

THE U.S. POSITION ON CO-OPERATIVE MARITIME

SECURITY FRAMEWORKS

by

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Whenever there is a change in U.S. leadership, Asia asks if and how U.S. policy will change. However, the United States has long-term goals and consistent objectives in Asia and according to Deputy Assistant Secretary for East Asian and Pacific Affairs, Skip Boyce, these are not likely to change despite the nuances of different administrations.¹ The United States seeks regional stability such that each state is able to pursue its own course of development in a secure and open environment. To this end, it is committed to co-operation with its allies in the region – Australia, the Republic of Korea, Japan, the Philippines and Thailand.

Now, first and foremost the United States is committed to eradicating the scourge of ‘terrorism with a global reach.’ But it also remains committed to democratic governance, human rights, the rule of law, and free trade and investment. In the maritime sphere, the United States is committed to keeping the sea lanes open and maintaining the principle of freedom of navigation and overflight. And it seeks to prevent competing territorial and maritime claims from disrupting regional peace, security and the safety and freedom of navigation.

Manifestations of these commitments include its forward-deployed military presence. Indeed, citing shifting security challenges after the Cold War, the Pentagon plans to expand the U.S. military presence in Asia. It has ordered the navy to increase its aircraft carrier patrols in the western Pacific—including the seas off Japan, Korea and China—and to explore options for assigning to the

* Obviously, I do not represent the U.S. government. However, the following analysis is based on U.S. practice and interests as well as statements from leading U.S. policy makers.

area extra warships and submarines capable of carrying cruise missiles.² Political manifestations include U.S. participation in the ASEAN Regional Forum (ARF), as well as its support for other multilateral confidence building activities in the region. The U.S. support for the ARF process is particularly important in light of doubts regarding the effectiveness of that process expressed by some officials of the previous administration. Moreover some see U.S. interest in multilateralism as thin or worse, manipulative. Thus continued U.S. participation in the ARF process should help dispel Asians' worry that the United States is edging towards unilateralism. Indeed, the continued strengthening of U.S. security dialogues and confidence-building measures with the members of ASEAN and through the ARF is one of the many ways the United States is seeking to enhance political-military ties with allies and friends in the Asia-Pacific region.

Deputy Assistant Secretary Boyce argues that the United States has long shared with Asia-Pacific nations the objective of strengthening regional cooperation as a means to address common problems and deal with emerging issues. And like the ARF, U.S. regional security interests include transparency, mutual understanding, and regional cooperation. According to Deputy Assistant Secretary Boyce, the United States is meeting these objectives by building bilateral and multilateral military-to-military cooperation and capabilities to better face non-traditional transnational security challenges such as 'terrorism,' drug trafficking, piracy, and humanitarian crises. In particular, the U.S. Pacific Command has been active in education and training, designed to develop crisis response planning, enhance peacekeeping efforts and improve humanitarian assistance efforts including search and air rescue skills, and above all, to deepen regional security dialogue.

Admiral Dennis Blair, the U.S. Commander in Chief of the Pacific Command, believes that genuine security within the region will come only when nations share dependable expectations of peaceful change, and act in concert to address common challenges. He also maintains that armed forces, in conjunction with diplomatic efforts, should cooperate to pursue regional security, and that

the forward deployed armed forces of the United States should play a key role in developing a new genuine security structure in Asia.³ And he has made some progress in implementing these concepts.

Most nations of Asia are increasingly realizing that territorial defense and internal security are the core – but not the whole – of the security responsibilities of their armed forces. They now realize that regional cooperation is a vital component of a durable security structure. In many cases, insurgency and communal violence are closely tied to transnational ‘terrorism,’ drug trafficking, piracy and other criminal activities. No nation can deal with these transnational challenges alone. If nations choose to harm each other, insurgencies and transnational challenges can become an arena to expand military rivalries, rather than opportunities to enhance regional security cooperation. Thus Admiral Blair has stated that “the United States will work with countries in the Asia-Pacific region to fight terrorism as part of a campaign that could extend to piracy, gunrunning, and drug and human trafficking.”⁴ More specific, Admiral Blair raised the specter of possible terrorism attacks on ships in the narrow Strait of Malacca and said he wants to see an international patrol for the Strait preferably organized by Indonesia, Malaysia and Singapore. If so initiated, the United States will join it.⁵

In Admiral Blair’s view no framework for security in the Asia-Pacific region will be complete without unprecedented cooperation among regional armed forces. The armed forces of each nation must first and foremost provide for their nation’s defense. However, they also must be able to work side-by-side in a variety of operations, from providing humanitarian assistance and disaster relief, to supporting UN peace-keeping operations. Indeed, the nations of the Asia-Pacific region are also members of the United Nations. As such, the United States has a responsibility to support UN operations, particularly as they directly affect U.S. national interests.

