

BLUE SECURITY

A MARITIME AFFAIRS SERIES

Assessing Southeast Asia's
Maritime Governance Capacity





MARITIME AFFAIRS SERIES EDITORS

The Blue Security Program engages with and facilitates high quality research on issues of critical maritime security across the Indo-Pacific. Bringing together leading regional experts in politics, international law and strategic studies, Blue Security focuses on three key pillars of maritime security: order, law and power.

Blue Security is a collaboration between La Trobe Asia, Griffith Asia Institute (GAI), University of New South Wales Canberra (ADFA), University of Western Australia's Defence and Security Institute (DSI), United States Studies Centre at the University of Sydney (USSC) and the Asia-Pacific Development, Diplomacy & Defence Dialogue (AP4D).

Views expressed are solely of its author/s and not representative of the Maritime Exchange, the Australian Government, or any collaboration partner country government.

It produces working papers, commentaries, and scholarly publications related to maritime security for audiences across the Indo-Pacific.

The Blue Security consortium is led by Associate Professor Rebecca Strating (La Trobe Asia, La Trobe University), Professor Ian Hall (Griffith Asia Institute), Professor Douglas Guilfoyle (UNSW Canberra), Professor Peter Dean (United States Studies Centre), and Melissa Conley Tyler (Asia-Pacific Development, Diplomacy & Defence Dialogue).

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SINGAPORE WORKSHOP

In May 2023, Blue Security brought together seven early career researchers (ECRs) from Southeast Asia to assess the region maritime governance capacity. In Singapore, participants presented their research and received feedback from regional maritime security experts.

The ECRs were mentored by regional experts including John Bradford, Bec Strating, Peter Dean, Troy Lee-Brown, Blake Herzinger and Tara Davenport. ECRs participated and attended a roundtable on maritime security challenges in Southeast Asia at the National University of Singapore's Centre for International Law, which was in collaboration with Blue Security.

The ECR workshops strengthen and support regional research collaboration amongst next-generation maritime scholars, creating a network of maritime security scholars between Australia and Southeast Asia.

The papers in this edition of Maritime Affairs were published online with the Center for Strategic & International Studies' Asia Maritime Transparency Initiative (AMTI), the premier online space for regional maritime security research and analysis.

Blue Security would like to thank the Singapore mentors and team at AMTI for their feedback and contribution to this series.

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CONTENTS

06

Maritime Governance Policy and Priorities in Southeast Asia, John Bradford and Bec Strating

09

Assessing Vietnam's Maritime Governance Capacity: Priorities and Challenges, Thu Nguyen Hoang Anh

12

Assessing Cambodia's Maritime Governance Capacity: Priorities and Challenges, Chansambath Bong

15

Assessing Indonesia's Maritime Governance Capacity: Priorities and Challenges, Tangguh Chairil

18

Assessing the Philippines Maritime Governance Capacity: Priorities and Challenges, Ivy Ganadillo

21

Assessing Malaysia's Maritime Governance Capacity: Priorities and Challenges, Fikry A. Rahman

24

Assessing Singapore's Maritime Governance Capacity: Priorities and Challenges, Say Xian Hong

27

Assessing Thailand's Maritime Governance Capacity: Priorities and Challenges, Tita Sanglee

MARITIME GOVERNANCE POLICY AND PRIORITIES IN SOUTHEAST ASIA

John Bradford and Bec Strating

Maritime governance – much like its closely associated term “maritime security” – is increasingly becoming an unescapable buzzword, particularly in the Indo-Pacific region. In Southeast Asia, states are engrossed with the day-to-day challenges of identifying and deterring crimes as necessary to enforce laws and regulations in their maritime jurisdictions. As a general definition, “maritime governance” refers to the capacity to enforce the framework of laws, regulations, policies, and institutions generated both within the legal jurisdictions of states and the international community that seek to establish “good order at sea.” This is no easy task in Southeast Asia where the maritime geography is highly complex, threats abound, political competition undermines cooperation, and many states lack the resources needed to meet their governance responsibilities.

National leaders, military officers and analysts regularly lump together a diverse set of challenges – including natural disasters¹, ship collisions and navigation hazards, mariner safety², illegal marine salvage, unregulated fishing³, forced labour⁴, crimes against marine ecology⁵, drug trafficking⁶, irregular migration⁷, piracy⁸, maritime terrorism⁹, and interstate disputes¹⁰ – as important elements of an evolving tapestry of threats¹¹ that is slapped with the shorthand label “maritime security.” In some other contexts, “maritime security” is a mission, something that navies¹² and coast guards¹³ do. For commercial interests¹⁴, the term may be associated with the protection of maritime vessels or meeting regulatory requirements. More broadly, maritime security may refer to a state of affairs where all people can safely benefit from the sea without risk. This highlights that the idea of “securing” the maritime domain has different dimensions and associated responsibilities. As maritime security is such an amorphous term¹⁵, analysis regarding what states can do better to provide safe and secure seas can be better examined by reviewing their maritime governance capacity.

GOVERNANCE IS MORE COMPLEX AT SEA THAN ON LAND

As a governance space, the sea is not analogous to land. Under the 1982 United Nations Convention on the Law of the Sea (UNCLOS), states have primary responsibility for governing the seas. While the UNCLOS was a remarkable achievement, it required an uncomfortable compromise between two key conceptions of governance: one that establishes the seas as a “free” communal resource for mankind and another that provides states with greater rights to impose laws and gain exclusive economic benefit from their adjacent waters. Consequently, the rights and privileges of states are limited and constrained depending on a system of tiered maritime zones that can be complex and ambiguous, at least in comparison to the relative simplicity of surveyed land borders.

UNCLOS provides for a graduated set of sovereign rights to coastal states in these different zones: territorial seas (extending up to 12 nautical miles from the coastline), contiguous zones (up to 24 nautical miles), exclusive economic zones (EEZ) (up to 200 nautical miles) and continental shelves (up to 350 nautical miles based on seabed topography). Beyond these lies the high sea, approximately two-thirds of global ocean space. Although the meanings of these zones are laid out in the treaty, states have differing views on the specific rights and responsibilities that they convey. The issues are multiplied by disputed claims, making it all inordinately complex. Further confusing the situation, responsibilities for ships and crews are assigned to the states of their registry and most ship owners find it economically advantageous to register with the states (referred to as “flags of convenience”) least likely to exercise those responsibilities.

While UNCLOS shapes the acceptable law-making limits imposed on states across different maritime zones, states are close to possessing full sovereign rights in the territorial sea with some key exceptions, including the rights of

navigating states to “innocent passage.” In the EEZ, states are more constrained under UNCLOS but are entitled to make their own laws and decisions over living and nonliving resources. In contrast, the high sea remains a space for “ocean governance” – that is, the collective responsibility of the international community, rather than the domain of an individual state. Often, maritime security challenges are transnational in that they move across these different zones, which further complicates maritime governance and the prevention and deterrence of aggressions or crimes.

Ashore, it is all much more clear. The Westphalian system firmly assigns states as responsible for controlling both territory and populations and assigns those states with responsibilities for protecting those lands and people. While some land borders remain disputed, most are clear and transitions from one side to the other, even by a centimeter, means a distinct change in the functional governing authority. Transnational threats may undermine the international system, but states still reign supreme. With rare exception, we know which state rules what land, and states focus on governing their territories and populations.

COMPLEX POLITICAL GEOGRAPHY UNDERMINES SOUTHEAST ASIA'S MARITIME GOVERNANCE

Maritime governance must be predicated on having rules to enforce and a system to deter rule breakers. Although all Southeast Asia's coastal states (except Cambodia) have ratified UNCLOS, their interpretations differ and many states lack the domestic legal framework necessary to implement their responsibilities. Although ASEAN members have certain maritime governance strengths, these complications result in governance gaps that malicious actors can easily exploit.

In other areas, multiple states or law enforcement agencies compete with one another to provide governance and thereby create seams of insecurity. Maritime boundary disputes – particularly in the contested areas of the South China Sea where the jurisdictional claims of states overlap – particularly complicate the abilities of maritime Southeast Asian states to effectively enforce and govern the seas. So-called “grey zone” tactics where states take actions harmful to each other while keeping competition from escalating into conflict make it even more difficult for coastal Southeast Asian states to identify and respond to threats to maritime security or criminal activity. This is particularly true when commercial or law enforcement vessels are instrumentalised (or even militarized) by states to pursue strategic ends.

Too often states, especially those with resource shortages or that engage in political competition, treat the seas as places to reap whatever advantages they can while only selectively stepping up to their responsibilities. As a result, the sea remains home to all sorts of shady interactions and outlaw behaviours.

SOUTHEAST ASIA'S MARITIME GOVERNANCE RESOURCE SHORTFALLS

Even if both Southeast Asian states and extra-regional states active on the region's seas were to agree to a fully common set of laws, and domestic legal systems were in place to implement those rules, regional states would still need to mobilize resources to conduct the law enforcement activities necessary to catch, punish and deter rule-breakers. However, given the size of the region's maritime space and the density of human endeavours on those seas, the scope of the investment would be tremendous.

In Southeast Asia, some of the nations with the world's lowest range per capita incomes also have huge maritime governance responsibility and therefore some of the largest capacity shortfalls. For example, Indonesia has a per capita GDP of \$11,900 and governance responsibilities for 3,081,756 km² of archipelagic waters, and an EEZ of 6,159,032km². The Philippines has a per capita GDP of \$8,100, 887,909 km² of archipelagic waters, and an EEZ of 1,590,780 km². It is no wonder these waters are poorly governed and rife with maritime security threats.

Vietnam and Thailand, two lower-income states, have smaller sea areas to govern but have been pressured by European sanctions to focus their maritime governance on managing fishing and the labour conditions of their fishers, many operating far from the national coast. The resultant emphasis on IUU fishing has improved the governance of fishing vis-à-vis the foreign standards, but other sectors of those nations' maritime well-being have suffered as a result.

Smaller, more wealthy states in the region also face capacity challenges. Singapore has a per capita GDP of \$106,000, only 10 km² of territorial waters, and no contiguous zone or EEZ. Yet, those Singaporean waters are some of the most heavily trafficked in the world with around 130,000 vessels transits each year. Singapore can deploy the maritime governance capacity to sustain its waters as some of the world's safest and thereby create virtuous cycles that pay dividends in economic output. But this has required huge investment.

More wealthy states from beyond the region have been pitching in to help build local capacity with the United States, Japan, Australia, China, and European states doing the most. However, these efforts are often poorly coordinated and may bring relatively low returns on investment. There are also concerns that these projects might come with unwanted strings attached or could infringe on sovereign rights. Thus, Southeast Asia's extra-regional powers need to do a better job of pairing their projects with priorities and ensuring the delivery follows the known best practices.

“THE PAPERS IN THIS SERIES ADDRESS THE KEY MARITIME GOVERNANCE CHALLENGES AND PRIORITIES FOR SOUTHEAST ASIAN STATES, THEIR INDIVIDUAL STRENGTHS AND WEAKNESSES, AND WHAT THEY VIEW AS CRITICAL AREAS OF INTERNATIONAL COOPERATION AND SECURITY FRAMEWORKS.”

