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No. 059/2022 dated 3 November 2022

## The Role of Southeast Asian States in Maritime Security

*Scott Edwards*

### SYNOPSIS

*How do Southeast Asian states engage with maritime security? **Scott Edwards** explains that states' interests and obligations regarding maritime security are wide-ranging, necessitating a broad array of responses. From establishing regulatory frameworks, directing state agencies, coordinating an increasingly complex web of actors, and engaging on the international stage, states offer the foundation for maritime security provision. He argues provision is continuously evolving, due to a growing need to harmonise understandings of maritime security with the implementation and coordination of responses.*

### COMMENTARY

States have a holistic interest in maritime security, as almost all maritime security threats negatively impinge on a state's population, sovereignty, or economic potential. While the high seas are part of the global commons, international regimes assign states the bulk of maritime security responsibilities. The United Nations Convention on the Law of the Sea (UNCLOS) establishes the rights and obligations of states in various maritime zones and establishes the responsibilities of flag states regarding the enforcement of regulations for ships registered or licensed under their jurisdiction. Additionally, UNCLOS establishes the rights of port states to investigate vessels in their ports, and the responsibilities have been expanded by regimes such as the Agreement on Port State Measures. States, therefore, have an interest in providing secure maritime spaces and perceive themselves as the main actor responsible for this.

This all-encompassing interest is especially pertinent in Southeast Asia. There are two archipelagic states and seven coastal states that have extensive maritime zones and sit astride strategic straits and seas. Southeast Asian states also have an interest in the governance of maritime zones outside of the region – an example is seafarer welfare, given that Indonesia and the Philippines are [two of the largest mariner suppliers](#).



*Philippine Coast Guard vessel at Puerto Princesa City. Image by [Michael Maga-ao](#) on Unsplash*

### **States' Perception of the Most Significant Threats**

Traditional threats concerning sovereignty remain salient due to overlapping claims and unresolved boundaries, though there are differing degrees of tension. In the South China Sea, countries such as the Philippines and Vietnam are threatened by China's claims, culminating in tension and periodic violence. Overlapping claims have also led to significant intra-ASEAN tension (for example, the Ambalat dispute between Indonesia and Malaysia), though it is relatively well managed in some cases (for example, the Pedra Branca/Batu Puteh dispute between Malaysia and Singapore). More complex and geographically vast cases involve the Sulu Sea, where the Philippines maintains claims over Malaysian-controlled Sabah. While it is relatively calm, cooperation is impeded at times. However, Chinese claims to the South China Sea have become more troubling as China engages in more aggressive tactics. For the other claimant states, this is generally the most pressing maritime security concern.

While sovereignty disputes directly confront the state, non-traditional threats, in particular criminal activities, pose more immediate harm to state population and economic prosperity. Southeast Asian states have a long history with issues such as

illegal fishing and irregular migration, which were seen as threats to sovereignty in the post-colonial state building period. Regional states now focus on fisheries crime, transnational organised crime at sea such as drug trafficking, and the entry of illicit goods or people as economic threats to their national resilience. Environmental concerns such as marine pollution have also become increasingly significant.

### **Governance over States' Maritime Security**

There is an [increasingly complex web](#) of international and regional agreements that provide maritime governance in Southeast Asia. The most important is UNCLOS because it establishes state rights and obligations in different jurisdictional areas (internal waters, territorial waters, exclusive economic zones (EEZ), and the high seas). UNCLOS also established an International Tribunal for the Law of the Sea, which is used by regional states for the delimitation of maritime zones. Another significant international provision is the United Nations Convention against Transnational Organized Crime (UNTOC), the primary instrument covering maritime crimes.

The ASEAN Political-Security Community (APSC) pillar is the most important regional agreement because it expands regional state priorities. States primarily cooperate towards these ends through sectoral bodies. The ASEAN Ministerial Meeting on Transnational Crime, for example, tackles issues such as piracy and trafficking. It is guided by the Plan of Action to Combat Transnational Crime and a revolving Work Programme. Other relevant sectoral bodies include the ASEAN Ministerial Meeting on Drug Matters, ASEAN Law Ministers' Meeting, ASEAN Defence Ministers' Meeting, ASEAN Ministerial Meeting on the Environment, and ASEAN Transport Ministers' Meeting. All are guided by their own work plans and declarations. State instruments work together on maritime security through similar meetings, such as the police through ASEANAPOL and navies through the ASEAN Navy Chiefs Meeting. Inter-state cooperation is increasingly consolidated through the ASEAN Maritime Forum.

Most regional states do not currently have a unifying document concerning domestic maritime security specifically. Only the Philippines, Cambodia and Thailand have official definitions of maritime security. Other countries such as Brunei, Indonesia, Malaysia, and Singapore have a [patchwork of important regulations, strategies, and white papers](#) that provide governance. There are discussions within some states (such as Malaysia and Indonesia) to consolidate these into simplified maritime security regulations.

