No Hidden Agenda – Maritime Cooperation
In achieving a Good Order at Sea in the Asia Pacific Region

By: Commander Rasyid Al Hafiz

On Sunday, May 21, 2017, a Vietnamese coast guard vessel intercepted an Indonesian maritime security patrol that was escorting five fishing boats caught poaching earlier. Indonesia’s Ministry of Marine Affairs and Fisheries said that the Vietnamese fishing boats were stopped in Indonesian waters near the Natuna Islands, in the South China Sea. Vietnam, however, claims its fishermen were in its own waters during the incident. But the clash on Sunday not only led to the Indonesian authorities losing custody of all five Vietnam-flagged fishing boats, it had detained earlier, but it also resulted in one of its own officers being held by the Vietnamese coast guard.¹

The Indonesian Navy is facing a tough challenge from the weather in its efforts to search for the crewmen of the Navy vessel Layang, who have been out of contact since Dec. 14 while carrying out their duties in Talaud Islands regency in North Sulawesi. The four crewmembers were lost while escorting a Philippines fishing boat that was netted by the Navy Layang 635 ship a day earlier.²

What is happening ???

Introduction

Normally, people live, work and survive on the land where resources, communication and transportation are easier being established and managed than the sea. It is absolutely challenging to make the sea safe and secure; well planned and well managed regulation, policy, convention and governance to rule everything at sea therefore is needed. In other words, good order at sea is a proper answer. What does the word “order” mean in this context? Order means a state (the condition they are in or what they are like at a particular time³) in which the laws and rules regulating public behaviour are observed.⁴ Furthermore, this paper is going to explain the concept of “good order at sea” and then to discuss a need for “a mutual understanding or no hidden agenda” maritime cooperation specifically in the Asia-Pacific region.

Before moving on, it is easier to understand the definition of good order at sea by thinking this in other words, “good maritime policy management”. In addition, to determine the Asia Pacific region with regard to this paper

³ Collins COBUILD Advanced Learner’s English Dictionary
⁴ Oxford English Dictionary
refers to data in Asia-Pacific Centre for Security Studies which states that Asia-Pacific region consists of 49 countries located the Pacific Ocean and its surrounding.²

GOOD ORDER AT SEA

There is a casual link between the attributes of the sea, contribution to human development and how to maintain good order at sea. In other words, the use of the sea must be managed and guarded by the people themselves for their welfare and their development. The explanation of good order at sea is divided to three sections, namely: the attributes of the sea, the relation of these attributes and the general requirements of good order at sea.

Firstly, as a background, it is started from the four main attributes of the sea, which commonly are used to, the first attribute is the sea as a resource, the second is the sea as a medium of transportation, and the next is the sea as a means of exchanging information and the last is the sea as a source of power and dominion. In security approaches, these first three values also named as soft security and the last value named as hard security.⁶ Everything related to the security of these mutually supporting attributes, is then called maritime security.⁷ And then, in order to achieve good order at sea, undoubtedly, good order on land, which is interdependent, should be first established.⁸

Secondly, all of this attributes are related and influence each other. For example, there is a sharp increase of the demand of edible fish from 80 million tons now to 115 tons by 2015 as the population grows.⁹ Fishing industries will develop their capability to catch the fish and then to process it. Hence, they definitely will use the sea as the medium of transportation of their armada. The problem arises when there are people or group is organized for piracy or unlawful depredation at sea, which is not politically motivated on their activities.¹⁰ Because of this, the presence of navies or coastguard at the sea is prominent in responding this problem.

Thirdly, the role of sea, nowadays, is getting more important. Geoffrey Till says that “disorder at sea only makes things worse ashore.”¹¹ There are three basic requirements needed to establish good order at sea namely: maritime awareness, a maritime policy, and integrated maritime governance.¹² It means that it is compulsory, for all people to have maritime awareness, for all states to have a maritime policy and sit together for cooperating and building integrated maritime governance although some states have their differing interests and perceptions among them.¹³ For example, Indonesia and Vietnam, on one hand they want to reach good order at sea in their maritime border at north of Natuna Sea, on the other hand, they have different views about the maritime border specifically in EEZ border whereas the Continental Shelf border exists. Hence, implementation of these requirements at sea by navies, coast guards and other maritime agencies is undoubtedly needed. What happened in May 2017 between Indonesia and Vietnam is one of the clear massage that both countries should determine the total maritime

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7 Ibid.
8 Ibid., p.10.
9 Ibid., p.288.
12 Ibid.
border not only the continental shelf.

In conclusion, to explain good order at sea, (good maritime security and law at sea, in my view), it is easier to understand by combining two figures written in his book to be this schema:

THE SPECIAL ASIA-PACIFIC REGION

The Asia-Pacific region is the most unique and complicated region in the world, in this region, there are different countries with different forms of typical views of land and sea, such as coastal states, archipelagic states, small island states, continental states and so on. There is also different economic development level among them. Most states in the Asia-Pacific are predominantly modern, some of them are still pre-modern states such as small island states of the South-Pacific, and a few of states are modern such as Australia and Japan. Almost all economic trade in the Asia-Pacific region situated at the sea. However, this situation makes seaborne trade at the sea as a major strategic vulnerability for most countries in this region.

In this paper, this special region is divided to three sub-regions, namely AP1, AP 2 and AP 3 (see figure 2). AP1 sub-region tends to be South East Asia, AP2 sub-region is Northeast Asia and AP3 sub-region is the South Pacific.