THE NEED TO TAKE STOCK OF REGIONAL MARITIME GOVERNANCE CAPACITY

Given the importance of good order at sea in Southeast Asia to regional resilience and global trade, it is essential to understand the maritime governance capacities of the regional states in terms far more nuanced than statistical ratios reveal. In fact, the ASEAN member states have certain, sometimes unique, maritime governance strengths. Unfortunately, there is no common reference for such information. Such a stocktaking is no simple task as each state faces different maritime challenges and organises its capabilities to meet those challenges via different models. One cannot measure maritime

governance capacity by simply summing the ships, sailors, and shillings a state assigns to maritime governance since their functions, objectives, and geographies vary so widely. Furthermore, maritime governance cannot be created at sea, it must be backed with diplomatic actions and effective justice systems ashore.

The papers in this series address the key maritime governance challenges and priorities for Southeast Asian states, their individual strengths and weaknesses, and what they view as critical areas of international cooperation and security frameworks.



ASSESSING VIETNAM'S MARITIME GOVERNANCE CAPACITY: PRIORITIES AND CHALLENGES

Thu Nguyen Hoang Anh

WHAT ARE THE MARITIME GOVERNANCE PRIORITIES FOR VIETNAM?

As a maritime nation with a coastline of 2,000 miles and a claimed exclusive economic zone (EEZ) of over 500,000 square miles, Vietnam has placed strong emphasis on the maritime domain.¹⁶ In its National Defence White Paper published in 2019, safeguarding the sovereignty, sovereign rights, and jurisdiction of Vietnam over its waters and maintaining freedom of navigation and overflight were placed as the top priorities for maritime governance.¹⁷ Another priority is using marine resources to promote economic growth. In particular, the Vietnamese government has identified six marine economic sectors for development: (1) tourism and marine services; (2) exploitation of seaports and sea transport services; (3) exploitation of oil and gas and other marine mineral resources; (4) aquaculture and fishing; (5) coastal industry; and (6) renewable energy and new marine economic sectors.¹⁸ To date, the marine sector has become an engine of economic growth for Vietnam as the economy of 28 coastal provinces and cities accounts for approximately 60 percent of the national GDP.¹⁹

In recent years, the Vietnamese government has also paid increasing attention to protecting marine ecosystems and marine resources while developing the blue economy. This goal is reflected in Resolution 36-NQ/TW on the “Strategy for the sustainable development of Viet Nam’s marine economy by 2030, with a vision to 2045” adopted by the Central Committee of the Communist Party of Vietnam in 2018.²⁰ This resolution highlights the importance of maintaining harmony between economic development and marine protection. In addition, Vietnam prioritises the prosperity, safety, and resilience of its coastal communities, as more than half of the country’s population resides in littoral areas.²¹ Finally, Vietnam seeks to strengthen foreign relations and promote international maritime cooperation. The main purposes are to address common maritime security challenges and secure a peaceful and stable marine environment.²²

WHAT DOES VIETNAM SEE AS THE MOST CRITICAL MARITIME SECURITY CHALLENGES?

Vietnam faces a variety of maritime security challenges. In terms of traditional maritime security, the South China Sea (known in Vietnam as the *East Sea*) disputes have been a top-tier concern. Vietnam claims the Paracel Islands (*Tru’ong Sa* in Vietnamese) are part of its territory, but these have been occupied by China since 1974.²³ Furthermore, Vietnam is involved in the dispute over the Spratly Islands (*Tru’ong Sa* in Vietnamese) along with China, Taiwan, the Philippines, Malaysia, and Brunei.²⁴ Amid recent incidents in the disputed waters and increasing Chinese aggression, the authorities of Vietnam have become increasingly wary of these issues.²⁵

Vietnam also encounters numerous non-traditional maritime security challenges. These challenges include, but are not limited to, illegal, unreported and unregulated (IUU) fishing; smuggling; sea-level rise; marine piracy; and marine environmental pollution. Looking at the IUU fishing example, on October 23, 2017, Vietnam received a yellow card from the European Commission warning over the country’s inadequate efforts to combat the issue.²⁶ The yellow card is still in effect and Vietnamese vessels continue to harvest in foreign waters without proper permissions.²⁷ Climate change has posed another acute threat to Vietnam since sea level rise can adversely affect Vietnam’s low-lying coastal and river delta regions. According to estimates by the World Bank, 6 to 12 million Vietnamese people will be potentially vulnerable to coastal flooding by 2070 – 2100.²⁸

WHAT ARE THE MARITIME GOVERNANCE STRENGTHS OF VIETNAM?

Vietnam has several strengths conducive to governing the maritime domain. These relate to the unitary nature of its national governance system. To begin with, Vietnam is a one-party state in which the Communist Party exercises its leadership over the state and the society. This structure is believed to allow the Party to gain legitimacy and smoothly control the development and implementation of national policies.²⁹ Various agencies assist the Party and the central government in managing and developing the maritime sector. These include for example, the Coast Guard, the People's Navy, the Border Protection Force and the Directorate of Fisheries.³⁰ There is especially strong political will and commitment from Vietnam's central government to integrate into the global maritime system and comply with international maritime law, such as the 1982 United Nations Convention on the Law of the Sea (UNCLOS).³¹ Finally, with regard to the participation of civil society, Vietnam's National Assembly issued the Law on the Implementation of Grassroots Democracy in 2022 to improve the self-governance role of its citizens.³² The government also builds an "all-people national defence" in which the entire population is encouraged to participate in protecting the country's independence and sovereignty.³³ In the context of maritime governance, this creates more chances for Vietnamese people, businesses in the maritime industry, and non-governmental organisations to contribute to the decision-making process and cooperate with the government in implementing national maritime strategies.

WHAT ARE THE MOST SIGNIFICANT MARITIME GOVERNANCE CAPACITY GAPS OF VIETNAM?

Although Vietnam has endeavoured to strengthen its capacity in maritime security, there are several shortcomings that the country needs to overcome. First, Vietnam encounters financial resource constraints. Vietnam remains a developing country with a GDP of \$409 billion in 2022.³⁴ This, in turn, has limited Vietnam's budget allocated for maritime security missions and prevented sufficient modernisation of the Vietnam Coast Guard and the Vietnam People's Navy. Second, despite the high political commitment of the central government, law enforcement at the local level is relatively weak and not consistently synchronised across coastal provinces and cities.³⁵ Another problem is the issue of overlapping responsibilities among maritime security agencies in Vietnam. This can lead to confusion and inefficiency in tackling maritime challenges.³⁶ Third, as pointed out by the United Nations Development Programme, Vietnam's capacity in marine science and

technology is limited.³⁷ In fact, the Communist Party has also acknowledged the need to embrace innovation, invest more in marine research, and train marine human resources.³⁸ Fourth, there is a lack of maritime domain awareness in Vietnam.³⁹ For example, the remote-sensing capabilities of Vietnam are still underdeveloped, with modest use of technologies beyond coastal radar and terrestrial Automatic Identification System. Furthermore, many of its fishing vessels remain unequipped with vessel monitoring systems, which makes it challenging for the Vietnamese authorities to track vessels' activities.⁴⁰

WHAT ARE PRIORITY AREAS FOR INTERNATIONAL COOPERATION THAT WOULD IMPROVE MARITIME GOVERNANCE CAPACITY IN VIETNAM?

To understand Vietnam's priority areas for international cooperation, one must first understand its stance on international maritime cooperation. In general, Vietnam welcomes all forms of international cooperation in the maritime realm while emphasising that maritime cooperation needs to be based on reciprocity, mutual understanding, and respect for international law.⁴¹ Furthermore, Vietnam adopts a "Four No's" policy meaning no military alliances, no siding with one country against another, no foreign military bases, no using force or threatening to use force in international relations.⁴²

The first area for prioritising cooperation is technological and scientific transfer. Vietnam needs to continue seeking external assistance to support technical areas that include shipbuilding, port construction, the exploration and conservation of marine resources, and intelligence, surveillance and reconnaissance.

The second priority area for cooperation is joint patrols and inspections. The purpose of this practice is to enhance cooperation and foster mutual understanding between the navies and coast guard forces of Vietnam and other countries. Further, these help maintain a rules-based order, preserve peace and stability in the shared waters, and prevent transnational maritime crimes.

The third priority area for cooperation that would enhance Vietnam's capacity is policy transfer and information exchange. Learning from the experience and best practices of other countries in maritime strategy building, maritime law enforcement, and dealing with maritime-related challenges can be beneficial for Vietnam. For example, it helps improve Vietnam's maritime domain awareness. Moreover, Vietnam can draw upon others' experiences to further develop its existing policies and laws. Interaction with other partners might also inspire Vietnam to come up with more innovative and effective solutions for its prevailing problems.

HOW CAN EXISTING REGIONAL AND MINILATERAL SECURITY FRAMEWORKS CONTRIBUTE TO MARITIME GOVERNANCE IN VIETNAM?

Regional and minilateral security frameworks have played an important role in the maritime governance of Vietnam. For instance, at the regional level, the Association of Southeast Asian Nations (ASEAN) has established several platforms for senior officials and experts to meet and discuss security issues including maritime security-related topics. Examples of these platforms are the ASEAN Regional Forum and ASEAN Maritime Forum.⁴³ Moreover, ASEAN has engaged in dialogues and intensified maritime cooperation with many external partners, such as Australia, China, the European Union, India, Japan, and the United States. Fora such as the Expanded ASEAN Maritime Forum and the ASEAN-EU High Level Dialogue on Maritime Security Cooperation have allowed participants to discuss maritime issues of common interest and strengthen their maritime capacity. Being a member of ASEAN, Vietnam has certainly benefitted from this. The country has utilised these platforms to voice its concerns in the maritime domain and call for respect of international laws.⁴⁴

Notably, China and ASEAN have also accelerated negotiations on a Code of Conduct (COC) in the South China Sea with the purpose of reducing the risk of conflict and facilitating peaceful resolution of current maritime disputes.⁴⁵ As one of the claimants, the outcome of the COC negotiations will significantly affect Vietnam. The country has been striving for an early adoption of the COC.⁴⁶

In addition to existing dialogue-based mechanisms, it is imperative for ASEAN to focus on more practical and operational cooperation. For instance, ASEAN could encourage member states including Vietnam to improve their domestic maritime laws and ratify relevant international conventions and agreements. ASEAN also needs to actively seek technology transfer, financial support, and materiel assistance from its external partners.

Minilateral security frameworks involving extra-regional powers, such as the Quad and the AUKUS, are argued to help counter China's assertive policies in the South China Sea and maintain regional stability.⁴⁷ However, in general, Vietnam still maintains a cautious approach and a neutral stance towards these frameworks.⁴⁸



ASSESSING CAMBODIA'S MARITIME GOVERNANCE CAPACITY: PRIORITIES AND CHALLENGES

Chansambath Bong

WHAT ARE THE MARITIME GOVERNANCE PRIORITIES FOR CAMBODIA?