Initiatives to enhance cooperation among the armed forces of the Asia Pacific region are gaining momentum and much of it is in the maritime sphere. For the past three years, the U.S.

Pacific Command has hosted a conference for the Chiefs of Defense from around the region. Last year, each Chief presented an overview of his security challenges, and several Chiefs made presentations on functional topics, such as multilateral exercises, personnel policies, countering 'terrorism' and insurgency, piracy, and drug trafficking. The major conclusion of the assembled Chiefs was that each had more missions to address than their budgets would support, and that by developing dependable ways to work together, all would benefit.

In November 2000, the Philippines hosted a Multinational Planning Augmentation Team (MPAT) Staff Planning workshop attended by 18 nations, non-governmental organizations, and UN representatives. Twenty nations attended a similar workshop in Bangkok in March, and twenty-four nations sent officers to the workshop that the United States conducted in Hawaii in 2001. These workshops refine procedures and train staff officers from around the region to become a cadre of Asia-Pacific military planners, ready to reinforce a multinational force headquarters. They build on lessons learned in East Timor, and in other peacekeeping operations, to improve the region's capability to conduct combined operations. Many armed forces in the region want to improve their abilities to work together, and they use the U.S.-initiated Asia-Pacific Area Network (APAN) to continue their MPAT dialogue between workshops. APAN provides non-secure, internet-based communications, and the ability for the armed forces of the region and civilian organizations that participate in complex contingencies to share sensitive, but unclassified, information. As with many web applications, the number of users is growing rapidly; there are now over 3,000 users from 56 countries.

The SAGIP event in the Philippines, named for the Tagalog word for "save" or "rescue," is also rapidly becoming a premier multilateral humanitarian assistance and disaster relief event. Two years ago, SAGIP was a trilateral seminar game involving only the Philippines, Australia and the

United States. Last year, attendance expanded to 17 nations. Plans are to build the seminar into a command post exercise, and perhaps a field training exercise.

In addition to agreed procedures, a means to communicate, and staff planning skills, the United States promotes traditional co-operative exercises in the Asia-Pacific region. In May, the United States convened the first TEAM CHALLENGE exercises. TEAM CHALLENGE linked the U.S. bilateral exercises COBRA GOLD in Thailand, BALIKATAN in the Philippines, and TANDEM THRUST in Australia. TEAM CHALLENGE included a significant maritime component. It involved both command post exercises and field exercises, focused on the skills needed to conduct multilateral operations across a spectrum of missions – from humanitarian assistance to UN peace enforcement. Singapore provided forces to participate in the COBRA GOLD phase in Thailand, and several other nations – including Indonesia, Japan, Malaysia, Mongolia, the Philippines, Sri Lanka, and France – sent teams of observers. China and Vietnam were invited, but chose not to come. Admiral Blair expects that TEAM CHALLENGE will become the premier regional exercise for multilateral operations.

The reactions to the U.S. Pacific Command's emphasis on multilateral approaches have been generally positive. While some U.S. friends and allies have expressed concern that multinational efforts will dilute the quality of U.S. bilateral relations, in fact, U.S. bilateral relations form the foundation for enhanced regional cooperation. According to Admiral Blair, the TEAM CHALLENGE planning efforts have demonstrated that it is possible to meet U.S. bilateral training objectives, and even exceed them, with skills required for coalition operations.

Despite, or perhaps because of these multilateral successes, cynics are suspicious. Some continue to express concern that multilateral approaches are intended to cover a reduced American involvement in the region. Others fear that these U.S.-led co-operative efforts are a scheme for excluding and containing China. Indeed the recent proposal for a U.S.-led security grouping of

Australia, Japan, and the Republic of Korea seems to confirm their fears.⁶ And U.S.-led initiatives in theater missile defense, which would have a significant sea-based component and involve Japan, South Korea, and maybe Taiwan, greatly amplify them.

