

THE LA TROBE ASIA BRIEF

ENHANCING GLOBAL AND REGIONAL MARITIME ORDER

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**HOW ASIAN STATES AND
ALLIES CAN STRENGTHEN
DIALOGUE, INTERACTIONS, AND
COORDINATION TO MAXIMISE
THE IMPACT OF THEIR EFFORTS
IN UPHOLDING REGIONAL AND
MARITIME ORDER.**



MESSAGE FROM THE VICE-CHANCELLOR

As La Trobe University's new Vice-Chancellor, I am delighted to introduce this issue of the La Trobe Asia Brief. This is a collaborative edition in which a team of authors from Australia, the United Kingdom, and Japan consider what cooperation and coordination is needed throughout Asia to uphold regional and maritime order.

Oceans are an important resource for every country and are essential for travel and trade. Ensuring fair and equitable access through waters across Asia is vital not just for those who live amongst it, but also for those who rely on it for trade. This report highlights the challenges faced in maintaining maritime order for all those that depend on the ocean.

I would like to thank the academics who have contributed to this report. They provide thoughtful and timely insights and demonstrate the ways that security cooperation can benefit everyone across the region.



I would also like to acknowledge the Australia-Japan Foundation of the Department of Foreign Affairs and Trade and the United Kingdom Foreign and Commonwealth Development Office for the funding they provided to support development of this report. We are very grateful for funding of research that helps in our understanding of security affairs.

In the pages that follow, you will find analyses that provide important resources for both policymakers and scholars. I hope you enjoy this issue of the La Trobe Asia Brief.

Professor Theo Farrell
Vice-Chancellor, La Trobe University

ABOUT THE SERIES

The La Trobe Asia Brief is a publication from La Trobe Asia, based at La Trobe University in Melbourne, Australia on the traditional lands of the Wurundjeri people. This series provides a platform for commentary, research and analysis of policy issues that are of key importance in the Asian region. The papers in The La Trobe Asia Brief series are written for an informed audience. Authors will be invited by La Trobe Asia to contribute to this series.

PHOTOS

Front cover: HMAS Sirius conducts a dual Replenishment at Sea with HMA Ships Arunta and Stuart as they sail home to Australia across the Java Sea, after completing a North East Asia Deployment (Photo: ABIS Kayla Hayes / Royal Australian Navy).

Inside issue: Denis Tsarik, Simon Dawson (No 10 Downing Street), Alice Hodgeson (No 10 Downing Street), Jay Cronan, CPL Robert Whitmore, LSIS Susan Mossop.

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EXECUTIVE SUMMARY

This report underscores several critical challenges facing maritime order in Asia.

First, states hold differing interpretations of maritime order. While communities of practice within Australia, Japan, and the United Kingdom share common language around maritime order, they often have differing ideas about priorities in terms of content, governance, and stakeholders. Across Asia and the Pacific, maritime states with more limited institutional mass in this field also have different priorities and interests in maritime security. These differences can hinder effective cooperation.

Second, establishing a shared vision of regional maritime order through consensus-building amidst strategic competition is challenging. In this respect, states like Australia, Japan, and the UK with a leadership potential in advancing maritime security will need to invest in promoting interactions among their respective specialist communities to close conceptual gaps and widen common ground to articulate and operationalise shared ideas of maritime order.

Third, managing the promotion of cooperation over security issues that matter to maritime order on the background of widening strategic competition in the maritime domain is becoming more difficult for states like Australia, Japan and the UK.

This is particularly true in the midst of the continuously shifting balance of economic and technological power.

To enhance maritime cooperation, UK–Australia–Japan should foster cooperation for more efficient maritime security coordination by:

- Promoting consensus on norms and rules to prevent maritime tensions while respecting smaller and middle power states’ concerns.
- Practicing prudent defence diplomacy to avoid misunderstandings in the region.
- Recognising the interconnectedness of economic and maritime security in Southeast Asia.
- Addressing duplication and fragmentation in capacity-building efforts.
- Securing continued funding for maritime security institutions like the Joint Maritime Security Centre (JMSC).
- Supporting ‘quotidian’ or day-to-day patterns of orderly relations at sea.



INTRODUCTION

This report presents findings resulting from a collaborative research initiative between King's College London, Kyushu University, and La Trobe Asia, generously funded by the Australia's Department of Foreign Affairs and Trade and the United Kingdom's (UK) Foreign, Commonwealth and Development Office.

