An ASEAN Maritime Security Cooperation: Assessing the Potential of a Southeast Asian Regional Maritime Security Cooperation Versus the Status Quo

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Abstract

Southeast Asia is one of the most significant regions in the world, especially considering the inflows and outflows of maritime commerce transiting the region's waters. The region's waterways link critical trade routes, supply global fish exports, and are a source of vast untapped energy resources. Conversely, Southeast Asia has just as many security challenges as it has benefits, specifically in respect to traditional and non-traditional security challenges. Traditional and non-traditional security challenges hinder regional parties from fully maximizing the use of their resources. The region's traditional and non-traditional security challenges threaten individual states' national security, and thus, weaken the entire regional security system. Additionally, Southeast Asia's problems extend beyond non-traditional maritime security issues. A rising China with an aggressive maritime expansion policy, particularly over the South China Sea has raised traditional security challenges throughout the region. These listed challenges turn the region into a hotbed of contentious intra-regional (ASEAN vs. ASEAN), interregional (ASEAN vs. China), and international (ASEAN vs. China vs. External Powers) geopolitics that create an atmosphere that ultimately undermines effective regional maritime security cooperation. This paper examines these factors and assesses if an ASEAN Maritime Security Cooperation will be more beneficial in addressing these challenges than the status quo. The maritime security cooperation suggested in this paper is of the law enforcement type consisting of "White Hull" forces such as coast guards and marine police agencies. The data collected for this study was collected and assessed through documentary research.

Keywords: *South China Sea dispute, Traditional security threats, Non-traditional security threats, Maritime security, ASEAN maritime security cooperation*

1. Introduction

What happens when nearly two billion people and eleven countries within a region share the same resources? In the Southeast Asia maritime domain, it appears that it can create intra-regional, interregional, and international anxieties and skirmishes. Those are the regional dynamics of the ASEAN maritime environment: ASEAN vs. ASEAN, ASEAN vs. China, and ASEAN vs. External Power influence. China's population of 1.3 billion (Statista, 2019) and Southeast Asia's population of 640 million people (Statista, 2018) as well as the international community all depend on the stability of Southeast Asia's maritime environment, especially the South China Sea. However, the region has had other significant problem areas that commanded the world's attention like the Malacca and Lombok Straits, and the Sulu and Celebes Sea to name a few. The region has significant security challenges in both traditional and non-traditional security threats. For clarification, traditional security threats generally relate to state actor threats—often military in nature (Wibisono, 2017), and non-traditional security threats generally relate to non-state actor threats—such as transnational organizations and crimes, natural disasters, humanitarian crisis, etc., (Wibisono, 2017). It must be clear that Southeast Asia has significant maritime security challenges regionwide, but this paper will only focus on a few of them primarily traditional and non-traditional security challenges in the South China Sea, and a little focus will be on the Straits of Malacca and the Sulu and Celebes Seas. Therefore, keep in mind that the severity of the few security challenges examines in as part of this research is a small portion of the overall maritime security challenges facing the region. Even though, areas may be separately located the effects of one area (e.g., Malacca Straits) can affect another area (e.g., South China Sea) and vice-versa. Southeast Asian waters are interconnected, and so are the nations that depend on those

waters. Piracy and terrorism issues in the Sulu and Celebes Seas, not suppressed, can easily spread to other parts of the region.

Traditionally the Southeast Asia grouping, ASEAN, has taken on its maritime issues through unilateral, bilateral, or minilateral—small scale cooperation of necessary parties (Patrick, 2016), but nothing exists holistically in the sense of a regionwide cooperation (Qing, 2017). How might the regional maritime environment change if Southeast Asian members approach their maritime security challenges collectively? After all, the region's maritime challenges affect all members; therefore, tackling challenges as a team may be a better approach. Fortunately, Southeast Asia already has the framework and a potential organization for such an approach in ASEAN. ASEAN could be a potential home for a regional maritime security cooperation. Of course, anyone familiar with ASEAN can point to several internal challenges and divisions in the way of such an initiative; however, no point takes away that integrating a maritime security cooperation within ASEAN is possible. To be clear, the regional maritime security cooperation suggested in this paper is a "White Hull Security Cooperation" consisting of Coast Guard or law enforcement related agencies and assets. Further, some may suggest a regional maritime security cooperation to counter China's maritime aggression and expansion in the region; however, this research suggest a maritime security cooperation to bridge differences among ASEAN members, to unite ASEAN with a common maritime voice and vision, to operationally address regional traditional and non-traditional security challenges, to have a maritime presence and operate regionally regardless of external power pressures and activities, and to better leverage external power influence more effectively.

2. Objectives

1. To examine the current state of the ASEAN maritime environment and ASEAN's approach to addresses its maritime security challenges

2. To examine internal divisions and external tactics that divide ASEAN from greater cooperation

3. To examine maritime security cooperation effectiveness and provide an assessment on if a regional maritime security cooperation would be more effective than the status quo

4. To make ASEAN maritime security policy recommendations.

3. Materials and Methods

Due to Southeast Asia vast maritime area, the scope of this paper is on the South China Sea, Straits of Malacca, and Sulu and Celebes Sea. This paper briefly examines sub-regional security challenges in the Straits of Malacca and Sulu and Celebes Seas, but the primary focus is on the traditional and non-traditional security challenges South China Sea Dispute. The reason for the focus on the South China Sea dispute is although it is a sub-regional issue it demonstrates how ASEAN, China, and other external powers interact and deal with the issue. Additionally, the South China Sea dispute is ASEAN's most pressing and challenging security issue. The South China Sea has domestic, regional, and international appeal and consequences and is an excellent example of how ASEAN handles its complicated security challenges. The South China Sea exposes international power politics versus intra-regional inner-workings and politics versus rising security threats and reveals ASEAN strengths and weaknesses against them. The primary materials and methods for this study are academic articles, journals, books, as well as, government, NGOs, think-tanks, and media sources conducted through documentary research. The information from these sources are evaluated and assessed to determine the current state of the ASEAN maritime environment and its direction. This research also seeks to answer the following questions:

1. What makes the Southeast Asian maritime domain so important?

2. What are Southeast Asia's traditional and non-traditional maritime security threats?

3. What has ASEAN's done to address regional maritime security challenges?

4. Are maritime security cooperation programs effective in addressing security challenges?

The final analysis assesses ASEAN's current decision-making process and approach (the status quo) against the general effectiveness of maritime security initiatives in mitigating security challenges.