However, Admiral Blair argues that by improving U.S. capabilities to work together, the United States is forming a web of relations among the nations of this critical region that can address the broad range of security challenges which none can solve alone. And he argues that instead of trying to exclude China, these co-operative efforts provide an opportunity for China's involvement in the region in a constructive manner. He points out that the United States welcomed China's 15 police officers in the CIVPOL contingent to East Timor and would gladly welcome greater Chinese involvement in peacekeeping, such as that China provided in Cambodia in 1992-93. And the United States certainly appreciates China's assistance in its own way in the U.S.-led anti-terrorist efforts. According to Admiral Blair, in the U.S. view, enhanced regional cooperation is an inclusive, not an exclusive, activity.

Although there will be setbacks, the U.S.-led search for new approaches to regional security will continue. The Pacific Command believes that working together improves the readiness of regional forces to be effective in multilateral operations, while simultaneously developing habits of cooperation and a shared sense of responsibility for regional security. The trust and confidence resulting from habits of cooperation contributes directly to developing dependable expectations of peaceful change. In the long term, enhanced regional cooperation, can lead to the development of security communities in the Asia-Pacific region, in which nations share dependable expectations of peaceful change.

Ongoing And Potential Maritime Cooperation

Given this foundation of U.S. support for multilateral co-operation, what specifically is or can be done in the maritime sphere? As marine policy problems play an increasingly important role

in the international relations of Asian states, the region's nations are being drawn slowly but surely into a continuing dialogue through which constructive and mutually beneficial marine policies are evolving.⁷ Supporting this process is the growth of an epistemic community of maritime specialists. This community originated as a by-product of the Law of the Sea negotiations where such experts had frequent contacts and thus opportunities to discover their mutual interests,⁸ and is being rapidly enhanced and extended to naval officers engaged in maritime CBMS. Indeed, there is actually considerable ongoing cooperation involving Northeast Asian states in the maritime sphere, although most still is of a 'soft' character.⁹ However, there are several aspects of co-operation that are making progress—safety at sea, law and order at sea, and regional Track One forum.

Safety at Sea

There are five important areas of ongoing cooperation in maritime safety—regional nations' adherence to key safety conventions of the International Maritime Organization (IMO), the Tokyo Memorandum of Understanding (MOU) on Port State Control,¹⁰ regional cooperation in Search and Rescue (SAR), cooperation in dealing with maritime disasters, and regional cooperation in training. The most important of IMO's safety conventions are the International Convention on Safety of Life at Sea (SOLAS 1974), the Convention on the International Regulations for Preventing Collisions at Sea (COLREGS 1972), the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW 1978), and the International Convention on Maritime Search and Rescue (SAR 1979). All Northeast Asian nations, except North Korea and Taiwan, have ratified almost all of these critical maritime safety agreements. This wide adherence provides an excellent basis for regional agreement on key maritime safety areas.

Law and Order at Sea

The key relevant IMO Convention regarding law and order at sea is the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation 1998 (Rome Convention) and the related protocol on offshore oil/gas platforms. The Rome Convention was originally a response to the *Achille Lauro* 'terrorist' incident, but also clearly applies to piracy incidents in which violence is used or the ship is seized. It obligates states either to extradite or prosecute persons who seize ships by force, commit acts of violence against persons onboard ships, or place destructive devices onboard ships. Clearly, regional cooperation in law and order at sea would benefit by greater adherence of regional countries to this basic international convention.