The research trip, conducted in April 2023, encompassed an academic maritime security trilateral dialogue at Kyushu University and site visits to the Kure Naval Base, a visit to the Japan Maritime Self-Defence Force Officers Candidate School in Etajima, the Japanese Coastguard, and the Japanese Maritime Self-Defence Forces Command and Staff College. Across the visits, the primary themes of dialogue focused on three topics:

- Order and the Maritime Geopolitics of Asia
- Maritime Governance and International Law of the Sea
- Regional Relationships and Maritime Security

Japan is Australia's key strategic partner in Asia. Both countries have substantially deepened bilateral defence cooperation, culminating in the 2021 signing of a Reciprocal Access Agreement (RAA). Although geographically distant from Asia, the UK is progressively asserting a more substantial regional role, primarily through the guiding framework of their 'Indo-Pacific tilt' introduced by the Integrated Review published in 2021, through its AUKUS partnership with Australia and the United States (US) and, more recently its additional GCAP (Global Combat Air Programme) signed with Japan and

Italy for the development of a sixth-generation fighter jet. The UK has also significantly upgraded defence relations with Japan with the signing of an RAA and the wide-reaching Hiroshima Accords in 2022. In this respect, after Australia, the UK became the second nation to formalise an RAA with Japan.

In the maritime domain these three states – what we call 'secondary powers' – share a host of commonalities: they are coastal states that depend on unfettered access to unimpeded sea lanes of communication and unobstructed chokepoints; they are prominent supporters of international law of the sea underpinned by the United Nations Convention of the Law of the Sea (UNCLOS); and they have significant interests in governance regulating the sustainable exploitation of fisheries and the management of other maritime industries.

Asia's maritime security order is currently experiencing heightened ambiguity and contestation. In this context, this research trip brought together experts from Australia, Japan, and the UK to explore possibilities among different communities of practice for initiatives that can lead to enhancing regional maritime order and security. The central focus revolved around the formulation of this notion of order, examining both its global and regional dimensions, and scrutinizing the roles played by international law, political economy, institutions, and cooperation in shaping, sustaining, and potentially altering its character at sea.



This report focuses specifically on the roles played by secondary powers in the establishment of a maritime order and pinpoints opportunities for expanded cooperation on matters of shared interest.

While there is broad agreement about the importance of the maritime 'rules-based order', the interplay between the international, regional, and maritime orders, as well as the underlying processes of 'ordering', remain less well understood. The report discerns three primary challenges affecting regional maritime order.

First, while states may share a common language on maritime order, they may not necessarily hold congruent views on its constituent parts. The report probes the nuances of governance and good order at sea from the perspectives of the UK, Japan, and Australia, focusing on pivotal issues within the realm of international law of the sea. Key questions include the identification of actors or agencies responsible for such governance, the methods employed for governing the seas, the entities challenging this governance, and the potential role of emerging technologies, such as maritime surveillance capacities and underwater drones, along with the attendant requirements for new laws and norms as these technologies become increasingly prevalent.

Second, there exists a pressing need for building consensus around the definition and operationalisation of regional maritime order. For secondary powers deeply invested in preserving the existing regional maritime order, such as Australia, Japan, and the UK, a critical question emerges: how can a common ground be established amid the advent of new powers and the persistence of existing powers seeking to challenge the established political, economic, and normative status quo concerning each other and other regional states?

Third, the report investigates current limitations and opportunities for regional cooperation and coordination across several critical areas of mutual concern. These include addressing non-traditional security challenges such as combatting illegal, unreported, and unregulated (IUU) fishing, countering piracy, addressing maritime "grey zone" activities, rectifying gaps in the law of the sea, and mitigating environmental degradation. Additionally, the report explores avenues for collaboration between these secondary powers and Southeast Asian and Pacific states, with an emphasis on developing sovereign capabilities in response to hybrid and "blue crime" challenges.

In conclusion, the report provides recommendations on how communities of practices within these states, along with others, can strengthen dialogue, interactions, and coordination to maximise the impact of their efforts in upholding regional and maritime order.





ORDER AND THE MARITIME GEOPOLITICS OF ASIA

In Asia, the pursuit of order is most acute within the maritime domain. Conceptualisations of regional order have received relatively less analytical attention compared to international order. This oversight can be attributed in part to the overall stability of the region that prevailed since the normalization of diplomatic relations between the United States and China from the 1970s into the 1990s. The stability of East Asia during this period rested on four key pillars: amicable relations among major powers, the primacy of the United States and its general acceptance, the prioritization of nation-building over international politics by many states, and a focus on domestic affairs. However, the breakdown of this amicable atmosphere has had a profound impact.

The intensification of strategic competition between the United States and China has imposed significant stress on Asia's regional security order, notably in disputed maritime regions like the South and East China Seas. In the 1980s, U.S. predominance contributed to depoliticizing order at sea, as there was limited room for strategic rivalry on the oceans. However, contemporary dynamics have transformed the maritime domain into a theatre of strategic and normative contention, particularly in relation to fundamental principles such as 'the free seas', with implications for regional and international order more broadly conceived.

The concept of 'order' encompasses various definitions, serving as a description of the existing state of affairs, a mechanism for addressing problems, disputes, or shared challenges, or a framework for finding solutions. Sociological definitions portray order as a stable and predictable set of relationships grounded in power


dynamics, rules, institutions, legitimacy, and consent. Normative definitions, on the other hand, emphasize the role of norms and values, whether implicit or explicit, in shaping order.