4. Results and Discussion:

4.1 Assessing ASEAN's Maritime Domain

Southeast Asia is home to some of the most essential and strategic Sea Lines of Communication (SLOC) in the world. Sea lines of communication are essential maritime transit routes that can support high shipping traffic and transport of strategic goods (Economic Research Institute for ASEAN and East Asia [ERIA], 2016). Southeast Asia's is an international hub for maritime traffic. Whether it is global shipping merely passing through Southeast Asia, or being traded within the region's emerging markets, most of the world's maritime traffic passes through Southeast Asia's straits, gulfs, and seas. Additionally, Southeast Asia's waters are also rich in resources (fish, minerals, and energy), which are vital to the region's growing economies. Many of Southeast Asia's sea lines—the Malacca, Lombok, and Sunda Straits; and the Sulu, Celebes, and South China Seas—are all critical veins when navigating international shipping routes. However, few areas internationally are as important as the South China Sea. The South China Sea as one of the most essential sea lines of communication in the world. It carries approximately one-third of global trade or about $3.37 trillion USD in 2016 (China Power, 2017). Additionally, the South China Sea is both a major transportation route for energy resources and is a significant source of untapped energy resources; it has approximately 30 percent of global crude oil transported across it (US Energy Information Administration [EIA], 2018). Within the South China sea, official estimates of its untapped energy resources vary depending on the source of the estimate. The US Energy Information Administration estimates that the South China Sea has approximately "11 billion barrels of oil and 190 trillion cubic feet of gas," while the China National Offshore Oil Corporation estimates the resources to be about "125 [billion] barrels of oil and 500 [trillion cubic feet of gas] —up to one third of China's total oil and gas resources" (Umbach, 2017). Regardless of whether one chooses the lower US estimate or higher Chinese estimate the overall conclusion is there are vast energy resources in the South China Sea's seabed. The benefits of being geographically connected to the South China Sea extend beyond it being a critical sea line of communication, vital trade route, or an energy-rich body of water. The South China Sea has one of the most diverse marine ecosystems with "3,365 species of fish" and is "one of the top five most productive fishing zones in the world" with "12 percent of the global fish catch" (Gnanasagaran, 2018). Southeast Asia's fisheries are critically important to the region. Southeast Asian fisheries provide sources of food, employment, and economic diversity to ASEAN. Although Southeast Asia's fisheries currently support regional and global fish markets, scientists suggest that trend may end soon because of the region's mismanagement of its fisheries (Association of Southeast Asian Nations, 2016). Some scientist even believed that the South China Sea fisheries are on the verge of collapse (Bale, 2016). A potential collapse of the South China Sea fisheries shows the extent that the dispute is affecting the region. In some ways, the dispute invites lawlessness because there is a vacuum of law enforcement and cooperation and no one is effectively policing and managing the waters.

4.2 ASEAN Non-traditional Maritime Security Challenges

The region's traditional and non-traditional security challenges are quite perplexing. For example, there are substantial terrorism and piracy problems in the Sulu and Celebes Seas—13 successful attacks on ships and 11 attempted, 61 crew member abductions, 28 crew members were ransomed or released, "17 rescued, seven killed and nine are still in captivity" as of 2016 to 2018 (Storey, 2018); extensive human trafficking and smuggling cases coupled with irregular migration across the Bay of Bengal and Andaman Sea—more than 25,000 Bangladeshis and Burmese crossed the Bay of Bengal and Andaman Sea "during the first half of 2015" (Rashid & Ashraf, 2016); slavery at sea imposed primarily by Thai and Indonesian fishing companies sometimes working with local government officials—approximately 2,000 enslaved fishermen were rescued in a six-month period from March to September 2015 (Htusan & Mason, 2015; Mutaqin, 2018); and of course, the most prominent issue in the region is the South China Sea dispute, which experts argue affects the overall regional security picture (Kuok, 2017). Each of these security challenges is worthy of its own attention and is capable of severely crippling pockets of the region. These were only a few of the maritime security crisis that happened is Southeast Asian waters within the past five years. Other ASEAN security challenges below crisis level, but still significant security challenges are

trafficking and smuggling of persons— estimated at $192 million per year USD between Laos, Cambodia, and Myanmar (UNODC, 2016); wildlife and timber trafficking—estimated at $24 billion USD per year (UNODC, 2016); counterfeit goods—estimated at $24.4 billion USD from 2008-2010 (UNODC, 2016, p. 23); illegal, unreported, and unregulated (IUU) fishing—estimated at $4 billion USD per year in Indonesia alone (Chalk, 2017). To be clear, some of the above figures are an aggregate of land, sea, and air results. However, if 80-90 percent of global trade is conducted through maritime shipping, it is reasonable to conclude that a fair portion of the listed transnational crimes are at some point in the supply chain conducted by sea.