While land borders have historically preoccupied Cambodia's defence priorities, maritime governance has also been a cornerstone of its national defence strategy. Since the release of its 2002 Defense Strategic Review, Phnom Penh has increasingly emphasised the maritime domain with three priorities: border security, control of its Exclusive Economic Zone (EEZ), and constabulary duties.

First, Cambodia views maritime border security as key to combatting terrorism and transnational crimes such as human trafficking and illicit smuggling. The September 11, 2001 terrorist attacks on the United States stoked Cambodian concerns about terrorism, and Cambodia has since aimed to prevent terrorists from attacking or using its territory against other nations. The concern was shown to be very real when the mastermind of the 2002 Bali bombing, Hambali, took refuge⁴⁹ in Cambodia after the attack. Consequently, counter-terrorism was prioritised in Cambodia's 2000, 2006, and 2022 defence white papers and its 2002 and 2013 defence strategic reviews.

Second, Cambodia seeks to establish and maintain effective control over its EEZ so its resources, such as fisheries and offshore petroleum, can be harnessed for national development. Sustainable marine resource management can generate expanded national revenue and support the development of a Blue Economy.⁵⁰ This, in turn, can strengthen Cambodia's economic growth by expanding maritime connectivity and access to renewable energy. In addition, a robust ability to monitor activities can mitigate the costs associated with illegal, unreported, and unregulated (IUU) fishing in Cambodia's EEZ.

Third, Cambodia aims to improve its ability to conduct constabulary capabilities such as law enforcement and humanitarian assistance and disaster relief (HADR) operations at and via sea. The country needs greater

practical experience in maritime governance to respond to emergencies such as piracy, natural disasters and maritime incidents.

WHAT DOES CAMBODIA SEE AS THE MOST CRITICAL MARITIME SECURITY CHALLENGE?

Traditional security threats, such as the tensions spurred from incomplete maritime border demarcation with Vietnam and Thailand and the South China Sea maritime disputes, are seen as the most critical long-term challenges for its regional relations, which could become strained and spark a conflict.

Cambodia's ambiguous maritime borders with Thailand and Vietnam have been a source of lurking tension. Although bilateral relations with these countries have been peaceful over the past decade, Cambodia remains geographically wedged between two bigger neighbours. Given the historical legacies, the incomplete maritime border demarcation has serious implications for Cambodia's economy and regional stability. The Royal Cambodian Navy (RCN) is arguably weaker and significantly under-equipped compared to its counterparts next door, and so is an ineffective deterrent.

Although Cambodia and Thailand have been negotiating a joint development area within their 26,000 square kilometres⁵¹ overlapping claim area in the Gulf of Thailand, negotiations were delayed by COVID-19 and have been deprioritised vis-à-vis both nations' competing domestic priorities. With Vietnam, historical maritime boundary disputes stem from the French colonial administration legacy and have remained a source of nationalistic grievances among certain parts of the Cambodian population. The case of Koh Tral/Phu Quoc Island is particularly concerning. In 2019, a diplomatic spat flared when Cambodia protested Vietnam's unilateral planting of concrete piles⁵² along the contested border

off Cambodia's coast, a move seen by Cambodia as contrary to the bilateral cooperation framework signed by both countries. The strategic divergence between Cambodia and Vietnam concerning their views of China's actions in the South China Sea adds another layer of complication⁵³ to their bilateral relationship.

The increasing intensity and frequency of maritime stand-offs in the South China Sea concerns Cambodia for two reasons. First, as a non-claimant state, it wants to see the dispute resolved peacefully through diplomatic means between the claimant states. Second, Cambodia has watched with growing unease the increasing internationalisation of the dispute spurred by actors outside of (and sometimes inside) Southeast Asia.

Non-traditional challenges such as terrorism, transnational crimes, and natural disasters are more immediate threats facing Cambodia. In December 2009, Cambodia established the National Committee for Maritime Security (NCMS) as the national body responsible for coordinating inter-agency policy implementation, fostering legal framework across the Cambodian government, and strengthening international partnerships.⁵⁴ In 2012, the country unveiled its first National Strategy for Maritime Security, outlining the NCMS's key priorities and operational principles. Meanwhile, the NCMS's Tactical Command Headquarters (TCHQ) is in charge of the actual execution of all maritime operations deemed necessary by the NCMS. However, the NCMS and TCHQ face a myriad of technical, human resource, and policy coordination challenges.

WHAT ARE THE MARITIME GOVERNANCE STRENGTHS OF CAMBODIA?

Involvement in international cooperative frameworks is a centrepiece of Cambodia's maritime governance as this helps address and mitigate significant gaps in domestic capabilities, such as the lack of qualified human resources, inadequate naval infrastructure and vessels, and institutional limitations of the RCN and NCMS. As an ASEAN member, Cambodia engages in various regional mechanisms, including the ADMM-Plus Expert Working Group on Maritime Security and the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP).⁵⁵ Also, Cambodia remains part of the U.S.-sponsored Southeast Asia Maritime Law Enforcement Initiative (SEAMLEI) despite current U.S. sanctions against the Commander of the RCN.⁵⁶ Internationally, it is a member of the International Maritime Organization.⁵⁷

WHAT ARE THE MOST SIGNIFICANT MARITIME GOVERNANCE CAPACITY GAPS IN CAMBODIA?

Cambodia faces three primary maritime governance capacity gaps. First, there is a lack of highly qualified Cambodian experts trained in global maritime affairs. In the public sector, Cambodia's engagements in global deliberations on maritime issues remain relatively constrained by the limited training foreign service officers have in maritime security. Addressing this lack of training is necessary for Cambodia to engage meaningfully with the global discourses on maritime issues. The under-representation of Cambodian perspectives has left the country's strategic narratives mostly missing from the global maritime discourse. For example, the debate on the re-development of the Ream Naval Base is dominated by Western media and analysts who view Cambodia predominantly through the lens of U.S.-China competition in Southeast Asia and who lack the background in Cambodia's history and strategic thinking.

The second gap is the institutional limitations and personnel gaps of the RCN and the NCMS, the two national agencies most responsible for maritime governance. While inter-agency coordination for maritime issues remains a challenge across the government, force development and professionalisation and a more robust hardware acquisition need to be addressed.

Finally, Cambodia lacks the hard naval infrastructure needed to address the RCN's strategic and logistical challenges. These challenges adversely affect its ability to patrol and therefore govern Cambodian waters, conduct joint exercises with foreign partners, and enhance its operational capacities. This is why the ongoing re-development of the Ream Naval Base is strategically vital for Cambodia's maritime governance.

Re-developing Ream serves four key purposes in addressing Cambodia's maritime governance gaps. First, the water level at Ream had become too shallow to accommodate larger and more capable RCN vessels that may need to be procured in the future to ensure Cambodia has sufficient hardware to safeguard its territorial waters. After the re-development, Ream will be able to welcome ships from foreign partners such as the United States and Japan looking to conduct port calls, goodwill missions, joint exercises, or replenishment in a way that it currently cannot. Second, Ream's existing maintenance capability limitations require Cambodia to send its vessels to neighbouring countries like Thailand, Vietnam, and Malaysia for costly and time-consuming upkeep.⁵⁸ Having an adequate shipyard will address this shortfall. Third, the existing condition at Ream hinders the RCN's shore-to-ship communication and surveillance.⁵⁹ Without these expanded command and control capabilities, Cambodia cannot effectively monitor vessels in its EEZ, leaving Cambodia's maritime governance and domain awareness vulnerable. Fourth, Ream must be re-developed to enhance Cambodia's ability to conduct HADR and counter-terrorism operations at sea individually or jointly with regional partners.

In Cambodia's view, Ream's re-development is overdue and within its constitution and rights as a sovereign state. It is necessary to address the RCN's long-term strategic and logistical challenges. Viewing the re-development solely through the lens of U.S.-China geopolitical competition overlooks Cambodia's maritime governance capacity needs and its national defence and economic development priorities as a small state situated between larger neighbours in a strategically contested region. Moreover, Cambodia has leveraged its external ties to address its self-defence and maritime security challenges.

WHAT ARE PRIORITY AREAS FOR INTERNATIONAL COOPERATION THAT WOULD IMPROVE MARITIME GOVERNANCE CAPACITY IN CAMBODIA?

There are four key areas where international partners can help bolster Cambodia's maritime governance capacity.

First, language training and capacity-building programs in global maritime affairs for Cambodian scholars, public officials, and navy personnel could help the country address its existing human resource gap and engage more proactively and effectively in regional discourses.

Second, Cambodia would benefit from support for the institutional capacity-building of the RCN and the NCMS. Assistance to the ongoing re-development of Ream from partners such as Australia, the United States and Japan,

in addition to that made by China, would be welcome, and this would enable the country to strike a more delicate strategic balance in international engagement in its defence modernisation program.⁶⁰

Third, strategic dialogues through Track 1.5 diplomacy between Cambodian and foreign academics and think tanks will enhance mutual understanding of each other's maritime governance interests.

Finally, international partners should continue supporting the enhancement of Cambodia's sea-based HADR, counter-terrorism, and transnational crime prevention to help the country reach the priorities set in its 2022 Defense White Paper.

HOW CAN EXISTING REGIONAL AND MINILATERAL SECURITY FRAMEWORKS CONTRIBUTE TO MARITIME GOVERNANCE IN CAMBODIA?

Cambodia has been relatively quiet as it continues to observe the evolution and purpose of minilateral security groupings such as the Quad. That said, Quad initiatives such as the Indo-Pacific Partnership for Maritime Domain Awareness (IPMDA) may enhance Cambodia's ability to govern its maritime area. Furthermore, IPMDA could complement existing ASEAN platforms and push for greater transparency and accountability in the maritime domain.

ASSESSING INDONESIA'S MARITIME GOVERNANCE CAPACITY: PRIORITIES AND CHALLENGES

Tangguh Chairil

WHAT ARE THE MARITIME GOVERNANCE PRIORITIES FOR INDONESIA?

In 2014 the Indonesian government announced its "Global Maritime Fulcrum" (GMF) vision. This organising policy included five main pillars that are central to Indonesia's maritime governance and development: (1) maritime culture, (2) maritime resources, (3) maritime infrastructure and connectivity, (4) maritime diplomacy, and (5) maritime defence force.⁶¹ This generated a certain level of excitement regarding the potential to advance Indonesia's domestic maritime prosperity and international partnerships, but most observers now consider the GMF as a "dead" policy. The Indonesian government has not followed through with the GMF as a maritime doctrine or grand strategy, especially since the beginning of President Joko ('Jokowi') Widodo's second presidency.⁶² Nevertheless, as it is the most complex articulation of Indonesia's maritime governance priorities in recent years, it remains an important document.