Key questions surrounding order include:

- How states and other relevant actors view its function, utility, and purpose
- Whether it is universal or limited in scope
- The degree to which rules are institutionalised and/or grounded in practice and behaviour
- The distribution of power within the order.

Presently, we find ourselves in an era marked by the contest between might and right, particularly evident in the waters of East Asia which are subject to a range of territorial and maritime disputes. This necessitates a deeper understanding of how power dynamics intersect with rules and other mechanisms of global governance within the context of order, and specifically maritime order.

As its own distinctive concept, maritime order may be conceptualised as the configuration of forces that establishes stable relations within a maritime system. The concept of 'good order at sea' is predicated on the stability, predictability, and adherence to established rules, norms, and principles, which could be considered a type of 'quotidian' order produced by the daily behaviours and interactions of those who regularly use the seas, either as a mode of transport, exchange, exploitation, or control. Yet it is essential to note that 'order at sea', as a notion, stands for more than the

An aerial photograph of a coastline, showing a narrow strip of land on the left and a large body of water on the right. A small boat is visible on the water in the distance. The sky is overcast and grey.

mechanics of interaction at sea. It is intricately tied to broader discussions about how the use of the sea underwrites changes in normative and power relations. These, in turn, have an impact on the general regional architecture and power balance. At sea, the question of order links governance to power structures and, as a result, one cannot disentangle might from right.

Under the leadership of Xi Jinping, China has increasingly challenged the UNCLOS-centred maritime order in East Asia. Its naval expansion, bolstered by growing military and ship building capabilities, utilisation of non-naval assets like coastguards for strategic purposes, and the rise of China-centric economic institutions, has led to a more contested regional environment, putting the region's maritime order to the test. Beijing's assertion of the nine-dash line, despite being invalidated by the 2016 South China Sea arbitral tribunal ruling, has raised concerns among states regarding the erosion of international law of the sea and the legitimacy of UNCLOS, which underscores the sovereign rights of coastal states across different maritime zones.

For its part, the United States has not ratified UNCLOS. While it observes many of the principles enshrined in UNCLOS as customary law, this failure to ratify has allowed China to effectively weaponise a strategic narrative that the US does not support the maritime 'rules-based order'.

While the prospect of China and the United States finding consensus on these issues remains elusive, it is important to acknowledge that regional order extends beyond this binary rivalry. A crucial question is how all

states can work to construct a stable and substantive regional order within the diverse landscape of ideas concerning the rules, institutions, laws, and norms governing maritime relations between states. Within the intellectual communities of practice there is an increasing acceptance that a measure of stability in regional order should and can be achieved notwithstanding structural tensions among major powers.

This leads to an additional observation. There are differences in the ways states and scholars conceptualise and operationalise maritime order. First, there is such a broad range of challenges that fall under the 'maritime security' umbrella – from national security, to economic, environmental and human security. In this respect, the meaning of maritime order depends upon whether the emphasis is on naval or national security viewpoints, or civil and governance standpoints that centre on (often transnational) crimes at sea and other non-military drivers of maritime disorder. The academic literature remains largely split between national security and civil conceptions of maritime security – but this is also replicated in state policy.

Is such a civil-military split approach suitable to a region where grey zone threats are prominent? Many states do not have definitions of maritime security, but across the Indo-Pacific it is evident that coastal states have different priorities and policies depending on a range of factors, including political and strategic culture, geography, marine resources, and capabilities.

Second, conscious ambiguity in interpreting normative frameworks and behaviour at sea play a pivotal role in the persistence of these divergences around perceptions of order. Grey areas within UNCLOS have led to disputes and differences in interpretation among states across a wide range of areas. These include where and how baselines should be drawn for the purposes of measuring maritime jurisdiction, appropriate principles for delimiting EEZs and continental shelves in cases where they overlap, and the extent of coastal state rights in governing military activities or marine research conducted in their EEZs. These lead to disputes over common principles, divergent interpretations of international law, and the existence of shared language without necessarily shared ideas.

One central divergence revolves around the extent to which the seas should be considered 'open' or 'closed', and how far sovereignty may extend into maritime regions. For example, UNCLOS defines the concept of 'innocent passage' through a coastal state's 12 nautical mile territorial sea, however it does not specify whether warships possessed this right. While the US supports maximum freedom, China occupies a more restrictive interpretation of innocent passage for warships in maritime areas it asserts claims over. It nonetheless elects to adopt other states' interpretations of passage rights when in the territorial seas of other coastal states.