4.3 ASEAN Traditional Maritime Security Challenges

ASEAN traditional maritime security challenge with a rising China in the South China Sea is an international concern. According to Acharya (2001), "In the post-Cold War era, however, ASEAN faces serious challenges, not least from an expanded membership and the rising power of China (p. i). There are many media, academic, and expert reports on this topic. The South China Sea dispute regularly makes international headlines. To prove this point, as these lines were being written, the *South China Sea* was googled and the following were the top four results: (1) US, UK hold second South China Sea joint drills in 2 months (Viray, 2019), (2) Chinese-British relations 'complicated' by South China Sea military plans (Zhou, 2019), (3) China 'puts wartime command system command to test' in South China Sea drills (Zhen, 2019), and (4) Indonesia plans fishing zone in disputed South China Sea (McDonald, 2019). There are two noteworthy observations from this google search. The first observation was nearly all the results were about the militarization and dispute aspect of the South China Sea, except one result that described it, as it should, geographically. From the results, one would presume that South China Sea '*dispute*' or '*militarization*' was googled and not a geographic region. The second observation was the Indonesia results stating their fishing zone plans over the Natuna Islands. Indonesia is not listed as a South China Sea claimant, so why would this move by the Indonesia government even make news? It is stories like that which shows the complexity of the South China Sea dispute. It turns out that Indonesia says it is not an official South China Sea claimant; however, their claim over the Natuna Island overlaps China's nine-dash line—the line which China's bases its historical South China Sea claim (Parameswaran, 2016; Parameswaran, 2017). It is examples like this that further displays the circus-styled tightrope politics and diplomatic acrobatics in ASEAN relations in respects to China and sometimes each other. The google searches were used simply to illustrate the global perceptions of the region.

In the South China Sea, it appears that China's control over the region's waters may be the new reality. China has successfully subverted four out of ten ASEAN members—Brunei, Malaysia, Philippines, and Vietnam—in the process in the South China Sea. Although China does not directly control the entire South China Sea, China's presence and military might in the sea cannot be understated. China has achieved the following: (1) claimed and inserted control over nearly 90 percent of the South China Sea in the form of an ambiguous nine-dash line reaching as far as 2000 km away from mainland China and as close as a few 100 km of other claimants shores (Moore, 2018); (2) controls approximately 20 outposts in the Paracel Islands and seven in the Spratly Islands with a few equipped with anti-ship missiles, jamming radar, fighter jets, and nuclear capable bombers (Asia Maritime Transparency Initiative, 2019; Feleke, 2018; Center for Strategic and International Studies [CSIS], 2018); (3) constructed and occupies a military island, Mischief Reef, within the Philippines sovereign continental shelf (Graham, 2016); (4) disregarded the Permanent Council of Arbitration ruling in which China and 168 other states are a party to (Moore, 2018; United Nations, 2018) and (5), not operated in the spirit of various signed regional agreements with ASEAN members concerning the South China Sea dispute (Treaty of Amity and Cooperation, Declaration on the Conduct of Parties in the South China Sea, etc.). China accomplished all this without starting a war, receiving punitive actions, and even great powers are unsure on how to handle China's provocations. China is definitely playing the long game in the South China Sea, and if the status quo of ASEAN and great powers continues, then China will almost certainly achieve their goal. The three factors that has probably saved the region from war: (1) ASEAN members have traditionally complied with international laws, treaties, and regional agreements, (2) ASEAN members generally avoid conflict leading to war, and (3)

probably the most important reason is the great power imbalance they have with China. China is far more powerful than all of ASEAN members combined. Therefore, it would be a grave miscalculation to get in an all-out sea battle with China. However, if the power gap (political, economic, and military) were closed, then ASEAN's claimants may not be as tolerant of China's actions. The power gap is so great that even after the 2016 *Philippines vs. China* Permanent Court of Arbitration ruling, ASEAN remained neutral on the ruling because of the concern for China. As will be examined later in this paper, ASEAN has always supported rule-based order consistent with international law. So, it was unfortunate that once a member of the association received a favorable ruling on a obvious territorial infringement that the grouping did not support the verdict. However, for ASEAN, there was a bigger concern than just the international ruling.

4.4 ASEAN tries Regional Norms

ASEAN has tried to overcome its challenges by creating an atmosphere of peace and stability in the region and on its waterways. Since its beginning, a majority of ASEAN document pushed the concept of peace and stability amongst its neighbors: the 1971 Zone of Peace, Freedom, and Neutrality (ZOPFAN), the 1976 Treaty of Amity and Cooperation (TAC)—signed by China in 2003, the 1992 ASEAN Declaration on the South China Sea, the 2002 Declaration on the Conduct of Parties in the South China Sea (DOC)—signed by ASEAN and China in 2002, and the 2017 Draft Framework of the Code of Conduct in the South China Sea—agreed by ASEAN and China in 2017. All the listed agreements were attempts at peace and security in the region, and this list does not cover all of ASEAN's efforts. The basis of these documents is for parties not to conduct activities that may disturb regional peace and stability in the region or instigate conflict. For example, the 2002 DOC specifically mentions all parties commitment to UNCLOS, TAC, and other international norms; numbers four through five of the DOC agreement discusses non-use of force and self-restraint in territorial disputes (especially in activities of uninhabited features); and number six of the DOC promotes cooperative maritime activities to deal with regional issues (Association of Southeast Asian Nations [ASEAN], 2012).

4.5 ASEAN tries UNCLOS

The overarching framework on maritime law is the United Nation Convention on the Law of the Sea (UNCLOS). UNCLOS was open for signature in 1982 and became effective in 1994 (United Nations, 2018). It is the most comprehensive maritime law treaty with 157 signatures and 168 parties (United Nations Treaty Collection , 2018). Maritime cooperation is even promoted in UNCLOS Article 197:

States shall cooperate on a global basis and, as appropriate, on a regional basis, directly or through competent international organizations, in formulating and elaborating international rules, standards and recommended practices and procedures consistent with this Convention, for the protection and preservation of the marine environment, taking into account characteristic regional features (United Nations, 2001, Cooperation on a global or regional basis section).