### **State Operations in the Maritime Security Environment**

Southeast Asian states use an array of instruments to protect their broad interests given their responsibility to provide a secure maritime environment. First, they establish regulatory frameworks. They may update domestic law to comply with international law and increase effectiveness. Second, they use state agencies and departments (including navies, coastguards, environmental agencies, and police) to enforce the regulatory framework and protect the state's sovereignty. Third, some states have established mechanisms intended to coordinate (to some degree) this security architecture. This recognises that maritime security requires a whole-of-government approach, enhancing the efficiency and effectiveness of state

instruments, which include the Philippines' National Coast Watch Center (NCWC), Thailand's Maritime Enforcement Command Center (MECC), Singapore's Maritime Crisis Centre (SMCC), and Indonesia's Maritime Security Agency (BAKAMLA).

Finally, states use diplomacy as a tool to resolve tension and facilitate cooperation in different areas of maritime security. In the region, this is done at [multilateral, unilateral, and bilateral levels](#).

### **States and Maritime Awareness**

States provide the overarching architecture for maritime awareness in support of maritime governance. This often includes measures to collect, consolidate, interpret, and share information about the maritime domain. Surveillance is often technical, involving coastal radar stations, satellite-enabled trackers, and patrol aircraft. Consolidation and information sharing between relevant state bodies is then usually facilitated by specific centres, such as Indonesia's recently inaugurated Maritime Information Center (IMIC), Thailand's Maritime Information Sharing Center (MISC), and Singapore's National Maritime Sense-making Group (NMSG). Awareness may also incorporate the populations of states, whether through eliciting, monitoring, and reporting from coastal communities or engaging in campaigns to make the broader population aware of the importance of the maritime domain. The Philippines has an annual Maritime Archipelagic and Nation Awareness Month (MANA Mo) celebration, where the NCWC organises campaigns such as 'Awakening a Whole-of-Nation Consciousness on Philippine Maritime Issues through Online Platforms'.

States are increasingly turning to cooperative regional arrangements to further develop their maritime domain awareness. [Notable arrangements](#) include the Malacca Straits Patrol's (MSP) Intelligence Exchange Group (IEG), ASEAN Information-Sharing Portal, Information Fusion Centre (IFC), and Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) Information Sharing Centre (ISC).

### **State Contributions to Maritime Security**

States provide the overarching conceptual understanding of maritime security, the prioritisation of issues, and the policy required to achieve it. These mechanisms provide direction to other stakeholders on how maritime security should be understood and achieved. States also create the overarching architecture required to provide it. While these differ from state to state, architectures often delineate the roles and responsibilities of different state instruments. As mentioned above, they include not only traditional agencies such as navies and coast guards, but also increasingly a whole-of-government architecture for a holistic implementation of maritime security policy. There are ongoing challenges to these processes due to rivalries, different understandings of prioritisation, and competitions over resources between different stakeholders. Managing such competition and limitations is [an ongoing process](#). There is a growing recognition that the provision of maritime security requires the participation and buy-in of a broad array of stakeholders beyond state instruments. Some regional states provide the means to facilitate cooperation with these stakeholders though limitations such as a lack of transparency remain.

Finally, states work with other states and international organisations to resolve disputes in a responsible manner and enhance cooperation concerning the maritime domain. This may include maritime domain awareness initiatives, coordinated patrols, or capacity building. Some states have more political and strategic leverage than others; ongoing territorial tensions sometimes impede strong cooperation.

### **Evolution of Roles of States in Maritime Security**

Due to post-colonial state building processes, Southeast Asian states have long considered different domestic and international issues that [undermine national resilience as threats](#). Maritime security has increasingly implicated many different instruments of the state, and capacity has increased in line with economic development. States' roles have changed because there is a growing need to harmonise the understanding of maritime security with the implementation and coordination of responses. Regional state efforts to provide this harmonisation have accelerated over the last two decades.

The outward-facing role of states has also evolved because more regional attention is directed towards maritime security issues, and joint efforts between states have accelerated significantly over the past 20 years. Spurred by piracy initially, states are now dedicating more diplomatic capacity towards maritime security, whether through regional interventions such as the ASEAN Maritime Forum or bilateral memoranda of understanding.

Some states such as Indonesia and the Philippines have seen noticeable shifts in their governance towards accountability, marked by attempts to address corruption, promote integrity, provide political and legal oversight, and raise awareness of the oceans among other stakeholders. Though limited, with many regional states remaining undemocratic and others backsliding, a growing awareness of the oceans and state interventions have necessitated at least some evolution of the role of states over the last 20 years.

### **Additional Context**

There are significant variations when it comes to states' interest in maritime security as well as their contributions within the region. There is a relatively distinct 'maritime Southeast Asia' where states have a longer tradition of engaging with the oceans due to their geographies. These states include Indonesia, the Philippines, Singapore, Malaysia, and Brunei. While colonial rule and post-colonial state building interrupted these traditions, oceanic interactions have begun to accelerate. Generally, there is a greater level of cooperation between these states despite some ongoing tensions.

Capacity is also an important dimension. More developed countries such as Thailand and Singapore, for example, have relatively well-developed capacity and some degree of coherence in engaging the maritime domain. This structures the extent to which they contribute to maritime security. Other states such as Cambodia and Myanmar have limited capacity and do not engage to such a strong degree.

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The final report of the workshop is also available [online](#).

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