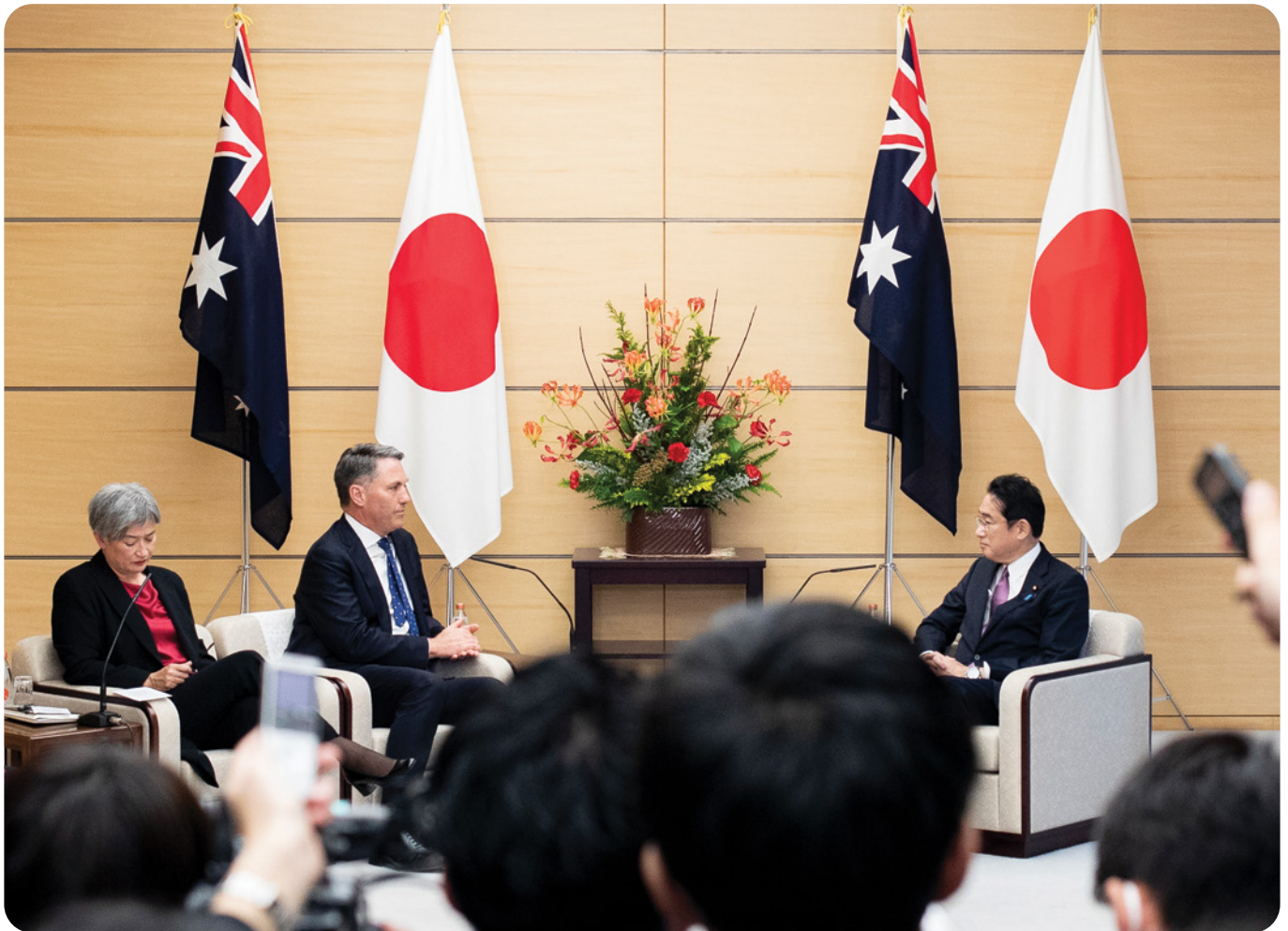
A second divergence is how states conceptualise the relationships between civil and military domains and assets. The use of so-called 'grey zone' tactics reflect this ambiguity, and present legal complications in how states respond. With the build-up of China's Coast Guard fleet, China is logging more hours of patrol and creating new domestic laws, such as the 2021 Coast Guard Law (and amendments) to support its jurisdictional claims over the contested waters in the East and South China Sea. This fusion is reflected in new administrative naming systems, the use of legally dubious terms such as 'jurisdictional waters' and artificial island building, which, according to UNCLOS, cannot legitimately generate maritime zones. Nevertheless, the rebuilt land has been inhabited, developed with infrastructure, and fortified (by China and other claimants), and the risk is that this territorialisation could generate new customary law on the relationship between 'natural' islands and maritime zones. Global maritime technologies are also part of the picture, as China employs a new governance system over

the sea through communication satellites, underwater surveillance, and drones. China's overarching maritime power increasingly stems from this broader 'civil and military fusion'.