In 2017, the government expanded on the GMF vision through the enactment of the Presidential Regulation on Indonesian Maritime Policy which has seven pillars: (1) maritime resources and human resources, (2) maritime security and safety, (3) maritime governance and institutions, (4) maritime economy and infrastructure, (5) maritime spatial management and environment, (6) maritime culture and (7) maritime diplomacy.⁶³ Since then, the government began issuing a Maritime Policy Action Plan every five years – first in 2017 and then in 2022⁶⁴ – outlining the priority programs for each pillar within the five years. These seven pillars can be considered the current Indonesia's maritime governance policy.

WHAT DOES INDONESIA SEE AS THE MOST CRITICAL MARITIME SECURITY CHALLENGES?

Due to its large maritime territory and location at the confluence of two oceans – the Indian and Pacific – Indonesia faces all kinds of maritime security challenges. Of these, the South China Sea disputes are regarded as most critical. Despite Indonesia asserting that it is a non-claimant state in the dispute, parts of its exclusive economic zone (EEZ) in the Natuna Sea are unilaterally claimed by China within its "nine-dash line". Since 2016, China's incursions into Indonesia's EEZ have been increasing, and Indonesia has responded by expanding its naval presence in and around Natuna and supporting the Permanent Court of Arbitration (PCA) ruling in 2016 that decrees that China's claims have no lawful effect.⁶⁵

A second critical challenge for Indonesia is illegal, unreported, and unregulated (IUU) fishing. The government paid particular attention to IUU fishing during Susi Pudjiastuti's appointment as minister of marine affairs and fisheries in 2014-2019, when it engaged in a high-profile crackdown on IUU fishing.⁶⁶ However, the government shifted away from this policy after Susi was no longer minister. Her successor, Edhy Prabowo, was arrested after one year in office for allegedly receiving bribes in the awarding of export licence for lobster seeds. The current minister, Sakti Wahyu Trenggono, also no longer employs hard approaches to IUU fishing akin to those of former minister Susi.⁶⁷



WHAT ARE THE MARITIME GOVERNANCE STRENGTHS OF INDONESIA?

Despite its “death”, the GMF has laid the foundation for improving Indonesia’s maritime governance. For example, the Indonesian government established the Coordinating Ministry for Maritime Affairs in 2014, which in 2019 was renamed as the Coordinating Ministry for Maritime Affairs and Investments (Kemenko Marves). Previously, the government did not have a ministry to coordinate policies in maritime affairs. This unusual, high-level, coordinating body provides Indonesia a maritime governance strength not found in other states.

Another of Indonesia’s maritime governance strengths is the depth of maritime governance-related agencies. Kemenko Marves coordinates the Ministry of Marine Affairs and Fisheries (KKP) and the Ministry of Transportation’s Directorate General of Sea Transportation. Meanwhile, an older ministry, the Coordinating Ministry for Political, Legal, and Security Affairs (Kemenko Polhukam), coordinates maritime security-related agencies: the Indonesian Navy (TNI-AL), the Maritime Security Agency (Bakamla), and the Marine Police (Polair). Other maritime governance-related agencies include the Ministry of Finance’s Directorate General of Customs and Excise, as well as twenty-one additional agencies that have maritime-related duties/authorities.

WHAT ARE THE MOST SIGNIFICANT MARITIME GOVERNANCE CAPACITY GAPS OF INDONESIA?

There are two major maritime governance capacity gaps of Indonesia: One is political and the other is operational. In terms of political gaps, there are the issues of overlapping roles and responsibilities among the various maritime governance agencies, strategic cultures, as well as the vulnerability of maritime governance to changing domestic political priorities.

These issues are illustrated by the evolving role of the Maritime Security Agency (Bakamla). Previously named the Maritime Security Coordinating Agency (Bakorkamla) with a more coordinating role, it was renamed in 2014 to enable a more leading role in maritime patrols. Despite the change, the Navy (TNI-AL) seems unwilling to renounce its long-standing internal security function, while Bakamla still struggles to develop the capabilities needed to lead maritime security.

Some scholars explain the persistence of these gaps by referencing the role of Indonesia’s strategic culture. In particular, they argue that the historical dominance of the Army in Indonesia, coupled with a blurred distinction between “defense” which is sovereignty protection and “security” which is law enforcement in Indonesia’s governance sector, has led the Navy to sustain its dominant role in Indonesia’s maritime security. Meanwhile, Indonesia lacks long-standing familiarity with the concept of a coast guard as a dedicated civilian maritime security agency that has clearly delineated roles vis-a-vis other agencies.⁶⁸

Another political gap stems from the vulnerability of maritime governance to changing domestic political priorities. For example, the “death” of the GMF has been linked to the rigidity of Indonesia’s bureaucracy and a shift in focus toward economic affairs, investments, and infrastructure development.⁶⁹ The Coordinating Ministry for Maritime Affairs has also been a victim of this changing priorities: In 2019, it was given the additional function of coordinating investments (hence the renaming to the Coordinating Ministry for Maritime Affairs and Investment). The minister, Luhut Binsar Pandjaitan, has since then been less devoted to the maritime function and more preoccupied with the investments portion of his portfolio.

In terms of operational capacity gaps, Indonesia lacks an adequate number of warships, patrol vessels, and sensors compared to its large maritime territory. The Navy operates seven frigates, four submarines, 25 corvettes, 23 patrol craft, 91 patrol boats, and some support vessels. Bakamla operates ten patrol vessels and several small patrol boats. The Indonesian Sea and Coast Guard Unit (KPLP) operates seven patrol crafts and 30 patrol boats.⁷⁰ Most of these vessels are also severely lacking in terms of modernisation.⁷¹ This is not enough to patrol Indonesia’s large sea area.

WHAT ARE THE PRIORITY AREAS FOR INTERNATIONAL COOPERATION THAT WOULD IMPROVE MARITIME GOVERNANCE CAPACITY IN INDONESIA?

The political gaps in Indonesia’s maritime governance capacity are difficult to address through international cooperation. However, the operational capacity gaps can be improved through cooperation. Focusing on four priority areas for international cooperation would benefit Indonesia: information and intelligence exchange and fusion, procurement of equipment, capacity building for personnel skills, and industry cooperation.

Regarding information and intelligence, Indonesia needs to continue and improve the exchange and fusion cooperation with neighbouring countries, regional organisations, and international partners, as well as multilateral and regional initiatives such as the ReCAAP, the International Maritime Bureau (IMB), and Singapore’s Information Fusion Centre (IFC).

For the second area, Indonesia needs to improve international cooperation related to the procurement of warships, patrol vessels, radars, and other equipment needed to fulfill maritime security roles. The country desperately needs critical technologies for performing maritime patrols, early warning of maritime security threats, and other roles more effectively.

Indonesia also needs to continue dialogue-based cooperation for confidence-building measures with other countries and to improve practical cooperation involving the deployment of assets at sea or offshore, including information-sharing initiatives and field exercises, or other related capacity-building exercises to improve real maritime governance capacities at sea.



Finally, as a fourth priority, Indonesia needs to continue and improve cooperation to develop its shipbuilding and ship repair industry capacity and other areas of Indonesia’s domestic maritime economy such as the education and training of engineers, transfers of naval technologies, research and development for shipbuilding, and other forms of industry cooperation.

HOW CAN THE EXISTING REGIONAL AND MINILATERAL SECURITY FRAMEWORKS CONTRIBUTE TO MARITIME GOVERNANCE IN INDONESIA?

Indonesia should use the existing regional and minilateral security frameworks to continue and improve the existing maritime security cooperation to improve its governance capacity. Indonesia has already been involved in maritime governance cooperation in various regional and minilateral security frameworks. Some of the regional cooperation have been within Association of Southeast Asian Nations (ASEAN) frameworks: the ASEAN Regional Forum (ARF) Inter-Sessional Meeting on Maritime Security, the ASEAN Defence Ministers’ Meeting (ADMM) and ADMM-Plus Expert Working Group on Maritime Security, as well as the ASEAN Maritime Forum (AMF) and Expanded ASEAN Maritime Forum (EAMF). However, as Agastia (2021) finds, cooperation within these regional frameworks is largely dialogue-based, while practical cooperation remains limited.⁷² Hence, many scholars suggest more progress may be available by focusing on minilateral frameworks for maritime security.

In terms of minilateral frameworks, Indonesia has conducted coordinated patrols, naval exercises, and other forms of maritime security cooperation with neighbouring countries and external powers. Supriyanto persuasively argues that the existing frameworks, such as maritime patrol arrangements among ASEAN littoral states in Malacca Strait and Celebes Sea, can provide a model for cooperation in the South China Sea. Indonesia, Malaysia, and Vietnam can initiate similar patrols in the South China Sea where their maritime boundaries are contiguous.⁷³ The recently concluded Indonesia-Vietnam EEZ agreement may foster the advance of these kinds of arrangements.⁷⁴ Similarly, Indonesia’s recent ratification of the Indonesia-Singapore Defence Cooperation Agreement (DCA)⁷⁵ should lead to the continuation and improvement of joint military exercises between both countries and third parties.⁷⁶

ASSESSING THE PHILIPPINES' MARITIME GOVERNANCE CAPACITY: PRIORITIES AND CHALLENGES

Ivy Ganadillo

WHAT ARE THE MARITIME GOVERNANCE PRIORITIES OF THE PHILIPPINES?

The Philippines, an archipelago and developing country, faces multifaceted maritime governance issues. These relate to coastal and marine management, tourism, transport, maritime and territorial disputes, and institutional capacities. Despite introducing the National Marine Policy (NMP), a framework for maritime governance, in 1994, the Philippines has struggled to set clear strategic priorities amidst ongoing complex challenges. This situation frequently leads to a focus on immediate crises, and the neglect of long-term sustainability and comprehensive governance. Presidential guidance predominantly shapes the country's policy direction. Key documents such as the National Security Policy (NSP)⁷⁷, the Philippine Development Plan (PDP)⁷⁸ and the Maritime Industry Development Plan (MIDP)⁷⁹ convey these priorities.

A significant national emphasis lies on safeguarding territorial integrity and sovereignty. The NSP and PDP underline the importance of defending land, marine, and underwater resources against threats. The current President's legislative priorities encompass the Blue Economy bill, fostering integrated marine management, and revising the fisheries code for a science-backed approach to sustainability.⁸⁰

Moreover, considering the Philippines' susceptibility to natural disasters, addressing climate change's ramifications is crucial, as highlighted in the NSP. The government is focusing on countering its adverse effects and rectifying harmful agricultural and fishing methods. Integrating climate considerations into national policies is mandated, underscoring the nation's commitment to environmental resilience.⁸¹

The MIDP envisions bolstering the merchant fleet, honing maritime professionals, ensuring efficient sea

transportation, and endorsing ecological conservation. It aligns with the ambition to elevate the marine sector as a pivotal economic growth pillar. An emphasis on advancing maritime education resonates with the need to meet global standards, especially following the EU's caution regarding Filipino seafarers' competencies.⁸²

WHAT DOES THE PHILIPPINES SEE AS THE MOST CRITICAL MARITIME SECURITY CHALLENGES?