Piracy has been an increasing problem in recent years in Northeast Asia. Under international law (Art. 101 of the 1982 UN Law of the Sea Convention), piracy is defined as illegal acts of violence or detention committed for private ends on the high seas (i.e., outside the 12 mile limit of territorial waters). But the broader definition of piracy of the International Maritime Bureau (IMB) of the International Chamber of Commerce, which includes such acts in territorial seas or even in ports, is more relevant to most Asia piracy, which generally occurs in such locations. In 1993, *ad hoc* agreements between the coast guard agencies of China and Japan, and unilateral naval patrols by Russia halted increasing piracy in the East China Sea. In late October, Japan's and China's maritime affairs agreed to strengthen co-operation against piracy and smuggling.¹¹ In August 2001, Japan announced it would send patrol aircraft to Southeast Asia to help efforts to control piracy. And it will periodically send a patrol boat to conduct joint exercises with Southeast Asian coast guards.¹² Indeed, in October, the Japanese coast guard patrol ship *Mizuko* was sent to the Philippines to participate in a joint anti-piracy exercise.¹³ Moreover, Filipino officials have proposed an accord among Indonesia, Malaysia and the Philippines for a quick response mechanism to terrorist acts and cross-border crimes.¹⁴

Beyond piracy, transnational crime at sea—including illegal drugs, smuggling, and illegal migration—are of increasing concern in a globalized, modernized and increasingly urbanized Northeast Asia. Almost all illegal drug intercepts/arrests of drug traffickers are in ports or territorial waters, and most regional cooperation is closely held, bilateral, and between law enforcement agencies. Smuggling continues to be a major problem in regional waters, with scope for increased cooperation by customs and law enforcement agencies. Illegal migration, intensified in times of economic crisis, poses particular problems for national maritime authorities and requires closer cooperation between neighboring states.

There are several potential initiatives dealing with transnational crime at sea. The United States Coast Guard has developed a Model Maritime Service Code which could assist some regional nations in improving their own legislative and operational framework for enforcement of law and order, maritime safety and environmental regulations. More region-wide information sharing on maritime smuggling and drug trafficking is needed, and could build on existing exchanges between cross-border criminal information databases.

Illegal fishing is a major area of concern to enforcement agencies. Indeed, fishing disputes complicate relations throughout Northeast Asia, but several recent initiatives have the potential to improve regional fisheries law enforcement. In recent years, Japan and China, Japan and South Korea, Japan and Russia, and China and South Korea have all concluded bilateral fisheries agreements. This web of bilateral agreements is a natural basis for a regional fisheries agreement and its enforcement mechanisms. A recent Asia-Pacific Economic Cooperation (APEC) Oceans Conference declaration included agreement on such enhanced cooperation and data sharing, and a comprehensive vessel registry. And the U.S. Coast Guard has an active program of cooperation with other regional nations, including China, to support the UN prohibition of large-scale high sea

drift netting, and is also helping to develop a regional organization to implement the UN agreement on conservation and management of highly migratory species.

Regional Security Forums¹⁵

The major forum specifically for naval dialogue and cooperation in the region is provided by the U.S.-hosted Western Pacific Naval Symposium (WPNS). The WPNS brings together leaders from the navies of the Western Pacific in their “unofficial” capacities to discuss issues of common concern, including law of the sea and the security of sea lines of communication (SLOCs). Its membership includes China, Japan, and South Korea from Northeast Asia, together with the navies of the ASEAN countries, Papua New Guinea, Australia, New Zealand, France, and the United States.

The main thrust of the WPNS has not been multilateral naval operations, which have been considered too sensitive, but rather the harmonization of existing procedures. A tangible outcome from the WPNS meetings has been a series of subordinate workshops which have led to the development of a Maritime Information Exchange Directory, a WPNS Tactical Signals Handbook, a WPNS Replenishment at Sea Handbook and planning for the conduct of a Command Post Exercise (CPX) to help the development of common doctrine and publications. Recent meetings of the WPNS have concentrated largely on civil responsibilities (maritime safety, search and rescue, disaster relief, and protection of the marine environment) because these were “safer” issues for the forum to consider. This is despite the fact that in most Asia Pacific countries, agencies other than navies usually have responsibility for these matters.

ARF has also entertained and sponsored specific discussions on maritime cooperation. However it is apparent that Northeast Asian navies generally have a preference for bilateral over multilateral cooperation and some, particularly China, are clearly uncomfortable even discussing

military and naval activities in a multilateral forum. Nevertheless, ARF did sponsor two Intersessional Meetings on Search and Rescue (SAR) (Honolulu 1996 and Singapore 1997), with themes of SAR cooperation and SAR training. These meetings also drafted an ARF “Declaration on Search and Rescue Cooperation,” and encouraged continued cooperation at the technical level. SAR exercises by regional navies (including even former adversaries) have been a common initial step in regional naval cooperation in recent years.