Regional states do not always know how to counter these tactics, nor do they necessarily share common approaches or resources. Japan provides an interesting model. Inside the territorial waters and contiguous zone claimed by Japan around the Senkaku Islands (what China refers to as Diaoyu Islands), China's Coast Guard regularly approach Japanese fishing vessels. Japan's Coast Guard records the number of Chinese vessels within its claimed Senkaku territorial and contiguous zone. In 2022/2023, it recorded between 4-16 Chinese vessels sighted within its claimed territorial sea per month, and between 75-121 sightings/interactions in the contiguous zone per month. While sovereignty of these islands is contested, Japan views these assertions as a violation of international law. In response, Japanese patrol vessels demand the Coast Guard leave, with indications that these now-routinised, daily interactions between Japanese and Chinese vessels are generally polite but firm, and the Japanese Government lodges a 'strong protest against the Chinese Government through diplomatic channels'.

The growing projection of national power over oceans has resulted in increased 'territorialisation', wherein states treat maritime waters as extensions of their territory, to be controlled like they would land. This is a type of 'soft expansionism'. This approach contrasts with the traditional European public international law perspective that views the seas as 'free' or 'res communis', not subject to sovereign ownership. Territorialisation provides greater opportunities for control and absolute jurisdiction, challenging the prevailing maritime order based on free sea principles. It is often facilitated through the linkage of nationalism and sovereignty, often involving the mobilisation of maritime boundaries and territorial claims in national discourse and popular culture. Ultimately, territorialisation points to one of the subtle differences that states conceptualise and operationalise maritime order.





CONSENSUS BUILDING

Secondary, middle, and smaller power states across different maritime areas face common and differentiated challenges. One of the main shared problems is coping with great power competition and developing strategies for dealing with rivalries, particularly as China's heightened presence and maritime assertions creates uncertainty and unease across the maritime domains of East Asia. While states such as Australia, Japan and the UK are formal allies with the United States, other states in and beyond East Asia, including the Pacific and Indian Oceans, share apprehensions about the dynamics of great power competition unfolding in the area.

While they may not be able to avoid strategic competition, many of these states are unwilling to 'pick sides' and/or are hoping to leverage rivalry for their advantage. Many seek to avoid becoming 'entrapped', so are searching for ways by which to expand their strategic options, in and beyond the maritime theatre.

An example is the Maldives, which retains India as its key defence partner, whilst continuing to strengthen economic ties with China.

Another is landlocked Laos, which has deepened its relationship with China in the bid to off-set the dominance of its neighbours Thailand and Vietnam, including refusing to accept the Permanent Court of Arbitration ruling on China's sovereignty claims in the South China Sea. Yet, Laos is also hedging against over-dependency on China by deepening economics relations with Japan, Singapore, and Taiwan.

In each of these cases, these small powers are actively pursuing their strategies through multilateral fora and striving to strengthen the institutional framework and legitimacy of ASEAN, in particular.

For regional states, there is also a broader question of what constitutes 'good order' – and for whom – that remains significant. Addressing non-traditional security challenges, such as illegal, unreported, and unregulated (IUU) fishing, environmental degradation, and humanitarian and natural disasters, extends beyond concerns related solely to rising powers or hard power/military concerns. In light of challenges posed by climate change and issues like global health pandemics and human trafficking, the adequacy of the current rules-based order (RBO) is also under scrutiny.

These issues reflect the multifaceted concerns of regional states, especially smaller and middle-power nations, as they navigate complex maritime dynamics and strive to secure their interests in an evolving geopolitical landscape. Different views and perspectives on the key issues, rules, institutions, and approaches that underpin regional and maritime order makes consensus-building a necessary aim of enhancing cooperation.

One area that is of particular importance for Southeast Asian states is 'Marves': maritime investment. Navies have tended to remain weak in Southeast Asia, including politically, compared with armies. This presents difficulties in terms of defence cooperation in the maritime realm. Domestic politics in Southeast Asian states also tend to be centred around economic interests, including around energy, as 'blue carbon' negotiators are playing important roles in Southeast Asian states such as Vietnam, Philippines, and Malaysia. This means for states like Australia, UK and Japan, the economic and infrastructure priorities of Southeast Asian are crucial for understanding the limits and possibilities of maritime cooperation.

Economic priorities also feed into the broader tensions between territorialisation and freedom of the seas. In trade, maritime economic freedom matters. But in controlling maritime industries such as fisheries or oil and gas offshore developments, there may be a strong impetus towards 'territorialisation' – that is, expanding governmental control over the seas. In energy, for example, territorialisation (or control) and free seas are both necessary for exploiting and importing marine resources. In the domestic politics of Southeast Asian states, this requires identifying which part of the economic business group are dominating the agenda.

In the Indian Ocean Region (IOR), the Indo-Pacific framing of order competes with China's Belt and Road Initiative. Northeast Asian states favour the Indo-Pacific concept as they rely upon energy supply routes through the Indian Ocean. Yet, the narratives of IOR states are often framed around 'blue economy' rather than geopolitics. Like Southeast Asia, IOR states do not tend to be advanced naval powers. The region has also experienced maritime disputes such as over ownership over Chagos Archipelago between the UK and Mauritius. Resolving this dispute will be important for the UK's reputation as a supporter of the 'rules-based order'.