By 1996 both ASEAN and China had signed the United Nations Convention on the Law of the Sea. There are various features in UNCLOS concerning the rights, entitlements, and responsibilities of states. The rights and entitlements of states is what creates the most contention among states, especially in the South China Sea dispute. The rights and entitlements stem from five jurisdictional zones of coastal states: territorial sea, contiguous zone, exclusive economic zone, continental shelf, and the high sea. The following is a brief explanation of the listed zones. The more seaward a jurisdictional zone is the less overall power a state has to enforce its rights and protect its entitlements. The territorial sea is an extension of a coastal state's sovereignty and extends up to 12 nm (United Nations Convention on the Law of the Sea [UNCLOS], 1982). There are some exceptions to the absolute sovereignty a state has on its territorial sea such as a mariner's right of innocent passage, force majeure, or transit passage (UNCLOS, 1982). The next maritime jurisdictional zone is the contiguous zone which extends up to 24 nm from the territorial sea and permits states to exercise enforcement of its fiscal, custom, sanitation, and immigration laws for vessels entering or exiting a state's territorial seas (UNCLOS, 1982). Overlapping the contiguous zone and still moving seaward is the exclusive economic zone which extends up to 200 nm from the states baseline and permits states to exercise rights over its marine and seabed resources (UNCLOS, 1982). The final zone

within a state's authority is the continental shelf which generally extend up to 200 nm from a state's baseline (or with extended continental shelves extends up to 350 nm from the state's baseline, or 100 nm from a depth of 2,500 meters) and permits a state to exercise exclusive exploration rights of its seabed and natural resources (UNCLOS, 1982). The last zone is the high seas which is beyond any coastal state's jurisdiction where all mariners enjoy the unrestricted right to freedom of navigation and are not subject to the jurisdiction of any state except their own flag state (UNCLOS, 1982). There are a few jurisdictional exceptions on the high sea like piracy, slavery, and unauthorized broadcast but the specifics are beyond the scope of this paper.

The convention also covers the regime of islands in article 121 which has become important in the South China Sea dispute. Basically, there are three types of features—islands, rocks, and low tide elevations—and states are allowed certain entitlements based off how the features are classified. Islands and rocks are above high tide all the time. An island is entitled to all the listed maritime zones of states mentioned earlier: territorial sea 12 nm, contiguous zone 24 nm, exclusive economic zone 200 nm, and continental shelf (UNCLOS, 1982). A rock, on the other hand, is only entitled to a territorial sea 12 nm (UNCLOS, 1982). The difference in classification is an island can sustain human and economic life whereas a rock cannot (UNCLOS, 1982). A low-tide elevation is naturally formed land that is only exposed during low tide (UNCLOS, 1982). Low-tide elevations are not given any maritime entitlements but can extend a coastal state baseline provided it is within the state's 12 nm territorial sea (UNCLOS, 1982). One thing to note about low-tide elevations or artificial islands is according to Article 60, construction projects do not change the status of the maritime feature (UNCLOS, 1982). Therefore, a nation can build a military island, or a Disney World and it still will not change the status of the rock. All these right, entitlements, and responsibilities were in play in the UNCLOS Permanent Court of Arbitration (PCA) ruling.

4.6 ASEAN Member tries Court: *Philippines v. China*

In 2013, the Philippines took their case to the PCA concerning China's activities in the South China Sea disputed territory. The Philippines had three main complaints: (1) the legitimacy and source of China's historic claim of nearly the entire South China Sea, (2) a determination of certain maritime features within the disputed territory, and (3) the lawfulness of China actions in the South China Sea (Permanent Court of Arbitration, 2019). The PCA ruled heavily in favor of the Philippines. It must be noted that China did not participate in any of the proceeding; however, according to Article 9, non-participation of an UNCLOS signatory in an arbitration proceeding is not a defense to refute the legality of the ruling (UNCLOS, 1982, Annex VII. Arbitration section). Additionally Article 296 states, its rulings are binding and final (UNCLOS, 1982, Compulsory Procedures Entailing Binding Decisions section). So basically, if two states are signatories of UNCLOS and one raises a complaint for arbitration against the other state (the respondent), if all procedures are followed correctly by the chosen arbitration mechanism and the complainant state, then the proceeding can continue even without the respondent state. Therefore, China not participating in the PCA proceeding does not exempt it from the PCA's ruling.

It should be noted that some of China's claims against the ruling are its "Declarations" upon signing UNCLOS. China provided declarations concerning its sovereignty over its maritime zones, vessels conducting innocent passage in its territorial seas, how it would handle delimitation issues with neighboring states, and it rejected the treaty's dispute settlement delimitation of boundary procedures (United Nations Treaty Collection [UNTC], 2018). To be clear the PCA did not rule on any of China's declarations, the PCA had appropriate authority to rule on the case in the manner it did, and PCA ruling is binding upon members (*Phil v. China, 2016;* UNCLOS, 1982). The PCA ruled on China's claimed "historic title," the status of certain maritime features, China's land reclamation activities, China's 2012 moratorium on fishing in the South China Sea, the areas traditional fishing rights, the protection and preservation of the marine environment, and China's law enforcement activities in disputed territories (*Phil v. China*, 2016). The PCA concluded that China violated UNCLOS in all the listed categories and operated in a manner inconsistent with UNCLOS.

4.7 What More Can ASEAN Do?

Since ASEAN and China are party to UNCLOS, it was reasonable to believe that the treaty would have been the guiding principle on resolving issues. However, China's refusal to abide by the courts ruling says otherwise. The reason the signing of UNCLOS, the PCA Ruling, and the signing of various other ASEAN regional agreements is important is because what else can ASEAN do to create greater unity among its members and get sensible cooperation from China concerning the South China Sea dispute? ASEAN and China has signed all the listed agreements and treaties within this section to little avail. In a sense, ASEAN abiding by treaties and agreements have hurt them more than it has helped, especially sense China is playing by different rules. That statement by no means is in support of ASEAN breaking international norms or disregarding a rule-based order; however, it is meant to show the challenges ASEAN faces when trying to do the right thing but suffers because of it. Since ASEAN regional norm setting did not work to deter regional aggression and create greater cooperation in the ASEAN-China relationship, does not mean those efforts have to be in vain. Those very efforts could be the foundation of an ASEAN's Maritime Security Cooperation framework and elevate ASEAN maritime cooperation.