GOOD ORDER AT SEA IN THE ASIA-PACIFIC REGION

Nowadays, although some international law, some initiatives, many international, regional maritime security cooperation and even

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the 1000-ship navy, which is predicated on an assumption that there is instability at sea, have been already issued and conducted, good order at sea have not prevailed yet currently in the Asia Pacific region. In this case, it is wise to state that have not prevailed yet than does not prevail because actually most states in many ways are on the track to achieve good order at sea. For example, in June 2017, Malaysia, Philippines and Indonesia will enter into a military collaboration under the Trilateral Agreement (TCA) through the Trilateral Maritime Patrol (TMP) to ensure that the Sulu Sea does not support rat trails into the three countries. The principal intention of the TMP is to ensure that maritime disputes do not use the waters to enter the three countries. The joint effort is also to tackle piracy, kidnappings and armed robberies in the Sulu Sea.17

However, there are three major reasons which make this instability, namely: a number of incidents at sea, a number of maritime boundaries and islands disputes and the proliferation weapons of mass destruction.

The first reason is a number of incidents at sea. A number of incidents reported in AP1 sub-region especially in South China Sea and Sulu Sea. In terms of good order at sea, there is no doubt that the Southeast Asia is the heart of the Asia Pacific region. Because there is still illegal activities at sea which affect the safety and security, it means that there is a bad order at sea.18 In other words, this might be the best reason why good order at sea has not prevailed yet in this region.

The second major reason is a number of maritime boundaries and islands disputes. There are 8 of 22 sovereignty disputes over islands throughout the world, located in Asia-Pacific region, for example South Talpatty/New Moore Islands between Bangladesh and India, Liancourt rocks between Japan - South Korea and the Paracel Islands between China and Vietnam. These disputes can be provocative when people from two disputing states want to use the sea as its attributes. In addition, the maritime border issues for example Indonesia and Vietnam. During the 9th meeting in 2016, Indonesia and Vietnam continued discussing issues relating to the delimitation of the two countries' EEZ boundary based on international law, particularly the 1982 United Nations Convention on the Law of the Sea.20 However, in

May 2017, incident happened again and took place north of the Natuna island chain within Indonesia's exclusive economic zone. The Indonesian and Vietnamese governments have agreed to diplomatically solve the Natuna incident.  

The third major reason is the proliferation weapons of mass destruction. This reason tends to be happened amongst the Northeast Asia states, namely China, North Korea, Russia and even USA. Some of the Biological and Chemical weapons and even ballistic missiles are still being big issues in Asia-Pacific region, especially when they become commodities trading by sea and through the SLOC. It is realized or not, this trade can endanger seaborne trade especially for states which do not engage. For example, North Korea has fired a volley of what appeared to be land-to-ship missiles, hours after a senior US official said the regime’s recent advances in missile technology were causing “great concern” in Washington. South Korea’s joint chiefs of staff said several missiles – which are not thought to be ballistic – were launched from the North Korean eastern coastal town of Wonsan. The salvo was aimed at an area in the Sea of Japan recently visited by two US aircraft carriers, the USS Carl Vinson and USS Ronald Reagan.

These three major reasons ensure that good order at sea have not prevailed yet in the Asia-Pacific region, especially in the Southeast Asia (API) and the Northeast Asia (Ap2). On the other hand, in the South Pacific (AP3), the situation in there tends to be calm and conducive.

**NO HIDDEN AGENDA – MARITIME COOPERATION**

All States, all sovereign nations, all countries have their national interests in order to secure and safe their people and their jurisdictions. However, in international relations views, the need for world peace and stability, some individual interests should be minimized for establishing a common interest. No hidden agenda – maritime cooperation is the answer. This cooperation should be established and maintained by applying the Law of Sea Convention (LOSC) which is ratified by most countries in the Asia Pacific region.

**CONCLUSION**

To sum up, it is prominent to have maritime awareness, a maritime policy and integrated maritime governance which implemented by navies, coastguards and other maritime agencies in order to contribute human development by using the attributes of the sea. Good order at sea has not prevailed yet in the Asia-Pacific region because of these three major reasons namely: a number of incidents at the sea especially in South China Sea and Sulu Sea, some maritime boundaries and islands disputes between states and the proliferation of weapons of mass destruction, especially in the Northeast Asia.

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23 Ibid., p.35.

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About The Author

CDR Rasyid Al Hafiz, S.Tr.Han., MMaritimePol., M.Tr.Hanla., is an Indonesian Naval Academy graduate in 1999/XLV and did his Master of Maritime Policy at Faculty of Law, University of Wollongong (UOW), Australia in 2010. He is currently in the 2nd year of Doctoral Program in Faculty of Social Political Science, UNTAG Surabaya. He is now the CO KRI Silas Papare-386 Western Fleet Command.

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Various operations, exercises, coordinated patrols, symposiums and courses participated such as Mine Clearance Ops in Tuban Waters Java Sea and Bintuni Bay West Papua, Security Ops and Rescue Ops in Aceh, Armada Java, Latgab TNI, Joint Minex with Singapore, IED/EDOx with USA, MCMex/DIVex with Western Pacific (WP) Countries, Milan in India, Khaan Quest in Mongolia, Sea Garuda with Thailand, CARAT with USA, Cassowary with Australia, WPNS and IONS Symposiums with WP and Indian Ocean (IO) countries, UN Civil-Military Liaison Officers’ Course and UN Regional Disaster Response Course.