Across Southeast Asia and the IOR, IUU fishing is a challenge that is compounded by limited maritime domain awareness, such as the radars necessary for policing and governing EEZs. There is a need to be careful about distinguishing the different types of actors that are engaged in IUU fishing: while the focus is now often on the so-called 'maritime militia' supported by China (primarily but not solely) in the South China Sea, IUU crimes may be committed by local fishers who have been pushed out of traditional fishing areas or who are unaware of jurisdictional rules and boundaries, or by transnational crime syndicates – the 'maritime mafia'. The point here is that not all IUU fishing is linked with strategic competition. The Pacific Island Countries (PICs) are also dealing with these kind of non-traditional maritime security challenges, particularly given the importance of fishing industries for the economies of these 'vast ocean' states. For smaller states, maritime security is often about sustenance and threat: while EEZ are a source of fish stocks and livelihoods, and continental shelves are a source of energy resources, their vast size can make it difficult in terms of poor regulations and practices.

Across all three maritime regions, climate change and natural and humanitarian disasters are likely to present problems in the future. Sea levels rise is likely to affect the maritime claims of low-lying coastal states. Leaders of PICs such as Vanuatu have been instrumental in engaging in collective ocean diplomacy on critical issues of who should be held responsible for climate change and how to preserve maritime boundaries as land territory erodes in the face of climate change, including pushing for permanent EEZs at the United Nations.

These states are not just the subject of the strategy of others – or pawns in great power competition – but have their own strategies.

For example, a maritime boundary in the northern part of Borneo is presently being claimed by China, yet Brunei has thus far been cautious about its EEZ claims where they conflict with China's nine-dash line and has instead prioritised sustaining cordial relations that have resulted in the integration of its "Wawasan Brunei 2035" development strategy into the Chinese Belt and Road initiative. Economic, trade and infrastructural development are being prioritised over maritime disputes. Likewise, many other small powers in the region are not always interested in directly challenging China, particularly given the economic interests at stake and the necessity for cooperation in confronting the climate emergency, which is given precedence by the PICs.

In areas where consensus-building is less possible or likely, cooperation ultimately requires thinking broadly about maritime security, and focusing on the less contentious issues – particularly in the civil maritime security space – that provide best opportunity for advancing cooperation in the pursuit of regional maritime order.

REGIONAL COOPERATION

In the context of Asia's increasingly contested regional maritime order, regional and extra-regional states such as Japan, UK and Australia have sought to increase their defence engagements and cooperation to maintain as much of the 'status quo' order as they can, as a form of 'defence diplomacy', reflecting their interests as regional maritime powers. Such defence diplomacy can signal their shared intent to deter actions that are likely to alter the status quo, and includes:

- Using military assets to collectively reaffirm freedoms of navigation as well as the respect of core principles of sovereignty at sea as enshrined in UNCLOS
- Supporting the capabilities of other states in defence through capacity-building
- Enhancing security relationships with each other, through activities such as joint training – in other words, developing greater 'spoke-on-spoke relationship' in a structure of networked alliances, such as through Reciprocal Access Agreements
- Engaging in strategic minilateralism. Japan and Australia are both part of Quad, and Australia and UK are part of AUKUS, helping each other to build up defence capabilities in the maritime domain

These states, however, need to be alert to the risks of defence diplomacy, especially the use of the defence assets for signalling and symbolic intent. It is not always clear what states are attempting to achieve with increasing naval deployments, particularly extra-regional states. Rather than viewed as defensive or a deterrent, such actions may be interpreted by regional states as destabilising – one person's 'defence diplomacy' may be another person's 'gunboat diplomacy'.

US Freedom of Navigation Operations are a good example of this. While they are used by the US to uphold its interpretation of international law and to protest what it views as 'excessive maritime claims', they can also cause anxiety within Asian states. Despite this potential for anxiety, it is often these signals which are amplified the most in messaging – including the messaging from these secondary powers. The deployment of the UK's Carrier Strike Group to the region was heavily publicised, as was the subsequent announcement that the UK and France would coordinate deployments of aircraft carriers to the region for a more persistent presence. In contrast, – and barring some examples like the amplification of the HMS Tamar's and Spey's activities – defence activities that contribute to regional order through the reinforcement of collective good often go unpublicised.



An example is the UK Ministry of Defence's efforts to enhance Indonesia's, Malaysia's, and the Philippines' anti-terrorism cooperation (including sea-borne terrorism) through increased dialogue.