4.8 External Power Influence

The majority of the world's maritime traffic flows in and out of Southeast Asia. Additionally, Southeast Asia has critical chokepoints that would reroute the global maritime shipping if impaired. In 2016, the South China Sea alone accounted for more than 64 percent of China's maritime trade, 42 percent of Japan's maritime trade, and 14 percent of US trade (China Power, 2017). Additionally, the Strait of Malacca, the second busiest strait in the world, and the South China Sea connects oil-rich Persian Gulf exporters to its largest Asian importers (US Energy Information Administration [EIA], 2017). All three countries account for 80 percent of the total crude oil volume that transits the South China Sea: China 42 percent, Japan 18 percent, and South Korea 18 percent (US Energy Information Administration, 2018, para. 7). Individually, the South China sea accounts for nearly 90 percent of the three countries crude oil transports in 2016 (US Energy Information Administration, 2018). So, the South China Sea and Malacca Straits are critical to external power energy demands. The region's important strategic SLOC, trade volume, energy transport, fishery resources, seabed of untapped resources, and more creates an external power tug of war for the region's allegiance. Below are example of the two most prominent external power security and economic initiatives into the region.

4.9 China's Belt and Road Initiative

Launched in 2013, China Belt and Road Initiative (BRI) was China's President Xi strategy to international engagement to raise China's standing in the world and to demonstrate its commitment in development and infrastructure projects of participating states (Hurley, Morris, & Portelance, 2018). Strategically it will expand China influence through the connection of trade through rail, road, and maritime waterways and prevent containment from other world powers. According to Hurly, Morris, and Portelance (2018), the "BRI spans at least 68 countries with an announced investment as high as $8 trillion USD [$1 trillion to $8 trillion] for cast networks of transportation, energy, and telecommunication infrastructure linking Europe, Africa, and Asia" (Hurley, Morris, & Portelance, 2018). The authors also state that "It is an infrastructure financing initiative for a large part of the global economy that will also serve key economic, foreign policy, and security objectives for the Chinese government" (Hurley, Morris, & Portelance, 2018). The BRI is a part of China's charm offensive through economic incentives and diplomatic outreach to expands its global influence. However, recipient states should be mindful of economic entanglements with any major foreign power, not just China. Economic incentives can be like a double edge sword when done with the wrong economic donor. The result of such partnership could create a subsidiary state for the donor state, especially when dealing with far greater powers that could pressure states to aid it in promoting the donor states agenda. The reason for this point is economic influence is a part of the Chinese diplomatic tools of influence (Custer, et al., 2018) and at times coercion (Blumenthal, 2018). However, it must be noted that there are no major powers exempt from using such tactics to push their agenda.

With that said, Southeast Asia and China are regional neighbors; therefore, it makes sense that the two would try to build greater cooperation on infrastructure and economic programs. According to the ASEAN-China Strategic Partnership Vision 2030, "China currently is ASEAN's largest trading partner, third largest external source of foreign direct investment (FDI), and an important source of foreign tourist… [and they both plan] to meet the joint target of US $1 trillion in trade volume and US $150 billion in investment by 2020…" (Association of Southeast Asian Nations, 2018). This development of financing could be positive or problematic (double-edge sword). For example, Cambodia and Laos are listed as BRI debt vulnerable states (Hurley, Morris, & Portelance, 2018), which could pose future problems if the countries are not able to finance their debt. Recent negative developments concerning Chinese borrowing has some arguing if Chinese financing is a debt trap or just frequent unfortunate circumstances (Custer, et al., 2018).

4.10 The US Free and Open Indo-Pacific Strategy

On the other end of the investment for influence paradigm is President Trump's Free and Open Indo-Pacific strategy (FOIP). Although, the strategy has changed, it is a policy evolution from President's Obama "Rebalance to Asia" or "Pivot to Asia" policy. Both policies place an important focus on Asia and try to counterbalance a rising China. The US has a long history of economic cooperation and finance in the region. According to the US Missions to ASEAN (2018), "No country invests more in the region than the United States, which currently has $940 billion in foreign direct investment fueling growth in Indo-Pacific nations…providing over $1.8 billion in assistance to the region" in 2018 (US Mission to ASEAN, 2018, para. 2). The main focuses of the FOIP are economics, governance, and security (US Mission to ASEAN, 2018). The unique thing about the US FOIP strategy is it is not a unilateral policy. This is one point of how the FIOP differs from the BRI. The US FOIP strategy collaborates with various other US initiatives and countries to provide economic opportunities to Asia. A few of the US FOIP collaborative initiatives include the BUILD Act—US-based, Japan-US Strategic Energy Partnership (JUSEP), US-ASEAN Smart Cities Partnership, and memorandum of understanding agreements with Australia, Japan, New Zealand and so on (US Mission to ASEAN, 2018). The US also conducts Freedom of Navigation Operations (FONOPS) in the region according to UNCLOS international freedom of navigation law and principles to ensure a free and open Indo-Pacific. The FON program is a "strategy to maintain the global mobility of US forces and unimpeded commerce by protesting and challenging attempts by coastal states to unlawfully restrict access to the seas" (Department of Defense, 2017).