An ARF Meeting of Specialist Officials on Maritime issues (MSOM) was convened in Honolulu in November 1998 to consider and discuss ways and means for the ARF to add value to existing activities in the areas of maritime safety, law and order at sea, and protection and preservation of the marine environment. The recommendations arising from the meeting included information sharing about sub-standard vessels, oil spill response arrangements, measures to minimize the generation of shipboard waste, maritime law enforcement (particularly the control of piracy), marine information data exchange and the ratification of maritime conventions. These recommendations were subsequently considered at a further meeting of the Intersessional Support Group (ISG) on CBMs in Bangkok in March 1999, in which it was agreed that the countries would continue considering maritime cooperation, especially in the CBM context. It was also agreed that the Tokyo Memorandum on Port State Control (PSC), anti-piracy efforts and the ratification of various maritime conventions, warranted specific monitoring by the ARF. The United States would like the ARF to widen its scope to include defense officials in its core discussions. And in this connection, defence experts from most ARF members met in Tokyo in August 2001 to discuss security issues in the Asia-Pacific and to build confidence.¹⁶

Regarding ‘second track’ activities, CSCAP has established a working group to look specifically at maritime security cooperation in the Asia Pacific region. This group has adopted a broad view of security and is considering a range of small ‘s’ security issues, such as marine safety,

resources conservation, oceans governance (particularly in areas where maritime boundaries are unresolved) and unlawful activities at sea, e.g., drug smuggling, illegal population movements and piracy, as well as more conventional maritime security issues.

A major achievement of the CSCAP Maritime Cooperation Working Group has been the development and promulgation of proposed Guidelines for Regional Maritime Cooperation.¹⁷ These are a set of fundamental, non-binding principles to guide regional maritime cooperation and to ensure a common understanding and approach to maritime issues in the region. In addition to recognizing the general “confidence-building benefits of naval cooperation,” the Guidelines support regional maritime cooperation in maritime safety, search and rescue, marine resources, marine scientific research, technical cooperation and capacity-building, and training and education.

Developing the Guidelines was difficult because several countries were concerned that some of the guidelines could imply a significant undermining of their maritime jurisdictional claims. But it is significant that after several meetings on the Guidelines, an agreement was reached on wording which allowed a proposal to go forward for consideration by the ARF. It was these Guidelines that were considered by ARF’s MSOM in Honolulu in November 1998, and again by its ISG on CBMs in Bangkok in March, 1999. However, their status remains informal.

In September 2001, Asia – Pacific Heads of Maritime Safety Agencies met in Beijing to discuss latest development in navigational safety, search and rescue, and oil spill prevention and response. By hosting the forum China indicated its willingness to co-operate internationally in these areas.¹⁸ Last but not least, South Korea will host the first APEC Marine Ministerial Meeting in April 2002. Although the participants will focus on ocean science and technology and environmental concerns, this meeting could be a forerunner and have spillover effects into discussions of maritime security co-operation.¹⁹

There is thus quite a bit of maritime cooperation involving Asia, but what is less certain, is the extent to which that cooperation has real economic or political benefit for the future of the region. Some of the cooperative activities have the appearance of “talk shops” that lead to little action or implementation of the ideas that are discussed.²⁰ There is a particular problem also with translating issues to an operational or practical level. Issues are often discussed at the “head office” level by senior officials with no migration of ideas to a working level. Nevertheless, “second track” forums have a particular role to play in spreading awareness of the problems and potentially identifying solutions that may be too sensitive or embryonic for consideration at a ‘first track’ level. And they do help build an epistemic community supporting cooperation in the marine sphere.

Obstacles to Navy to Navy Cooperation

In a paper on Maritime Security Frameworks’ and the U.S. role, it would be remiss to ignore the obstacles to multilateral co-operation. Indeed, there are serious political and practical obstacles of a military nature to strengthening navy-to-navy cooperation in Asia. These practical obstacles stem from the fundamental political fact that each views the others as potential enemies.²¹ There are no permanent ‘friends’--only permanent ‘interests’. And there are no natural naval ‘partners’ in the region.