With the Straits of Malacca projected to reach its carrying capacity in 2024, there is a desirable effort to enhance the coordination of the number of warships and other vessels in the seas of East Asia to avoid unnecessary duplications and avoid congestions in choke points area. This could be worsened by the fact that military vessels come into close proximity of one another during Humanitarian Assistance/ Disaster Relief (HADR) operations assistance. In response to the Tonga earthquake, for example, China, the UK, and Australia all sent naval vessels to deliver aid and goods. The militarization of regional seas with few fora for dialogue including all states involved has potential implications for safety at sea and/or unintended conflict.

In Southeast Asia, the Japan Coast Guard (JCG) consistently conducts training across the region on topics as broad as forensics and diving through the Mobile Cooperation Team and has coast guard liaisons posted across the region. A key lesson drawn from the time we spent with Japan's Coast Guard centred on the importance of communication, polite exchanges, open channels of communication, and the day to-day routine of interaction – the basis of what we describe here as 'quotidian' order – and may offer lessons for other potential states dealing with the daily realities of grey zone threats, particularly for Southeast Asian littorals.

Australia's Border Force (ABF) (its de facto coastguard) also runs a Maritime Security Desktop Exercise with a number of regional states, posts their own liaisons in key countries, conducts capacity building in Indonesia, and delivers a joint border protection operation (Operation Redback) with Malaysia.

The UK deploys a (reflexively) 'whole-of-system' approach to capacity building in the region. Much of the work is undertaken by personnel from the Ministry of Defence (often seconded to the FCDO), with different departments and agencies supporting specific areas of maritime order. The Department for Transport (Dft), for example, has a liaison in the region focused on Port State Measures, and the UK's Coastguard works on Search and Rescue and oil spill response.

While these efforts to improve capacity-building among states contribute to regional maritime order, it is an increasingly crowded space and states needed to avoid duplication and the downsides of fragmentation. There are expanding efforts of coordination. The UK's Coast Guard and the Japan Coast Guard, for example, have begun to engage in joint capacity building around oil spill response, and the UK's FCDO delivered an EEZ management course at the Jakarta Centre for Law Enforcement Cooperation – a centre founded between Australia and Indonesia. There is no structure for coordination, however, and these are relatively ad hoc. The ongoing use of (often-duplicated) "one-shot" workshops and seminars around issues such as non-proprietary information highlight the need for greater coordination, as well as hinder the type of sustained interaction that allows partnerships to flourish and interactive dialogue around capacity-building targeting to occur.

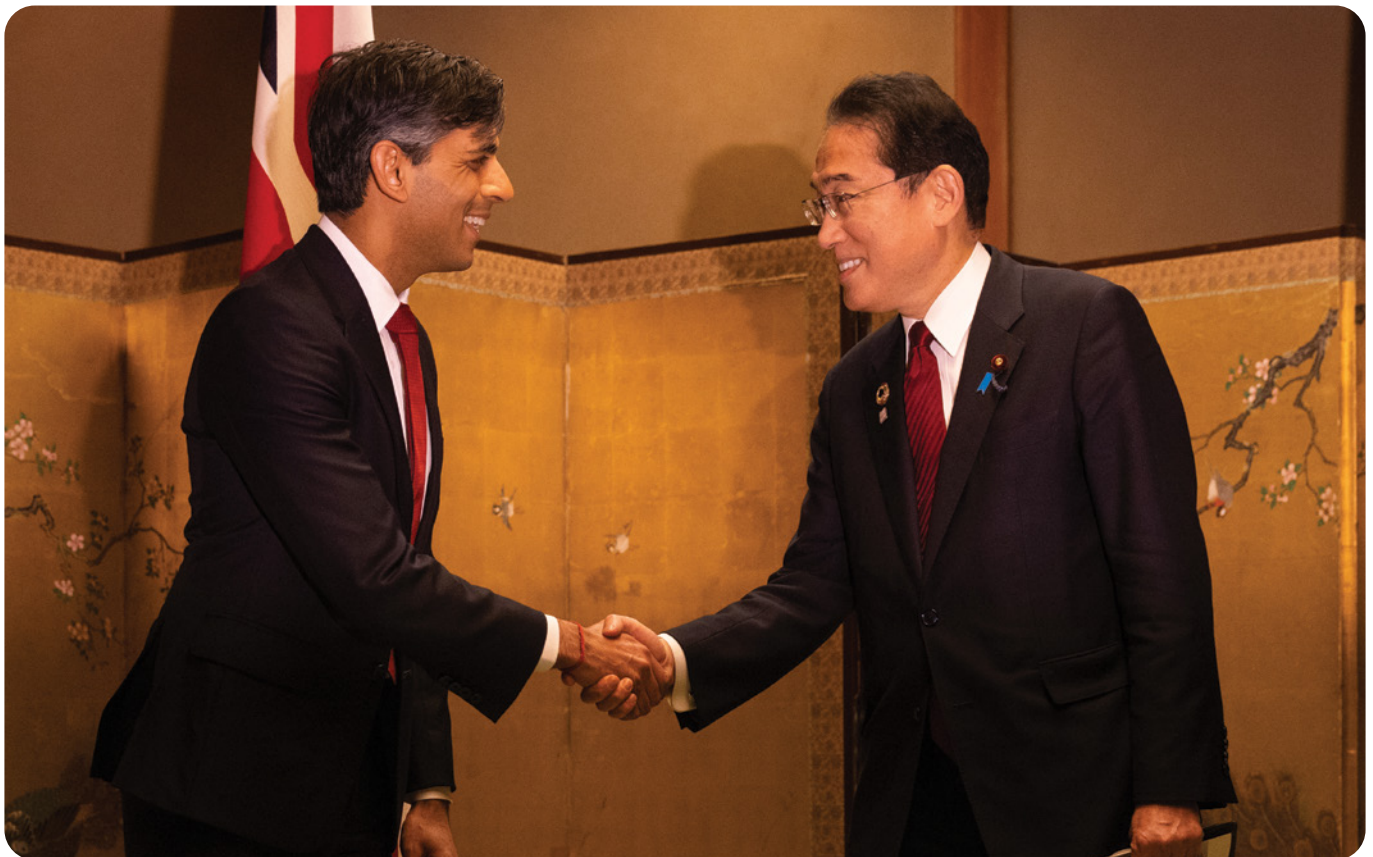
In part, this is a problem that results from the varied way maritime security governance is structured within the states themselves. Neither the UK nor Australia have a dedicated law enforcement coast guard. This creates two barriers to cooperation.