4.11 ASEAN Caught in the Middle

Regardless of if ASEAN picks a side or chooses to be neutral, the facts are ASEAN, and its members are caught in the middle of a major power tug of war for the region's alliance. ASEAN members are at times so concerned with preserving individual sovereignty against each other that they develop a blind spot towards external power influence and coercion. Often external power influence and coercion is created through economic dependence of external partners through trade, economic aid, and investment packages. Receiving economic support is not the problem; the problem lies when ASEAN members' economic entanglements with external powers create a stronger bond than ASEAN. ASEAN members remain hesitant on further institutionalization but easily enter in external power economic cooperation agreements that have similar binding effects as institutionalism, if not worse. Meaning the negative effects of economic dependence can lead to a level of dependency that would rival institutionalism. One just needs to look to Sri Lanka (99-year port lease to China) and Djibouti (China's first overseas base) for extreme cases of economic dependency and indebtedness (Parker & Chefitz, 2018). Moreover, independent foreign policy decision-making is the very thing that is typically sacrificed due to economic entanglements. One example of this phenomenon was the ASEAN 2012 failed Joint Communique, which first in the association history (Bower, 2012). According to Bower (2012), several sources leaked China's hand in persuading the Cambodia's chair, Deputy Prime Minister and Foreign Minister Hor Nam Hong, to reject the wording of the joint communique referencing the South China Sea dispute (Bower, 2012).

4.12 ASEAN Members Agree in Principle but are Divided on Approach

ASEAN has been aware of its maritime challenges at least since 1992. Since then, ASEAN has made many attempts at creating an atmosphere of peace, stability, and cooperation within the region. The main issue has been the majority of ASEAN efforts were more idealistic than pragmatic. Whereas in other areas such as economic cooperation, ASEAN has chosen the pragmatic approach over the idealistic approach and results are obvious. If ASEAN would have approached economic cooperation in the same manner as they approach maritime security, then their collective economic standing in the world would likely be far less impressive. Conversely, if ASEAN would approach maritime security cooperation as they have approached economic cooperation, then their maritime domain would likely be far more stable. ASEAN members recognize the importance of their maritime domain not only to themselves but the world. Additionally, ASEAN members have stated they share the same security and economic interest, "including security in the South China Sea" (Maritime Security Programme, 2018). These views reveal a silver lining in members' thinking for shared security. Rather than members viewing a security crisis as a particular country's or sub-region's problem, there is evidence that there is a level of understanding that security issues or crises affect everyone's interest. Members' also agree on non-traditional security concerns like "terrorism, piracy, sea robbery, the need for capacity building and information sharing, the responsibility to ensure safety of navigation at sea, as well as the responsible management of maritime resources and the environment" (Maritime Security Programme, 2018). Legally, all members support international laws and norms, a rule-based order, and specifically note the importance of the United Nations Convention on the Law of the Sea (Maritime Security Programme, 2018). From all the listed factors, it appears that there are reasons (traditional and non-traditional security threats), common interest (collective security and economic cooperation), and shared principles (rule-based order) for maritime security cooperation.

4.13 Numerous Overlapping Maritime Security Mechanism Mirrors ASEAN's Approach

ASEAN has many maritime security mechanisms for discourse on regional maritime security: ASEAN Defense Ministers Meeting (ADMM), ASEAN Defense Ministers Meeting Plus (ADMM+), ADMM+ Experts Working Group (EWG), ASEAN Regional Forum (ARF), ASEAN Maritime Forum (AMF), Expanded ASEAN Maritime Forum (EAMF), ASEAN Ministerial Meeting on Transnational Crime (AMMTC), ASEAN Naval Chiefs Meeting, ASEAN Coast Guard Forum, and the list goes on. The first thing to note is nearly all the listed mechanisms are discussion boards, except for the ADMM and ADMM Plus, which sometimes leads to action. The second thing to note is the plethora of overlapping discussion mechanisms, and the above list is not exhaustive. Additionally, research shows that members have complained meeting fatigue due to the redundant, overlapping, high number of meetings (Maritime Security Programme, 2017). The third thing to note is when exploring ASEAN maritime security mechanisms, they appear to function in silos. Meaning, all the various maritime security mechanism forums and meetings findings do not filter into a comprehensive or overall strategy. In some ways, these observations of ASEAN mechanisms on maritime security mirror the ASEAN's approach to regional maritime security. Each forum or individual mechanisms is like a state that differs in views, priority and may or may not contribute to a larger comprehensive strategy. The positive side of the numerous ASEAN maritime mechanisms is that it shows that maritime security is a topic of concern and priority amongst members. However, a suggestion would be to consolidate the meeting mechanisms findings, results, and recommendations into an overarching maritime security cooperation framework as well as used the information to optimize the security cooperation. Additionally, forums that are working double-time such as the ARF, AMMTC, etc., can be freed from some of the excess maritime security discourse that may be more appropriate in other mechanisms.

4.14 Bridging Differences Through New Regionalism and Security Community

There are a few regional based theories that can be applied to ASEAN. The majority of the theories would be a subset of new regionalism. According to Fawcett, "there is no commonly accepted view of the 'the new regionalism' nor indeed of its place in any evolving international order" (as cited in Farrell, 2005). After the cold war, regional integration has been the dominant trend among states. Even states that

