

The authors' views are their own and do not represent the official position of the Institute of Defence and Strategic Studies of the S. Rajaratnam School of International Studies, NTU. These commentaries may be reproduced with prior permission from RSIS and due recognition to the authors and RSIS. Please email to Editor IDSS Paper at RSISPublications@ntu.edu.sg.

No. 027/2023 dated 20 March 2023

Can the Maritime Community Emerge Stronger Despite the Bleak Outlook?

Jane Chan

SYNOPSIS

*The consequences of bad order at sea not only affect individual nations and regions but have global impact. **JANE CHAN** argues that the maintenance of good order at sea is the first line of defence and that it takes a community to achieve it.*

COMMENTARY

To say that the global commons is under threat is stating the obvious. Developments in the maritime sphere feature continued and aggravated great power contestation, unilateral responses to competing maritime interests, and challenges to good order at sea more broadly. Threats to the safety and security of shipping range from maritime crimes to inter-state conflict.

Ensuring that sea lines of communication remain open and secure is critical to Southeast Asia's continued prosperity and security. The stability, safety, and security of regional waters are likewise important to countries far beyond this region. Recognising the economic weight and strategic importance of Southeast Asian waters, many extra-regional countries consider anew the role they should be playing in the region.

The Different Dimensions to Maritime Order

It is not an exaggeration to say that the action of one country can have global implications. The Russian invasion of Ukraine is a case in point. Amongst other prospective consequences of the war, the Russian treatment of international law has reverberated throughout the oceans around the world. Debates over freedom of

navigation and, more fundamentally, the interpretation and application of international law are up in the air.

The social and mobility restrictions put in place by different governments during the COVID-19 pandemic to manage the public health situation saved lives but had wide-ranging negative impact on the maritime community. The maritime industry, together with relevant government agencies, developed protocols and procedures, which essentially introduced new ways of working and using technology to aid business continuity.

Aside from the recent preoccupations of a pandemic and a war, Southeast Asian waters remain heavily exposed to various non-traditional security threats, such as piracy and armed robbery against ships; illegal, unregulated, and unreported fishing; illicit trafficking and smuggling of people, drugs and weapons; severe weather events; and environmental degradation.

The current [economic situation](#), mainly a consequence of the COVID-19 pandemic made worse by the war in Ukraine, may push more into illegal activities that could threaten the safety and security of port and shipping operations. Threats to good order at sea, especially of the non-traditional kind, usually cannot be resolved at the national level. The Malacca Straits Patrol and the Trilateral Cooperative Arrangement are good examples of minilateral cooperative mechanisms pitched at the regional level. Yet, the ocean is vast, and the total number of assets regional countries can dedicate to the task at hand will always be insufficient. External help, as seen in the Combined Task Force 151's counter-piracy efforts at the Gulf of Aden, thus may sometimes be required to address non-traditional threats more effectively.

While it is commonly acknowledged that a multi-agency and multinational approach is required for good order at sea need, soliciting the cooperation of partners, friends, and sometimes allies, both local and extra-regional, can often be quite tricky.

The combined efforts of navies and coast guards can contribute significantly to the maintenance of good order at sea. Conventionally, coast guards are viewed primarily as agencies focused on law enforcement and safety. Hence, the deployment of coast guards used to be generally regarded as less sensitive and less provocative. However, the recent [advent of deploying very large coast guard assets](#) has raised questions on the role such enforcement agencies play in the management of regional security and stability. Relatedly, "local" states may also question the broader purposes of extra-regional assets being [deployed to regional waters, particularly those of the United States](#).

As a whole, the region is moving towards developing stronger naval and maritime forces to manage maritime threats in response to increasing levels of great power competition. As ASEAN member states try to speed up their modernisation processes to enhance interoperability with stronger naval players from outside the region, bigger maritime powers are developing larger and more offensive platforms.

Recognising the Problem(s)

More fundamentally, as countries continue to perceive the ocean differently, the contention over what the global commons entail goes beyond a merely conceptual debate. The different views as to what constitutes a commons and the correlating perceptions of one's rights have led to challenges to the traditional freedom of the seas. These arise from territorial and maritime disputes, and disagreements over the jurisdiction and obligation of the coastal state versus the rights and duties of the user states.

A good example of such divergences lies in the debates surrounding the effectiveness of the United Nation Convention on the Law of the Sea (UNCLOS). Its provisions are often sources of contention between states. These include perceived illegal restrictions on freedom of navigation by coastal states and the reluctance to acknowledge the rights and duties of user states in the exclusive economic zone (EEZ).

More within the region are questioning whether naval operations, especially those of extra-regional countries, could constitute a threat to the coastal state under the guise of questioning one's interpretation of international law (e.g., what military activities are permitted in the exclusive economic zone).

Most countries have shared interests and are committed to maintaining freedom of navigation, the free flow of maritime trade, and access to the global commons in a manner consistent with international law. Many understand the importance of an inclusive maritime region founded upon international rules and norms, which is crucial for the continued growth and prosperity of the Indo-Pacific. However, countries may view development in the region rather differently.



The 6th International Maritime Security Conference (IMSC) co-organised by S. Rajaratnam School of International Studies and the Republic of Singapore Navy in 2019. Such dialogues are important for stakeholders to discuss maintaining good order at sea. *Image from RSIS.*

The assessment of where the future for cooperation lies and what the risks are can differ rather significantly. Hence, it is important for navies, coastguards, and all concerned stakeholders of the maritime community to come together to debate, assess, and discuss how best to work together to overcome the seemingly bleak maritime outlook. One such platform is the biennial International Maritime Security Conference (IMSC), which the Republic of Singapore Navy and S. Rajaratnam School of International Studies continue to host, bringing together concerned stakeholders from the region and around the world to discuss the way forward as a maritime community. The 8th IMSC will be held in Singapore on 4 May 2023.

Jane CHAN is Senior Fellow and Coordinator of the Maritime Security Programme at the S. Rajaratnam School of International Studies (RSIS).

S. Rajaratnam School of International Studies, NTU Singapore
Block S4, Level B3, 50 Nanyang Avenue, Singapore 639798
T: +65 6790 6982 | E: rsispublications@ntu.edu.sg | W: www.rsis.edu.sg