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The Maritime Security Roles of Law Enforcement Agencies in Southeast Asia

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SYNOPSIS

YANN LE GOFF explains that law enforcement agencies are key to providing the security ashore that enables good order at sea. International cooperation is improving, but coordination can be imperfect between navies, coast guards and law enforcement agencies. Law enforcement agencies' work is also becoming more difficult as their assets are increasingly being drawn into the dynamics of inter-state competition rather than being strictly employed to counter non-state criminal activity.

COMMENTARY

Law Enforcement Agencies' Interests in Maritime Security

Maritime security is a key issue for law enforcement. Agencies such as the police, customs, and coast guards with enforcement duties are responsible for combating organised crime at sea and as it comes ashore. This form of crime uses the maritime domain for the shipment of illicit goods. These agencies must have the most accurate possible picture of trafficking and other crimes so that they can implement common policies and combat crime with concrete operational actions.

Apart from their interest in curbing the shipment of illicit goods, law enforcement agencies are engaged in the fight against piracy and theft on board ships because such crimes compromise freedom of movement and trade. Finally, geopolitical stakes may be involved in some cases. The operations of a state's internal security forces against illegal activities at sea can become politicised if the area in question is

experiencing heightened inter-state tensions. The risk of conflict escalation in such complex environments calls for great vigilance.

Law Enforcement Agencies' Perception of the Most Significant Threats

Illicit trafficking has emerged as the most concerning threat to regional law enforcement agencies. When populations are impoverished, they seek alternative income streams to survive — with trafficking a popular choice. Indeed, criminal organisations are always looking to penetrate new markets. While they engage in trafficking a variety of goods, they mainly use maritime routes: 80% of global trade by volume is carried out at sea.

In Southeast Asia, illicit drugs are trafficked both within the region and to extra-regional markets. Within the region, demand is surging in nations such as Indonesia and the Philippines, where recreational drug use is popular among their growing middle-class populations. In neighbouring markets, Australia and New Zealand have some of the highest drug prices in the world due to high demand. The Pacific Island states are also a growing market. Syndicates are already improving their logistic chains to penetrate those markets, especially as they know the area well and can import the precursor products necessary for the manufacture of synthetic drugs such as methamphetamine.

Wildlife trafficking also poses a concerning challenge. While public awareness regarding this problem is focused on the trafficking of elephant tusks and rhinoceros horns, the challenge is, in fact, much larger. A significant number of protected species, such as pangolin, serow and helmeted hornbill, are poached or separated from their natural environment to be exported to locations where demand is high.



Maritime law enforcement agencies in Southeast Asia, including that of Vietnam, will face increasing challenges as a result of the expanding missions they have to face. *Photo courtesy of Vietnam Law and Legal Forum.*

This has consequences for biodiversity but also for public health. While pandemics can disrupt economies worldwide, they can also drive the trafficking of fake medicines. Illicit tobacco can also impinge negatively on public health. In each of these cases, international criminal organisations are driven by high profits and emboldened by low judicial risks. They see maritime routes as a means of spreading their products and penetrating markets.

While piracy was previously seen as a leading criminal threat in Southeast Asia, attempted theft against vessels and their crews at anchorage is now more common. While this phenomenon needs to be closely monitored as social and economic dynamics could drive a return to the more dangerous piracy, law enforcement agencies have tended in recent times to focus on crimes ashore and may regard ship hijackings as a concern to be dealt with by navies.

Another priority risk for law enforcement working in the maritime domain involves the possibility of their operations being politicised in the context of increasing tensions among world powers. From a geopolitical perspective, coast guards or other non-military forces can be at risk when dealing with a case requiring action on the seas. This could include the intrusion of a foreign vessel or the use of intimidation manoeuvres from another law enforcement vessel. These actions have become more common as more states employ grey-zone tactics to jockey for geopolitical advantage. The more territories that are contested, the greater the risk of escalation of tensions for law enforcement authorities who, on the one hand, are asked to ensure that laws and regulations at sea are respected and, on the other hand, are asked to show discernment in the use of force. This highlights the risk of such events being exploited for political ends and the sensitive nature of the roles played by high-ranked officers onboard law enforcement vessels.

Law Enforcement Agencies' Operation in the Maritime Security Environment

Law enforcement agencies generally work through domestic interagency efforts or on a bilateral basis with partner forces from other states to address criminal activities in their particular domain, i.e., immigration, customs, narcotics, etc. There is a need to decompartmentalise information-sharing to have a better understanding of organised crime networks. Gathering and sharing intelligence regarding illicit trafficking is key to developing the clearest and most accurate picture of illicit activity. Without this knowledge, the next step, which consists of working together to detain and prosecute criminals, is destined to fail.

However, gathering and sharing of intelligence are complicated: law enforcement agencies are by their nature reluctant to share information. This is why it is important to distinguish between operational intelligence, whose sharing needs to be bound by legal frameworks and careful consideration, and strategic intelligence related to trends, evolutions, and new techniques of trafficking that need to be closely monitored and may be shared more easily. Depending on what kind of criminal activities we are facing, law enforcement must structure their actions under the umbrella of permanent specific taskforces. Organisations such as the ASEAN Chiefs of National Police (ASEANAPOL) can facilitate the coordination of these concrete actions.

Evolution of Law Enforcement Agencies' Maritime Security Roles

Over the past two decades, law enforcement agencies in the ASEAN countries have taken meaningful steps towards enhancing their international cooperation, notably by establishing clear structures. As an example, ASEANAPOL remains a young structure. Established in 1981, the organisation has had a permanent secretariat since just 2010. Compared to ASEAN, which was established in 1967, the cooperation between law enforcement agencies in the region is a recent process that needs to have an expanded role based on concrete forms of cooperation and a real sharing of intelligence on how organised crime works.

At the same time, several non-Asian nations are implementing their own Indo-Pacific strategies. Maritime security issues are part of those strategies. Beyond recognising the centrality of ASEAN, such strategies devised by non-Asian nations can assist ASEAN law enforcement agencies to thwart criminal activities at sea. It remains to be seen whether the strengthened presence of these major foreign powers will be a synonym for greater geopolitical fragility in the Indo-Pacific.

Additional Context

Growing threats related to illicit trafficking in Southeast Asia call for drawing on knowledge of what is happening elsewhere. Europe and North America are currently facing a new wave of drugs supplies, especially from Central and South America. The trend is so serious that recently the EU drugs agency (EMCDDA) and Europol [released a statement](#) highlighting the seriousness of the situation and the new ways that international criminal organisations have developed to produce and transport drugs. This trend must be considered a warning for Southeast Asia.

Yann Le Goff was formerly regional police attaché at the French Embassy to Singapore and coordinator for the Indo-Pacific region. This IDSS Paper is #4 of 12 from a workshop that the RSIS Maritime Security Programme conducted regarding the evolving roles of Southeast Asia's maritime security stakeholders.

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