were once apprehensive towards its neighbors sought regionalism as a way to develop cooperation (Farrell, 2005, p. 1). ASEAN is a prime example of apprehensive states overcoming historical, ideological, and cultural differences in preference for greater cooperation. After decolonization and prior to the creation of ASEAN nearly every state in Southeast Asia had some form of conflict with, at least one, other state in the region (Hack, 2012). The majority of the conflicts were rooted in territorial disputes. These interstate threats were just one of the security issues facing the newly established states. The other threats were domestic challenges in the form of ethnic division, ideology differences, and insurgencies against fairly feeble regimes (Acharya, 2001).   The founders of ASEAN were brilliant in that they saw greater cooperation as a means to overcome their challenges. In essence, they called a timeout on intra-regional infighting to concentrate on domestic security challenges. They ended up building their own security community in a sense. A security community is "groups of states which have developed a long-term habit of peaceful interaction and ruled out the use of force in settling disputes with other members of the group" (Acharya, 2001). ASEAN is a group of states with historical divisions that sought to forge a common bond to overcome their contentious past. By joining together in cooperation, they reduced the region's vulnerability of an intra-regional security dilemma amongst its members. Security dilemma was a concept coined by John Hertz when he "described how the imperative of self-help the guiding behavior of states under conditions of anarchy could fuel arms races and conflict" (as cited in Acharya, 2001). Thus, if self-help conditions under an anarchy system is a prerequisite for intra-regional conflict and division, then long-term habits of peaceful interaction under a security community are a prerequisite for intra-regional peace and stability (Acharya, 2001). ASEAN is one of the most successful examples of the security community concept with 51 years of intra-regional peace and stability among its members (Acharya, 2001; Hack, 2012,). ASEAN has done well in expanding intra-regional cooperation and mitigating territorial disputes on land; they have not been as successful on the sea. Competing intra-regional maritime claims amongst members and against China collapses real cooperation at sea. These divisions affect energy exploitation, fishery management, maritime law enforcement cooperation, and the general security of the Southeast Asia's maritime domain. ASEAN has not enjoyed the same cooperation successes in the maritime domain as it has in various other areas. This is unfortunate because there is evidence that maritime security cooperation programs build relationships, bridge differences, and induce a common vision, mission, and scope. Since ASEAN was founded, the maritime domain has been ASEAN biggest area of tension and arguably Southeast Asia's most important collective resource. A maritime security cooperation could a great confidence building measure as well as operationally effective initiative in addressing the region's problems.

4.15 Maritime Security Cooperation Can Ease Tensions

Probably one of the most interesting occurrences of ASEAN is how membership expansion has threatened the organization's consensus-based decision-making process (Acharya, 2001). Now with twice the members since its founding, ASEAN has twice the challenge of reaching consensus, especially concerning challenging decisions. The decision-making processes, self-interest, and past divisions create an underlining tension among members. What is missing is a mechanism that can address regional divisions, security challenges, and calm regional anxieties. Certainly, there are forums, working groups, high-level talks, etc., that are specifically dedicated to the South China Sea dispute and other regional challenges. However, every initiative is primarily dialogue and discussion based. Law enforcement style security initiatives are known for bringing different agencies together. It is often easier to bring law enforcement agencies together than defense agencies. The primary reason for its ease is that it requires a lower level of national security engagement for cooperation. It takes less political and diplomatic trust to initiate a law enforcement cooperation and it is not constrained by the higher level of national security trust often needed for a defense cooperation. Nations typically need to have a long history of multilevel engagement before entering a defense cooperation. Typically, the only prerequisite for a law enforcement cooperation is a shared problem or interest regardless of the previous relationship. According to Bekkevold (2017), "…coastguard cooperation could potentially help to demilitarise maritime security issues in Asia…" (Bekkevold, 2017). Additionally, a law enforcement cooperation is less threatening and intrusive than a

defense cooperation. The reason for this is because of the type of operations that Coast Guard's conducts. According to Bekkevold (2017), "Coast Guard normally have the responsibility to provide maritime security, border control, to combat illegal drug trafficking, migration, and fishing, provide search and rescue and respond to environmental disaster" (p. 71), which is everything ASEAN needs. The Coast Guard is similar to having police and firefighters wrapped up into one agency: Coast Guards enforce laws and save lives. It is because of those factors that Coast Guards are typically considered as less aggressive than naval "Gray Hull" forces. To highlight this perception, a comparable situation on land would be a police stop versus a military checkpoint. In normal situations, the police/law enforcement interaction would be far less concerning than the military/defense interaction.

4.16 Comparative Analysis: Maritime Security Cooperation Programs vs. the Status Quos

Overall maritime security cooperation programs have proven to be effective. If a maritime security cooperation survives the political and structural framework process (overarching principles, mission objectives, and operational guidelines), it is generally found to be effective. This assessment is measured against the pre-maritime security cooperation conditions versus the post-maritime security cooperation conditions. In all security cooperation programs researched the cooperation programs improved the status quo. For example, the US-led Combined Task Force 151, and European led EU NAVFOR counter-piracy operations, including independent anti-piracy operations of China and India significantly reduced the massive piracy epidemic in the Gulf of Aden and the Somalia Basin (Combined Maritime Forces, 2019); ReCAAP states reported piracy incidents was at a 10 year low in 2018 (ReCAAP Information Sharing Centre, 2018); and the Malacca Straits Patrol (MSP)—consist of Indonesia, Malaysia, Singapore, and Thailand is considered the gold standard for reducing piracy activity and was an ASEAN sub-regional success. All the listed maritime security models improved their pre-cooperation status quo. One new minilateral cooperation to note in ASEAN is the Trilateral Maritime Patrol (TMP) implemented in June 2017 (Storey, 2018).