The South China Sea disputes present the Philippines with its most pressing maritime security challenge and is recognised as a "primary national interest" in the NSP. The West Philippine Sea (WPS), an official designation adopted in 2012 for areas of the South China Sea within the Philippines' Exclusive Economic Zone, is notable for its abundant fish resources, position as a major trade route, and the potential of its oil and liquefied natural gas reserves.⁸³ Recognising its pivotal role as a frontline nation in the South China Sea disputes, the Philippine government emphasises the direct impact of any escalation of tensions on its national interests and the livelihoods of its citizens.⁸⁴

In a bid to address these challenges in the South China Sea, the NSP underscores strengthening the National Task Force for the WPS. The Congress has advanced House Bill 07819, the Maritime Zones Act⁸⁵, to delineate maritime zones under the Philippine jurisdiction. This legislation seeks to strengthen the Philippines' stance in the South China Sea and ensure food and economic security by directing government bodies to protect maritime territories. Furthermore, in light of continued Chinese incursions and aggression in the South China Sea⁸⁶, a Philippine Coast Guard Modernization Act has been proposed⁸⁷ to enhance Coast Guards' capabilities, reflecting its frontline role in the disputed waters.

WHAT ARE THE MARITIME GOVERNANCE STRENGTHS OF THE PHILIPPINES?

The Philippines demonstrates maritime governance strength through its robust institutional building blocks, strategic use of international laws, and collaborative international partnerships. Central to this governance is its commitment to sustainable use of marine resources and a participatory approach to engaging diverse stakeholders.⁸⁸

Notably, the Philippines leveraged the Permanent Court of Arbitration to challenge China in the South China disputes, underscoring its commitment to the UN Convention on the Law of the Sea. Its consistent participation in UN and ASEAN forums and track 1.5 and 2 dialogues accentuate its dedication to a rules-based maritime order and international maritime cooperation. The recent endorsements in adopting the High Seas Treaty underscore its commitment to ocean protection, environmental conservation, and sustainable resource management.⁸⁹

At the community level, the Philippines employs community-based coastal resource management⁹⁰, a localised inclusive governance model. International partnerships bolster this approach, aligning local initiatives with global standards.

From the legislative standpoint, the country has also made significant efforts. The Philippine Fisheries Code of 1998 and its 2014 amendment provide a clear framework for fisheries management, combating illegal, unregulated, and unreported (IUU) fishing, and leading to the revocation of the EU's 2015 yellow card warning on IUU fishing.⁹¹ In addition, the Philippine Clean Water Act of 2004⁹² sets forth a comprehensive pollution prevention strategy, and the 2006 Executive Order No. 533 institutionalises Integrated Coastal Management as the national blueprint for sustainable coastal and marine resource development.⁹³

Success stories like the 2020 Ecological Solid Waste Management initiative in Cavite, facilitated by the Partnerships in Environmental Management for the Seas of East Asia, testify to the value of such collaborative governance.⁹⁴ From community organisations to corporates like Coca-Cola Foundation Philippines Inc., the project achieved garbage-free coastlines and sustainable community livelihoods.

WHAT ARE THE MOST SIGNIFICANT MARITIME GOVERNANCE CAPACITY GAPS OF THE PHILIPPINES?

The Philippines faces substantial maritime governance capacity gaps, with shortfalls in maritime domain awareness standing out as a primary concern. Limited surveillance capabilities, inadequate assets including patrol vessels and aircraft, and underdeveloped information-sharing mechanisms constrain the maritime authorities' comprehensive and real-time understanding of the Philippines' extensive maritime zones. These gaps hinder the effective execution of maritime operations. Further exacerbating the situation are budget constraints,

which stall the acquisition of necessary equipment and technology essential to meeting the country's goal of "minimum credible deterrence"⁹⁵ and establishing a "self-reliant defense posture."⁹⁶

On the legislative and policy fronts, the NMP remains regrettably stagnant and outdated with overly broad directives.⁹⁷ The Maritime and Ocean Affairs Center under the Department of Foreign Affairs oversees the NMP and leans heavily towards legal frameworks and foreign policy considerations rather than toward pragmatic interim measures for archipelagic development.⁹⁸ This results in persistent policy gaps. Compounding these challenges are fragmented policy implementation and ineffective interdepartmental discussions, intensified by overlapping mandates, which place undue stress on the country's fiscal and operational efficiency. The National Coast Watch System, established in 2008 alongside its governing council, intended to facilitate inter-agency synergy, unfortunately, falls short in synchronising the initiatives and undertakings of all involved agencies.⁹⁹

WHAT ARE PRIORITY AREAS FOR INTERNATIONAL COOPERATION THAT WOULD IMPROVE MARITIME GOVERNANCE CAPACITY IN THE PHILIPPINES?

The priority areas for international cooperation should target a broad spectrum of strategic and environmental objectives. Foremost among the concerns is the need for maritime security and defence cooperation. The Philippines should continue pursuing joint maritime exercises and patrols with partners and allies to counter threats such as piracy, IUU fishing, and incursions by foreign nations' forces. Moreover, enhancing intelligence sharing and maritime surveillance will strengthen proactive defence and augments the capacity of the Philippine Coast Guard and Navy. In the South China Sea, the Philippines should consistently uphold its commitment to the 2016 Arbitral Award, enlisting support from the international community for its maritime rights. While leveraging relationships with the long-standing ally, the United States, engagements with dialogue partners, including Australia, Canada, the EU, India, Japan, and others, should be enhanced. On the other hand, more concrete mechanisms beyond diplomatic talks should be established with China to lessen the tensions and ensure safe encounters at sea.

On the environmental front, sustainable fisheries and marine biodiversity are particularly pressing issues. Collaborative initiatives targeting sustainable fisheries management can arrest the decline of marine resources. Successful programs backed by international organisations such as Partnerships in Environmental Management for the Seas of East Asia and the U.S. Agency for International Development could be scaled across coastal municipalities. Furthermore, the establishment and effective management of Marine Protected Areas (MPAs) through international partnerships not only preserve marine biodiversity but also provide socio-economic gains.¹⁰⁰ Sustainable MPA management, given its

current funding challenges, stands to gain significantly from such collaborations.

Lastly, given the nation's heightened vulnerability to climate change, adaptation and mitigation strategies become crucial. Partnerships can offer access to best practices in coastal protection, resilient infrastructure, and innovative mitigation techniques. A project like the EU-funded global navigation satellites¹⁰¹, which delivers space-based monitoring, is a beneficial prototype that can be further expanded. These initiatives can offset the challenges posed by rising sea levels and changing weather patterns while bridging knowledge and technology gaps.

HOW CAN EXISTING REGIONAL AND MINILATERAL SECURITY FRAMEWORKS CONTRIBUTE TO MARITIME GOVERNANCE IN THE PHILIPPINES?

Regional and minilateral security frameworks are essential for the Philippines in bolstering its maritime governance. Through regional platforms like ASEAN, the Philippines can engage in dialogue and negotiations with its Southeast Asian neighbours, fostering a cooperative approach to challenges such as territorial disputes, maritime resource management, and environmental conservation. By actively participating in these regional discussions, the Philippines ensures its interests are adequately represented and benefits from shared intelligence, cooperative surveillance, and coordinated patrols, enhancing regional maritime security. ASEAN, with its external partners, continues to organise workshops and training courses such as on promoting legal order for the seas, marine scientific research, ensuring just and humane treatment of fishermen (especially in disputed waters), blue economy, regional search and rescue, and conducting joint studies and research on new technologies for marine environment protection.¹⁰²

Via minilateral engagements, the Philippines can leverage specific strategic partnerships to address immediate and pressing maritime concerns. Engagements with countries like the United States, Japan, India, and Australia, whether through bilateral, trilateral dialogues or the Quad¹⁰³, and with other maritime Southeast Asian countries such as Malaysia, Indonesia¹⁰⁴ and Vietnam¹⁰⁵, provide the Philippines with avenues for targeted training exercises, advanced technological collaborations, and capacity-building endeavours. Such minilateral efforts facilitate a deeper, more nuanced collaboration that can address specific maritime challenges, from IUU fishing to maritime piracy, ensuring a safer and more secure maritime environment for the Philippines and the broader region.

ASSESSING MALAYSIA'S MARITIME GOVERNANCE CAPACITY: PRIORITIES AND CHALLENGES

Fikry A. Rahman

WHAT ARE THE MARITIME GOVERNANCE PRIORITIES FOR MALAYSIA?

Malaysia's approach to maritime governance is underpinned by its 2020 Defence White Paper that envisages Malaysia as a "Maritime Nation with Continental Roots." The DWP outlines Malaysia's role as a bridging linchpin between the Asia-Pacific and Indian Ocean regions that cultivates opportunities amid the uncertainties in the maritime domain. Malaysia seeks to secure strategic waterways and airspace, protect its national sovereignty, sovereign rights and independence, and defend economic interests related to oil and gas, fisheries and ports.¹⁰⁶ While much analysis focuses on Malaysia's foreign policy toward the Asia-Pacific and South China Sea, the Bay of Bengal and Indian Ocean are also strategically important to Malaysia. In fact many of Malaysia's non-traditional maritime security concerns emanate from the Bay of Bengal and the South China Sea's connection.¹⁰⁷

Against this backdrop, four priorities can be identified for Malaysia's maritime governance. First, it aims to safeguard its territorial waters and sovereign rights through legal instruments embedded in the United Nations Convention on the Law of the Sea 1982 (UNCLOS), a treaty ratified by Malaysia in 1996.¹⁰⁸ This effort was epitomised by its 2009 and 2019 extended continental shelf submissions to the United Nations Commission on the Limits of the Continental Shelf to reinforce its claim in the South China Sea.¹⁰⁹ Other issues related to this priority are Malaysia's dispute with Indonesia on Sipadan-Ligitan Island that flared into a crisis in 2002 and Pedra Branca 2008's case against Singapore that was resolved by the International Court of Justice.

The second priority is to ensure that diplomatic channels remain open, inclusive, and constructive so that disputes and assertive behaviour by claimant

states can be managed. This prioritisation is reflected in Malaysia's urgency to negotiate the ASEAN-China Code of Conduct¹¹⁰ and to protest China's assertiveness in Malaysian waters through diplomatic channels.¹¹¹

The third priority is to develop credible defence partnerships with countries like the United States, Australia, and even China, to bolster its defence capability through asset procurement and naval cooperation.¹¹² This priority helps Malaysia to develop the maritime capability and capacity needed to safeguard its interests.

Finally, Malaysia prioritises the strengthening of its law enforcement agencies through the empowerment and collaboration between the interagency on maritime governance, especially the Malaysia Maritime Enforcement Agency (MMEA), the Royal Malaysian Navy (RMN) and the Eastern Sabah Security Command (ESSCOM). These agencies are not only responsible for patrolling waters where Malaysia has rights and to protect them from encroachment and incursions, but also for dealing with transnational crimes of terrorism, kidnap-for-ransom, and illegal migration.

WHAT DOES MALAYSIA SEE AS THE MOST CRITICAL MARITIME SECURITY CHALLENGES?

Malaysia's top critical maritime security challenges are maritime boundary disputes, China's assertiveness, and non-traditional security threats.

