. 22.

[6] *Ibid.*

[7] *Ibid.*, p. 25.

[8] Sam Bateman, “Regional Efforts for Maritime Cooperation: State and Prospect” in Dalchoong Kim, ed., “Maritime Security and Cooperation in the Asia-Pacific toward the 21st Century,” p. 216, and Sam Bateman, “Naval Modernization in the Asia Pacific: Regional Security Implications,” p. 25.

[9] William M. Carpenter, “summary of discussion”, in *Maritime Security and Cooperation in the Asia-Pacific toward the 21st Century*, p. 258.

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