The TMP is conducted in the Sulu and Celebes Sea an area approximately "100,000 square miles and 110,000 square miles respectively" and carries an estimated $40 billion USD in trade annually (Storey, 2018). This area has significant security problems. It is a base for the terrorist group Abu Sayyaf Group (ASG), as well as an area that is notorious for terrorism, piracy, armed robbery, and kidnapping. These listed threats pushed Indonesia, Malaysia, and the Philippines to form the TMP. To appreciate this cooperation formation and progress, it helps to know about the troubled past of these three nations. Briefly speaking, these countries had territorial disputes to the degree of actual conflict. From 1962 to 1966 was Indonesia's Konfrontasi or conflict against Malaysia, and in 1963 the Philippines temporarily severed ties with Malaysia over the North Borneo (present-day Sabah and Sarawak) territorial dispute (Caballero-Anthony, 2005). To this day, these territorial and sovereignty issues still linger among the three countries and had to be mitigated to further the cooperation. Since the Malacca Straits Patrol had been deemed successful and Indonesia and Malaysia were a part of it, the MSP was chosen as the model for the TMP cooperation. According to Storey (2018), the three countries agreed to "coordinated naval patrols, combined air patrols and exchange of information and intelligence" (p. 3). They had to mitigate different position such as entering each other's territorial waters to pursue criminals, addressing deep territorial divides, getting past resource constraints, overcome Philippines President Duterte call for China's help—which other members disagreed with (Storey, 2018). Now, all these problems have not been resolved, and the cooperation is a work in progress; however, this cooperation is important because it could be a blueprint for the rest of ASEAN. This cooperation arguably has ASEAN's most historically divisive members with past territorial dispute issues that are forced to address, mitigate, and sometimes overcome their differences for the collective security of their area. Additionally, Storey mentions that "Singapore, Brunei, and Thailand have all been mentioned as possible participants or observers" in the cooperation (Storey, 2018) Now, this cooperation is still in the making and still has its trials, but it may be a practical example of a maritime security cooperation applicable to ASEAN.

Table 1 ASEAN Maritime security challenges research findings

Non-Traditional Security Threats	Traditional Security Threats	ASEAN Regional Norm Setting	Maritime Security Cooperation Benefits
Piracy	South China Sea Dispute	1971 ZOPFAN	Improves Security Environ
Terrorism	External Power Influence	1976 TAC	Improves Partnerships
Human Trafficking		1992 Declaration on SCS	Reduced Tensions
Forced Migrations		2002 DOC	Address Participant Issues
IUU Fishing		2017 DOC Framework	Address Security Threats
Drug Trafficking			Increases Communications

5. Conclusion

In July 2016, at the 23rd ASEAN Regional Forum Foreign Minister's Meeting, members advocated for greater cooperation among maritime law enforcement agencies (Bekkevold, 2017, p. 70). There has been many other times ASEAN has promoted maritime security cooperation; however, the idea never moved beyond discussion and statements. The challenge of policing and securing the maritime domain cannot be effectively done without interstate cooperation, and there is proof that maritime cooperation programs work. The main reason further action has not taken place is internal divisions on how to proceed. ASEAN internal divisions effectively undermine meaningful opportunities for maritime security cooperation and stand in the way of much-needed development and management of resources in its waterways. ASEAN members primarily have a self-interest, self-preservation mindset. Unfortunately, that way of thinking has created a rift versus a convergence of solutions to the region's challenges. If ASEAN members approach maritime security collectively, their collective efforts will effactually cover their individual interest as well. Additionally, ASEAN is losing control and territory in the South China Sea dispute, it is fighting a losing battle against non-traditional security threats regionwide, and it is caught in the middle of external power geopolitics for regional influence. Also, there is an issue of some members cozying up to external powers and preferring external power support and solutions over inner ASEAN based solutions. Those members should look at the rapidly changing and uncertain international environment. The past few years have raised concerns about the current international order, major power commitments, and the collective direction of the international system. Therefore, it would be prudent for ASEAN to diversify engagement and commitments with major foreign powers and reduce dependency on external powers and start looking inward versus outward as part of their forward-thinking solutions. ASEAN and the international community would benefit once ASEAN actively moves to a maritime security cooperation and take command of their seas in a coordinated and collective manner.

Nearly since its conception, ASEAN has made reasonable attempts to promote regional peace and security, a rule-based order, and maritime cooperation. The next step is to change from the status quo of discussing the issue and actually operationalize an ASEAN Maritime Security Cooperation. The Malacca Straits Patrol and the Trilateral Security Cooperation are notable examples of minilateral cooperation programs. The ASEAN Maritime Security Cooperation can even consist of regionwide sub-regional cooperation programs that falls under the umbrella of ASEAN. Imagine multiple sub-regional maritime security cooperation covering Southeast Asia's waters like the Trilateral Security Cooperation—consisting of Indonesia, Philippines, and Singapore (covering the Sulu and Celebes Sea), the Malacca Straits Patrol—consisting of Singapore, Indonesia, Malaysia, and Thailand (covering the Straits of Malacca), a Gulf of Thailand Maritime Security Cooperation—consisting of Thailand, Malaysia, Cambodia, and Vietnam (covering the Gulf of Thailand), and a South China Sea Security and Safety Patrol—consisting Vietnam, Philippines, Malaysia, and Brunei (coving the South China Sea) that operates independently but are also linked together to a Central ASEAN Coordination and Information Sharing Center capable of collecting and supplying intelligence/information, and coordinating sub-regional cooperation programs to address regionwide threats. Participating regional maritime law enforcement agencies would have delegated representatives in the Central ASEAN Information and Coordinating Center that can aid in the coordination and operation of their respective agencies. These agency delegates could also serve as deconfliction representatives for encounters at sea, statement of no objections for law enforcement processes, subject and asset transfer, etc. The Central ASEAN Information and Coordination Center could also be the sub-regional

cooperation programs depository and aid in mediation if interpretation or commitment issues arise within sub-regional cooperation programs. All these listed ideas could be a start for ASEAN members, until members are ready for more institutionalized cooperation. To be clear, the coordination and information sharing of Southeast Asia's maritime forces on some level is better than no coordination at all.

Furthermore, maritime security cooperation has a history of success not only in positively affecting its mandate but also in building member cooperation. ASEAN can only make this decision, and external powers opinions for or against it should be inconsequential in ASEAN's decision-making process. Would an ASEAN Maritime Security Cooperation be more beneficial than the status quo? This research findings leads to yes. However, it does not mean that it will be without challenges, trials, and even failures in the process; those are the typical growing pains of building security cooperation.

6. Acknowledgments

7. References

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