Maritime boundary disputes in the South China Sea and with other ASEAN states – for example the Sulawesi Sea with Indonesia, the Philippines' dormant claim over Sabah, and maritime boundary dispute with China over the nine-dash-line claim – are all major concerns for Malaysia.

China's assertiveness, manifested in a series of encroachments, incursion, and standoffs, also presents a major challenge. A key event related to this challenge

was the 2020 West Capella standoff which started when Chinese vessels harassed a drillship contracted by Petronas, Malaysia's national oil and gas company. This eventually led to Malaysian and Chinese maritime forces sailing in close proximity near Borneo. The event escalated when U.S. and Australian naval forces arrived in the vicinity.¹¹³ In 2021, the Malaysian government again protested the encroachment of Chinese vessels into Malaysian waters.¹¹⁴ The following year, 16 People's Liberation Army (PLA) jets violated Malaysian airspace leading the Royal Malaysian Air Force (RMAF) to condemn the action as a threat to national sovereignty.¹¹⁵ Presently, the encroachments of the China Coast Guard near Luconia Shoals directed at Malaysia's Kasawari gas exploration field and operations developed by PETRONAS, present a serious challenge to Malaysia's lucrative oil and gas industry.¹¹⁶

The final critical maritime challenges prioritised by Malaysia are non-traditional. Illegal, unreported and unregulated fishing alone has been estimated to cost Malaysia US\$650 million to \$1.3 billion annually and the losses have a direct impact on Malaysia's economy.¹¹⁷ Meanwhile, emerging maritime threats in East Malaysia such as terrorist activities, kidnapping-for-ransom and illegal immigrants present a monumental risk to Malaysia's national security and provide challenges for its ability to govern maritime area.¹¹⁸

WHAT ARE THE MARITIME GOVERNANCE STRENGTHS OF MALAYSIA?

Malaysia has maritime governance strengths in the areas of legal instruments and defence partnerships. These elements reinforce one another to contend with different maritime challenges.

First, regarding legal instruments, Malaysia adopts international maritime dispute resolution processes to manage its territorial disputes while consolidating its quest for maritime rule of law. Malaysia leverages UNCLOS to stake its claim in the South China Sea, an area valued in terms of oil and gas, fisheries, and ports. Malaysia's continuous focus on legal mechanisms can be seen in the 2009 and 2019 Commission on the Limits of the Continental Shelf submissions, and in its approach Sipadan-Ligitan and Pedra Branca's cases.

Second, Malaysia has credible defence partnerships in the maritime domain through bilateral cooperation with the United States and Australia¹¹⁹, minilateral arrangement on the Malacca Straits Patrol with Indonesia, Singapore, and Thailand, and the Trilateral Cooperative Agreement with Indonesia and the Philippines, which help combat non-traditional security challenges. Through multilateral partnerships of ASEAN and ASEAN-led establishments, Malaysia's activism at ASEAN Defence Ministers' Meeting (ADMM) and ADMM+ is of paramount importance in exerting its maritime governance strengths at international fora. Meanwhile, Malaysia's involvement in the Five Power Defence Arrangements continues to provide an enduring regional security architecture in strengthening defence cooperation between Malaysia, Singapore, the United Kingdom, Australia, and New Zealand.

WHAT ARE THE MOST SIGNIFICANT MARITIME GOVERNANCE CAPACITY GAPS OF MALAYSIA?

Malaysia's maritime security governance capacity gaps include: a relatively small defence budget, a lack of coordination among agencies, and insufficient defence assets to patrol and secure Malaysia's maritime domain.

The Malaysian Armed Forces is currently operating on a budget of \$3.79 billion in 2023. As in other years, the defence budget is less than one percent of the country's \$385 billion gross domestic product (GDP). In contrast, neighbouring Singapore spends six percent of its GDP on defence.¹²⁰ The call to enhance the national defence budget has been echoed by researchers, policymakers, and RMN leaders.¹²¹ Currently, despite a proposed increase in the defence budget in 2023¹²², the scandal surrounding Malaysia's defence procurement – notably the Littoral Combat Ship (LCS) debacle – has hindered efforts to bolster its defence capability in the long run.¹²³ Due to emerging challenges on security and non-traditional threats that require advanced technology and assets, it would be desirable for Malaysia to ramp up its expenditure to at least at two percent of its GDP.

Cross-agency coordination also needs to be improved to enable better management of Malaysia's maritime issues. Differences related to how Malaysian enforcement agencies responded to crises observed during the 2021 PLA jet incursions exemplify this issues. The first official statement regarding the incident was released by the Royal Malaysian Air Force. This specifically condemned China's action as a serious threat to Malaysia's airspace.¹²⁴ A second statement followed, this one published by the Ministry of Foreign Affairs. It reiterated Malaysia's position to protect its dignity and sovereignty but took a much milder tone, and stopped short of specifically condemning the act.¹²⁵

Finally, Malaysia's aging and insufficient defence assets need to be upgraded urgently. The RMN's 1970s and 1980s-era equipment are no match for today's emerging maritime challenges, especially in the South China Sea.¹²⁶ With the LCS scandal delaying the delivery of new ships, smaller littoral mission ships need to be expedited to bolster Malaysia's maritime capability.¹²⁷ Unfortunately, the lack of accountability on military procurement is detrimental to overall national defence.

The Eastern Sabah Security Command (ESSCOM) faces a mounting task due to insufficient assets and budget.¹²⁸ Formed after the 2013 Lahad Datu incident where a portion of the eastern shore of Sabah was occupied by people supporting the Sultan of Sulu's claim to the area, ESSCOM's mission is to defend against terrorism and cross-border crimes.¹²⁹ While the situation in the tri-border has improved in the last decade, this capacity shortfall is still a major issue.

WHAT ARE PRIORITY AREAS FOR INTERNATIONAL COOPERATION THAT WOULD IMPROVE MARITIME GOVERNANCE CAPACITY IN MALAYSIA?

Key areas that Malaysia could leverage for international cooperation include joint training and exercises, technology-based cooperation, and confidence-building measures (CBMs). Doing so will help enhance Malaysia's readiness and capability in maritime governance.

Malaysia's joint training and exercise has taken place with regional and extra-regional countries, including the United States, China, and Japan.¹³⁰ By intensifying and diversifying its joint training, Malaysia reinforces its maritime surveillance capabilities and strengthens its ability to provide maritime governance.

By focusing on science and technology-based capacity building, Malaysia can also work to enhance interoperability between ASEAN member states and key defence partners such as the United States and Australia to spearhead improved maritime governance amid emerging challenges. In particular, technological transfer incorporating state-of-the-art defence technology can bolster Malaysia's readiness to contend with cybersecurity and advanced threats in the maritime domains.

Finally, Malaysia could streamline regional CBMs by making greater efforts at the national level. This is in line with the UNCLOS framework as a key guiding principle for practical implementation of the CBM. The CBMs that Malaysia could prioritise include expanded naval activities involving regional and extra-regional countries, continuation of the Code of Conduct negotiation, and the consistent dialogue and consultation to preserve peace in the South China Sea.

HOW CAN EXISTING REGIONAL AND MINILATERAL SECURITY FRAMEWORKS CONTRIBUTE TO MARITIME GOVERNANCE IN MALAYSIA?

Malaysia's maritime governance will continue to gain from regional and minilateral security frameworks. Primarily, ASEAN and regional minilateralism help by consolidating a regional stance and advancing an agenda of peace and security, embedded in economic prosperity. In the South China Sea, along with the Sulu Sea and Straits of Malacca, Malaysia has benefitted from creating security frameworks that are driven by cooperation amidst maritime disputes. In fact, maritime disputes did not hinder Malaysia in establishing minilateral arrangements with other states such as the Malacca Straits Patrol (MSP) and the Trilateral Cooperative Arrangement (TCA), both aimed to combat transnational threats.¹³¹

Existing security frameworks provide a platform for Malaysia to promote cooperation in capacity building, technological advancement, and joint operation and training. The recent initiative to establish an ASEAN Coast Guard Forum¹³², the U.S. Coast Guard's expanded presence and partnership activities in the region¹³³, and the continuity of MSP and TCA benefit Malaysia by creating opportunity for like-minded coordination on specific challenges while sharing knowledge and capabilities to improve intra-regional and cross-agency cooperation.

The negotiations toward the ASEAN-China Code of Conduct for the South China Sea also help strengthen Malaysia's position and claims through UNCLOS. This is because, despite overlapping claims and assertive behaviour in the South China Sea, ASEAN's drive for a Code of Conduct complements Malaysia's UNCLOS-rooted approach to maritime governance. With the second reading of the COC ongoing ahead of Malaysia's 2025 ASEAN Chairmanship, it is timely for Malaysia to leverage this leadership position by expediting a Code of Conduct that supports a UNCLOS-centred regional maritime order.



ASSESSING SINGAPORE'S MARITIME GOVERNANCE CAPACITY: PRIORITIES AND CHALLENGES

Say Xian Hong

WHAT ARE THE MARITIME GOVERNANCE PRIORITIES FOR SINGAPORE?

Singapore's current maritime governance priorities are to enlarge and upgrade its naval capabilities with advanced technologies that will allow for multi-role, multi-mission, cyber defence and drone-operated vessels and to enhance regional-led maritime cooperation such that it can better manage the stresses on today's strained geopolitical environment.¹³⁴ The security of the critical sea lines of communication from conventional and non-conventional threats remains the priority.

WHAT DOES SINGAPORE SEE AS THE MOST CRITICAL MARITIME SECURITY CHALLENGES?

Despite being a small island state with zero strategic depth, Singapore has one of Southeast Asia's most capable and modern militaries.¹³⁵ In fact, it has enough assets in ships and personnel to provide excellent coverage to its comparatively tiny geography and smaller maritime zone of policing.¹³⁶ Consequently, Singapore has a robust maritime enforcement capability and a border security force that can deter maritime threats and protect its coastal borders. Still, congestion and proximity to waters less-well governed means Singapore's boundary waters remain prone to various maritime incidents and crime.¹³⁷ Having largely managed non-traditional security threats such as illegal, unreported and unregulated (IUU) fishing, illegal human migration, and illegal maritime smuggling of goods, the Singapore government is more concerned with geostrategic issues. This is reflected in the focus on military strength and cooperative diplomacy. This is not to say that Singapore views non-traditional security concerns as insignificant. Furthermore, the government does not clearly define *what* they view as their most pressing maritime threat, so this must be analytically deduced.¹³⁸

Geostrategic concerns are not just military, but also economic in nature due to Singapore's outsized economy. The freedom of movement in the Straits of Malacca and Singapore is potentially vulnerable to physical disruption through narrow congested trade routes.¹³⁹ It was estimated in 2016 that any disruption in the Strait would cost the global economy over \$200 billion per year and, thus, Singapore is also hyperconscious of the importance of its waters to the global economy.¹⁴⁰ Singapore's maritime and institutional capacity is capable, but its small size limits the extent to which the government could respond if a major event were to halt all maritime flows through the Strait.