Numerous practical problems are overlaid on these deep-seated political sensitivities. They include

- Tight operating budgets;
- Lack of common doctrine, language and interoperability of equipment;
- Widely varying stages of technological development and the reluctance of less advanced navies to reveal their technological weaknesses;

- The possibility that naval cooperation may be used to gain intelligence about the capabilities of potential adversaries; and
- The confined maritime geography of Northeast Asia and the sensitivities about foreign naval vessels operating in areas of overlapping EEZs or near features whose sovereignty is contested.

Thus progress on the harder maritime security issues—such as military security—may well depend on successful development of a softer, essentially civil, maritime safety regime. Asian specialists list similar maritime problem areas for greater cooperation: ‘terrorism,’ piracy, smuggling, illegal immigration, transnational oil spills, incidents at sea, search and rescue, navigational safety, exchange of maritime information, illegal fishing, and management of resources in areas of overlapping claims. These issues are all primarily maritime safety problems of civil, as opposed to a military, nature. Proposals for maritime cooperation can be formulated against common problems of crime, human depredation, pollution and natural disaster, rather than a single adversary. In this context, regional oceans management may be the most significant of all the current proposed maritime confidence-building measures. To move regional oceans management forward, what is needed is a framework and a blueprint – for developing multilateral regional marine policy regimes.

The Path to Multilateral Naval CBMs

Considering the above, it would be a mistake to conceive of naval cooperation in the region in tactical terms, as if the problem were simply one of assembling the right blend of cooperative measures, and as if the larger strategic context of the security dilemma did not exist.²² CSBMs are stepping stones or building blocks, not ends in themselves. As such, they should have realistic, pragmatic, clearly defined objectives. Gradual, methodical, incremental approaches work best. The best approach is to start small; use a gradual, incremental, building block process; avoid over-

formalizing the process; and the use unilateral and bilateral measures as steps towards multilateral confidence building.

Cooperation in ocean management could set the stage and have a spillover effect for true navy-to-navy CBMs. When the time is right to move in this direction, the focus should first be on low-level matters such as transparency and Incidents at Sea (INCSEA) agreements. Already, a gossamer web of bilateral arrangements is being spun.²³ INCSEA or similar agreements exist between the United States and Russia, the United States and China, Japan and Russia, Japan and South Korea, and South Korea and Russia.²⁴

And bilateral naval exercises are spreading. Russian and Japanese naval forces staged a first-ever joint marine rescue drill in the Sea of Japan in 1998 and repeated them several times, most recently in September 2001. Indeed during his visit to Sasebo, Viktor Fedorov, the Chief of Staff of the Russian Pacific Fleet said “The Sea of Japan is a bridge between Russian and Japan, and it is wonderful for the ships of both nations, which are active in the same sea, to co-operate in the rescue drills.”²⁵ He also suggested that the Russian Pacific fleet and Japan’s navy could join together in peacekeeping operations under UN aegis.²⁶

Japanese and South Korean naval vessels staged a path-breaking joint search and rescue operation in the extreme northern East China Sea in early August 1999.²⁷ South Korean naval vessels visited Shanghai in September and South Korea invited Chinese navy ships to make a port call in South Korea next year.²⁸ South Korea has also proposed a joint naval exercise with Russia.²⁹ Recently Russia has proposed that it, Japan, and the United States stage joint search and rescue drills.³⁰ Meanwhile, the United States has proposed that the U.S.-Malaysia joint military search and rescue training mission be expanded to include China and Japan.³¹ And in the wake of the ‘terrorist’ attack against the United States, the Japanese government dispatched three Maritime Self Defense Force vessels to the Indian Ocean to provide intelligence and logistical support to the US – led anti-

terrorist effort.³² And even Japan and China have resumed their security dialogue,³³ while Russia and North Korea have signed a new treaty on friendship and cooperation.³⁴ In what could presage an emerging security relationship, Russia and China held joint naval maneuvers in October 1999.³⁵

More important than these bilateral agreements and exercises is the convergence of proposals by China, South Korea and Russia for a multilateral security forum for Northeast Asia. Initially, a sub-regional approach would be best, at least for specific maritime CBMs, albeit under the overall umbrella of a regional security forum.³⁶ Given the existence of a network of INCSEA agreements applicable in Northeast Asia, a multilateral agreement should be based on these standards, and led by a regional country with the support of the United States.