First, much of the maritime cooperation in Southeast Asia is occurring at a coast guard level and, in contrast to the JCG, neither the UK nor Australia have an agency that can easily interface with these regional coast guards.

Second, intra-state coordination can also suffer as a result without one agency taking ownership of their state's activities. At the 2023 Southeast Asia Cooperation and Training (SEACAT) exercise, the UK's whole-of-system approach to maritime security was put on display with representatives from the Royal Navy, other Ministry of Defence services, Joint Maritime Security Centre (JMSC), FCDO, Dft, Department for Food and Agriculture (DEFRA), and UK CG. Sustained structures for the coordination of maritime security activities in-region, however, are lacking. Institutions such as the JMSC should play important institutional roles in supporting regional maritime security through their coordinating function. However, it faces difficulties that may prevent it realising a greater order-building role.

A consequence of the JMSC's independence, for example, is that it is not 'owned' by a single ministry and is therefore jointly funded. Maintaining (and expanding) the JMSC's activities requires political will to ensure the necessary funding continues past the current short term funding cycle on which it currently relies. At the same time, the multitude of agencies and their contestation concerning who takes leadership of cultivating maritime security relationships hampers the JMSC's ability to work strongly within this space. A lack of domestic coherency can therefore have regional implications, undermining cooperative efforts.

RECOMMENDATIONS



A major challenge facing Asia is establishing consensus about maritime regional order and its key rules and norms in the context of intensifying strategic competition and significant military, economic and technological changes.

In order to advance cooperation and consensus, this report recommends that the UK, Australia, and Japan in their cooperation should develop a coordinated grouping on maritime security, at both track 1 and track 1.5 levels. As there is an over-arching common conceptualisation of maritime order and its underpinnings between these three states, this complementarity would make the pooling and streamlining of resources and coordination a more efficient way of delivering capacity and responding to evolving challenges.

They should also seek to understand the significance of economic security and priorities among Southeast Asian states and other regional actors. Maritime and economic security should be viewed as interrelated rather than separate domains. Engaging with economic dimensions may allow states to build more effective partnerships, including supporting or investing in critical maritime infrastructure, such as port facilities, surveillance systems, and communication networks.

States across the region should engage in prudent defence diplomacy. It is essential that states consider their messaging and signalling strategies to ensure that their actions are not misinterpreted by other states in the region,

preventing misunderstandings and potential escalations in maritime security. States should also more-strongly amplify defence activities that contribute to common goods. There is also a need for greater recognition that the domestic coordination of maritime security policy has important implications for regional cooperation. Where lacking, states should develop sustained structures for inter-agency and inter-departmental coordination of regional maritime security policy implementation. These structures should aim to bridge the civil-military divide due to the prominence of grey zone activities. This could mean ensuring sustained funding for maritime security institutions who are well-placed to play this role, such as the JMSC. Political and funding commitments of such institutions are essential to the coherency of their policy and as a result ensuring their continued contributions to maritime security and order.

And finally, states should encourage the development of greater consensus on norms, rules, and procedures for safe and responsible behaviour at sea. Such a code can help reduce tensions, clarify expectations, and prevent inadvertent escalations in maritime disputes. At the same time, these states should be mindful of the sensitivities of smaller and middle power states across the Indo-Pacific around becoming a pawn in great power games.

Through these recommendations we hope that states can support a sustainable Asian maritime order based on cooperation and commonly understood and respected rules.

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