The Tuas Mega Port, once fully operational in the 2040s, will further intensify the current challenges of security resource allocation. The Mega Port is planned to be the world's largest fully automated port and will consolidate the four terminals of the Port of Singapore: Tanjong Pagar Container Terminal, Keppel Brani, Pasir Panjang Terminal 1, and Pasir Panjang Terminal 2.¹⁴¹ In parallel with this infrastructure modernisation, Singapore is looking towards new technologies to better augment and enhance its maritime capacity.¹⁴²

WHAT ARE THE MARITIME GOVERNANCE STRENGTHS OF SINGAPORE?

Singapore's strength lies in the mature institutional cooperation between its various maritime governing agencies.¹⁴³ The effectiveness of its modern police coast guard and naval fleet can only be maximised with proper interservice communication and synergy.¹⁴⁴ Institutions like the Maritime and Port Authority of Singapore works closely with shipping industries; the Singapore Police Coast Guard cooperates with other maritime security agencies; and the Republic of Singapore Navy collaborates with other responsible agencies to ensure that maritime security operations remain highly vigilant in the Singapore

Strait.¹⁴⁵ Hence, Maritime Domain Awareness is another national strength. On the judicial front, maritime crime is dealt with by Singapore's maritime law, which offers an additional degree of inter-governmental familiarity as it shares its roots with English common law.¹⁴⁶

Furthermore, the government has set up sophisticated information centres to streamline intelligence processes and to create a "Whole-of-Government" strategic framework such as the National Maritime Security System.¹⁴⁷ Key institutions that develop, process and share Singapore's maritime information include the Maritime Security Task Force¹⁴⁸ and the Information Fusion Centre, both established in 2009. In 2011, the National Maritime Security System was established, and the Singapore Maritime Crisis Centre in 2013 further bolstered Singapore's inter-institutional cooperation, synergy, and enforcement. These maritime communication and awareness centres also encourage inter-governmental cooperation with other like-minded stakeholders to further foster not only bilateral and multilateral ties between Singapore and the member-participants, but to act as a force multiplier to enhance the effectiveness of Singapore's operational force.¹⁴⁹

WHAT ARE THE MOST SIGNIFICANT MARITIME GOVERNANCE CAPACITY GAPS OF SINGAPORE?

It is difficult to see meaningful gaps in Singapore's maritime governance given the strength and maturity of its institutions and processes. However, Singapore continues to suffer from vulnerabilities stemming from its geographical position and size.¹⁵⁰

The key potential vulnerability is Singapore's geographical position of being sandwiched between Malaysia and Indonesia, which makes the state vulnerable to actions of either party (i.e. blockade). Singapore's lack of a complete 12nm territorial sea exacerbates this vulnerability.¹⁵¹

Likewise, whilst it is unlikely that another state actor will invade Singapore, its small geographical size does limit the number of ports it can have. As Singapore is a relatively small island, it can be easily blockaded, as aforementioned. Once the number of ports and marine terminals is consolidated at the Tuas Mega Port, it will be even more vulnerable to cyberattacks as a result of the port's sheer size and its advanced automated facilities.¹⁵² The lack of geographical space for ports limits the flexibility of the Singaporean maritime enforcement agencies and heightens the vulnerability of sabotage.

Therefore, its strategic location is a double-edged sword. Singapore's geography makes it a tempting potential target for other malicious actors. Singapore is worried about acts of maritime terrorism, where non-state actors hold no allegiance to any state flag and exploit areas of vulnerability.¹⁵³ A strike on the Port of Singapore or the Jurong Port would grind maritime commerce to a near halt, as cargo vessels would be forced to reroute to a safer location to avoid potential secondary attacks.¹⁵⁴ 90% of global trade is done through the maritime domain, of

which 70% passes through the Singapore Strait.¹⁵⁵ An attack on either ports would heavily disrupt Singapore's economy, as 7% of Singapore's GDP comes from maritime industry.¹⁵⁶

Moreover, whilst Singapore's maritime security is comparatively strong, that of its regional neighbours is not, and Singapore's economy still remains vulnerable to regional affairs that may affect the economy of Singapore. Poor maritime governance in other nations has a ripple effect on Singapore.¹⁵⁷

WHAT ARE PRIORITY AREAS FOR INTERNATIONAL COOPERATION THAT WOULD IMPROVE MARITIME GOVERNANCE CAPACITY IN SINGAPORE?

As mentioned, one of Singapore's greatest maritime strengths is its established relationship and cooperation with various maritime and intelligence agencies. This in itself can be further expanded to international cooperation. The IFC, for example, already boasts connections with 43 partner-states across the globe and 11 international shipping associations, facilitating engagement between the various stakeholders in real-time.¹⁵⁸ The Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) hosts 21 partner-states and eight international organisations to combat the threat of maritime piracy and armed robbery across the Indo-Pacific. With an integrated communications infrastructure, Singapore is one of the few states in the region where international or inter-institutional cooperation is not deficient. Rather, what Singapore could examine is expanding its cooperative expertise with its neighbours to improve inter-state communication capabilities and ensure a healthy relationship with extra-regional powers.¹⁵⁹ Examples include collaborating with the EU's Critical Maritime Routes in the Indian Ocean on enhancing information sharing in the Indian Ocean, and participating in Combined Task Force 151 to guard against maritime piracy and armed robbery in Gulf of Aden.¹⁶⁰ Singapore, therefore, takes a proactive role as a security partner in international maritime governance.

HOW CAN EXISTING REGIONAL AND MINILATERAL SECURITY FRAMEWORKS CONTRIBUTE TO MARITIME GOVERNANCE IN SINGAPORE?

A safer and more secure Southeast Asia would not only reassure Singapore but also relieve stress on the region's maritime security capacity. Given the difficulties related to finding consensus within ASEAN, minilateral cooperation among ASEAN members and with extra-regional partners has proved helpful toward the creation of tailored solutions.¹⁶¹ Currently, Malaysia and Indonesia are the chief states within the region with which Singapore cooperates on maritime security and governance. The Malacca Straits Patrol, Five Power Defence Arrangements, and the CORPAT INDOSIN are a few examples of arrangement which include Singapore and one or both of its neighbours.¹⁶² However, it would also benefit Singapore

if ASEAN's maritime security as a collective whole was enhanced. The March 2023 ReCAAP report suggests that more still needs to be done for the littoral states to increase surveillance, patrols and timeliness of collaborated reporting.¹⁶³ The first ASEAN Coast Guard Forum in 2022 gives Singapore a good benchmark in expanding minilateral cooperation into a multilateral one.¹⁶⁴ Singapore, nevertheless, must still be cautious to ensure that maritime competition does not escalate between ASEAN claimants or China, due to current trust deficits and capability mismatch¹⁶⁵, nor is Singapore itself immune to the immediate military challenge of the regional maritime space despite not being part of any disputes in the South China Sea.¹⁶⁶

ASSESSING THAILAND'S MARITIME GOVERNANCE CAPACITY: PRIORITIES AND CHALLENGES

Tita Sanglee

WHAT ARE THE MARITIME GOVERNANCE PRIORITIES FOR THAILAND?

Thailand's maritime governance priorities can be summarised in three points: modernise its naval force, clarify legal ambiguities, and reorient its strategic culture toward the maritime domain.

Thailand seeks to modernise naval assets to boost its domain awareness, strengthen deterrence, and improve the suppression of illicit maritime activities.¹⁶⁷ Thailand's maritime governance is already backed by one of the strongest navies in Southeast Asia and continues to procure relatively high-end naval warfare capabilities from diverse international partners, though the capacity remains less than the government desires.¹⁶⁷ Simultaneously, it is establishing an indigenous shipbuilding industry to reduce import dependency amid greater global uncertainties.¹⁶⁸ Because Thailand is a non-claimant state in the South China Sea and maintains cordial relations with all major powers, it does not face an existential threat in the form of direct conflict with a great power. However, an invasion is not unthinkable and Thailand is confronted with evolving non-state threats. Given that Thailand's defence flexibility is restricted by the absence of a maritime shortcut between the Andaman Sea and the Gulf of Thailand, a robust naval presence on both national coasts is needed to ensure maximum security and resilience.

Thailand also prioritises the clarification of legal ambiguities as an element of its campaign to improve maritime governance. Under the dictates of the 1982 United Nations Convention on the Law of the Sea (UNCLOS), Thailand has become a zone-locked state whereby vessels calling on its ports must transit through neighbouring exclusive economic zones (EEZs) to reach the high seas.¹⁶⁹ Conflicting legal mandates (UNCLOS' freedom of navigation in EEZs versus coastal states' regulations to safeguard national interests) have then

prompted disagreements between Thailand and its immediate neighbours, especially Malaysia. Foreseeing difficulties, Thai officials have long argued that zone-locked states with limited mobility should be granted special privileges, much like the geographically disadvantaged land-locked and archipelagic states.¹⁷⁰ Yet this demand remains legally unanswered, and Thailand has instead relied on negotiations for "flexible arrangements" with its neighbours.¹⁷¹ While Thai naval ships have not encountered any serious problem, Thai fishers—who are increasingly forced to fish in the distant seas amid declining fish stocks at home—have continued to clash with neighbouring fishers and law enforcement authorities.¹⁷² Fishery conflicts have been suppressed thanks to the iron-fisted fishery governance set in place by the government of former prime minister Prayut Chan-o-cha, but they could surge against the backdrop of Thailand's administrative change and worsening regional depletions.

Third, Thailand needs to reconfigure its national strategic culture.¹⁷³ Thailand historically had more continental enemies and its civilisation, despite profiting from the seas, expanded primarily along land routes.¹⁷⁴ In other words, Thailand's strategic thinking is deeply land-oriented and Thais commonly do not identify themselves as maritime people. These characteristics could significantly hamper Thailand's naval upgrades, and ultimately maritime domain awareness. The pandemic and inflation have played major roles in reducing the enthusiasm for defence investment, yet the fact that the acquisition of Chinese Yuan-class submarines has generated more backlash than the simultaneous effort to procure of American F-35 fighters (a less useful and exceptionally expensive system) speaks volumes about the low priority assigned to naval modernisation.¹⁷⁵



WHAT DOES THAILAND SEE AS THE MOST CRITICAL MARITIME SECURITY CHALLENGES?

Thailand has unresolved maritime disputes with Cambodia and Myanmar and a joint development area with Malaysia that is due to expire in 2029.¹⁷⁶ These, however, have been fairly well-managed through dialogue and are not Thailand's top concerns. Instead, Thailand is preoccupied with non-traditional threats that immediately jeopardise people's livelihood and economic growth derived from commercial shipping, coastal tourism, fisheries, and offshore drilling. These include environmental damage; the smuggling of drugs and migrants; and illegal, unreported and unregulated (IUU) fishing.¹⁷⁷

IUU fishing, which is closely intertwined with human trafficking and forced labour, is a particularly complex challenge. Thailand rose from a minor fishing nation in the 1960s to become the world's third-largest seafood exporter (by value) in the 2010s. This was despite the creation of the 200-nautical mile EEZ regime under UNCLOS which eliminated 300,000 square kilometres of traditional Thai fishing grounds, putting these waters under the jurisdiction of neighbouring states, namely Cambodia, Malaysia and Vietnam.¹⁷⁸ These dynamics indicate the relatively large-scale Thai economic dependence on IUU fishing.¹⁷⁹ To comply with international standards—specifically to lift the “yellow card” issued by the European Commission (EC) and delist Thailand from the “Tier 3” ranking in the United States’ Trafficking in Persons report—the predecessor Prayut government introduced tough regulatory and punitive measures. Although these measures have been praised internationally and enabled the Prayut administration to quickly meet its targets, they have resulted in new forms of domestic insecurity. New realities have exacerbated problems such as labour shortages, higher operational costs, and revenue losses from exporting less and importing more fishery products. Notably, the requirement for commercial fishing boats to install automatic identification systems on top of Vessel Monitoring Systems has been widely rejected and brought to court.¹⁸⁰

The massive protest outside Bangkok's agriculture ministry in December 2019 suggests that harsh IUU rules are having a severe impact on Thai fishers.¹⁸¹ With the loss of legal access to their traditional fishing areas, many Thais already view the international maritime law unfavourably and the issue of IUU fishing has easily become politicised. Several major parties, including the Pheu Thai Party that is now heading Thailand's recently sworn-in coalition government, have vowed to relax existing rules and better compensate fishers.¹⁸² Indeed, in one of his first events as Thailand's new prime minister, Srettha Thavisin met with fisheries representatives to reassure them of his government's commitment to soften anti-IUU fishing laws.¹⁸³ Striking a balance between law enforcement and people's welfare is hence Thailand's current biggest challenge.

WHAT ARE THE MARITIME GOVERNANCE STRENGTHS OF THAILAND?

The Thai Maritime Enforcement Command Center (Thai-MECC) provides an unusual level of centralised control over the nation's maritime governance activities. The Thai-MECC formed in 1997 was originally a weak coordination centre with limited authority, but it has been dramatically empowered following the arrival of the military-backed Prayut government in 2014. Since 2019, it has officially become Thailand's overarching maritime security authority. Now a de jure powerful enforcer under the Office of the Prime Minister's aegis, Thai-MECC can rightfully carry out surveillance and investigation into any matter deemed a threat to Thailand's maritime interests. It can also issue indictments.¹⁸⁴ Thai-MECC also exercises tactical control over the Royal Thai Navy (RTN) and six other agencies.¹⁸⁵ Furthermore, by positioning itself as a focal point of contact, Thai-MECC's presence is conducive to closer international cooperation.

The prime minister, as Thai-MECC's head, can give direct orders and intervene in any potential clash of authority between sub-agencies. As of January 2018, Thailand had spent \$60.5 million to combat IUU practices.¹⁸⁶ Apart from the issuance of over 100 IUU-related regulations, Thailand had established 32 Port In-Port Out control centres in 22 coastal provinces, equipped at least 6,125 commercial fishing vessels with VMS, and reduced the size of Thai fishing fleet from 50,000 to 39,069 vessels.¹⁸⁷ Finally, in January 2019, the EC formally lifted the yellow card warning.¹⁸⁸

WHAT ARE THE MOST SIGNIFICANT MARITIME GOVERNANCE CAPACITY GAPS OF THAILAND?

Thai-MECC's centralised power can nonetheless be a double-edged sword. The prime minister has other priorities in times of “peace”, as evidenced by Prayut's concentration on the economic cabinet after the IUU yellow card removal, making the RTN chief who is Thai-MECC's second-in-command a de facto leader.¹⁸⁹ The fact that Thai-MECC Areas are overseen by commanders of the Naval Area Commands has further strengthened the RTN's institutional dominance.¹⁹⁰ Notwithstanding the general acceptance of the RTN's pivotal role in governing Thailand's maritime space, both in terms of traditional defence and safeguarding broader maritime interests, the militarisation of Thai-MECC could undermine interagency cooperation by alienating civilian-led agencies and making them more reluctant to share information.¹⁹¹ Amid the perpetual polarisation between pro and anti-military forces in Thailand, sustaining healthy civil-military relations is difficult. Beyond the domestic aspect, the militarised Thai-MECC has a tendency to work with international agencies that are staffed predominantly by uniformed rather than civilian officers, thus limiting the scope of international interactions.¹⁹²

There are also concerns about staff disengagement and discontinuity at Thai-MECC. Since this is a somewhat ad hoc organisation, most operational officers have been “borrowed” from other agencies. They hold concurrent positions and typically work as Thai-MECC staff for 1-2 years, thus bringing their institutional interests with them to the job.¹⁹³ Thailand certainly recognises potential disadvantages of staff rotation, though this trend is likely here to stay considering the expected public sector downsizing scheme.¹⁹⁴

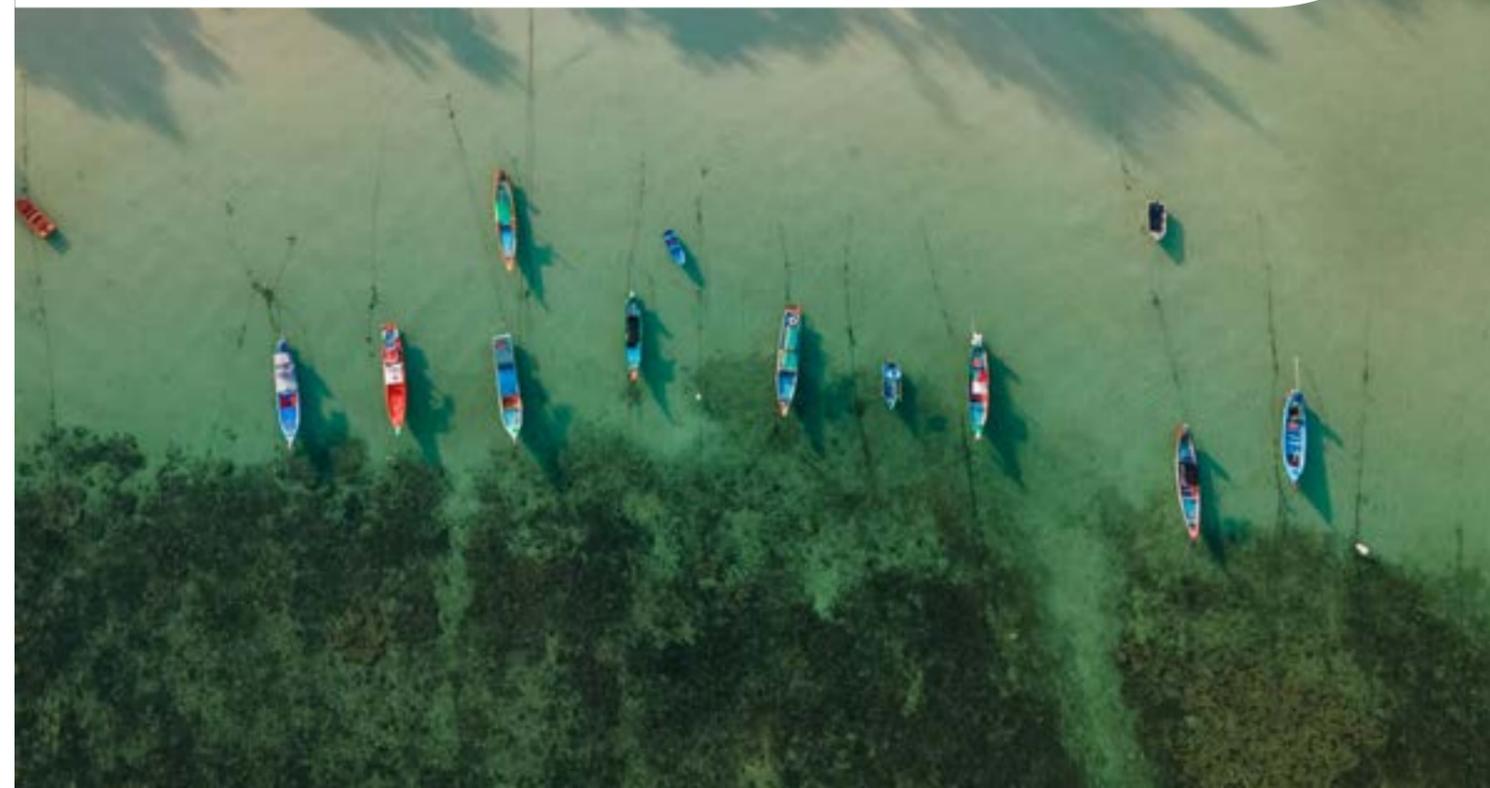
WHAT ARE PRIORITY AREAS FOR INTERNATIONAL COOPERATION THAT WOULD IMPROVE MARITIME GOVERNANCE CAPACITY IN THAILAND?

Internally, normative and human resource barriers appear to be key hindrances to Thailand's maritime governance. While interagency competition and manning constraints require internal solutions, international efforts could help promote an inclusive understanding of contemporary maritime security and rule of law among the Thai population. Public diplomacy, education, research support, and perhaps the revitalisation of non-military cooperation like the Indian Ocean Rim Association could help bridge normative barriers and encourage meaningful participation of more “non-traditional” actors beyond naval officers. At a broader level, Thailand is clearly anxious about the rights of its fishing vessels to pass through neighbouring EEZs and would favour the converging of legal practices between UNCLOS and individual states. To further enhance governance, emerging concerns that are not covered by UNCLOS such as rising sea levels and biodiversity loss should be addressed at the ASEAN Maritime Forum (AMF) and other relevant institutions.

HOW CAN EXISTING REGIONAL AND MINILATERAL SECURITY FRAMEWORKS CONTRIBUTE TO MARITIME GOVERNANCE IN THAILAND?

Thailand has engaged in numerous maritime governance arrangements—bilaterally, minilaterally, and multilaterally—that centre around patrolling and information sharing. The Malacca Straits Patrol, Mekong Joint Patrol, the Gulf of Thailand sub-regional cooperation on oil spill, and the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) are some examples of maritime cooperation undertaken by Thailand. Continuing cooperation through these practical frameworks would benefit Thailand in two ways. First, by having access to real-time data and training, Thailand would be equipped with enduring preparedness to respond to day-to-day challenges. Second, Thailand would have rooms to project its commitment to safeguard the maritime common good. The ASEAN Maritime Outlook released in August 2023, for instance, identifies marine debris and pollution as one of the region's pressing issues.¹⁹⁵ Thailand, being a nation with experience in this area, could definitely play a leading role.¹⁹⁶

Dialogue-based ASEAN-centric institutions like the AMF and the ASEAN Defence Ministers' Meeting, meanwhile, are platforms for Thailand to advance principles of non-interference and non-alignment. Amid a growing global appetite for minilateral cooperation, Thailand will probably widen and deepen engagement in minilateral groupings. Still, when it comes to groups that are closely associated with geopolitical containment (for example AUKUS and the Quad), Thailand will exercise utmost caution and most likely continue to maintain a passive stance to avoid potential entanglement.



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