But there are still formidable obstacles to a multilateral arrangement.³⁷ How can China, Taiwan and North Korea be persuaded to join? North Korea has heretofore shown little desire to participate in multilateral discussions on security issues that would be necessary for a sub-regional INCSEA agreement. And an attempt to include both China and Taiwan in an official agreement would be folly. Perhaps any sub-regional arrangement should not be called an “agreement,” and a respected neutral party, e.g. Canada, should be the depository through which communications are transmitted. In this way, the issue of formal recognition would be avoided.

To be effective, the core agreement would have to include the United States, Russia, Japan, and most importantly, China. The inclusion of South Korea would be a political signal that the agreement is not exclusive or aimed at facilitating ‘a new concert of powers.’ However, Russia is not likely to be a steady partner in any cooperative system for some years to come. It should definitely be included but its role is likely to remain limited. Indeed, there were significant protests by war veterans in the run-up to recent Russian-U.S. joint military exercises near Vladivostok.³⁸ Without overhead and undersea intelligence support, which can only be supplied by the U.S. Navy, neither Japanese nor South Korean fleets can be considered blue-water or even regional. This may be why

both Japan and South Korea would probably be reluctant to join a multilateral process that in any way undermines their alliance with the United States.

For these reasons, the arrangement should not be strictly hard-core military but multifaceted and comprehensive. A pure multilateral INCSEA agreement would be more appropriate when all regional navies have become blue-water fleets. The strategy should be to slowly increase the density of navy-to-navy contacts until a critical mass is reached. Eventually, one can envision piracy problems being effectively addressed in region-wide or, much more likely, sub-regional ‘Safety at Sea’ agreements which would also address other common civil maritime problems like search-and-rescue, environmental protection, drug trafficking, and illegal refugees.

One place to start would be to develop a “code of conduct” for naval vessels and aircraft operating in Northeast Asian waters, particularly in disputed waters. A key component of such a code should be an understanding of the right and obligations of military vessels and aircraft in other countries’ EEZs, including submerged submarine communications. Russia may already have negotiated such an agreement with South Korea and Japan.³⁹

Further out to sea—in space and time—an international naval or ‘self-defense’ force might be created to ensure ocean peacekeeping including safety of navigation. This joint force could focus initially on the area beyond national jurisdiction and emphasize protection of high seas fisheries, air-sea rescue and an open ocean environmental monitoring. However, when all is said and done, navy-to-navy arrangements will depend on the quality of political relations, and these can surely be enhanced by comprehensive bilateral and multilateral ocean management.

Endnotes

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- ⁵ Slobodan Lekic. "U.S. set to battle piracy in straits." AP. *Honolulu Advertiser*, 28 November 2001, p.A3.
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- ⁷ An East-West Center Conference series has focused on these issues—*International Conference on East Asian Seas: Cooperative Solutions to Transnational Issues*, Seoul, 21-23 September 1992; *The Soviet Far East and the North Pacific Region: Emerging Issues in International Relations*, Honolulu, 20-23 May 1991; *East China Sea: Transnational Marine Policy Issues and Possibilities of Cooperation*, Dalian, China, 27-29 June 1991; *International Conference on the Japan and Okhotsk Seas*, Vladivostok, Russia, September 1989; *International Conference on the Sea of Japan*, Niigata, Japan, 11-14 October 1988; *International Conference on the Yellow Sea*, Honolulu, 23-27 June 1987. Also see: "Japan to Seek Regional Meeting to Look at Water Pollution, Other Problems," in *International Environment Reporter* (4 December 1991); Northeast Asian Conference on Environmental Cooperation, 13-16 October 1992, Environment Agency of Japan and Niigata Prefecture. Indeed, Japan has established a center to elaborate the concept of regional cooperation and to prepare specific proposals for cooperation around the Sea of Japan (*Russia in Asia Report* No. 15, July 1993, 44).
- ⁸ The above conferences were attended by policymakers in their personal capacities from all the coastal states—North Korea, South Korea, Japan and Russia—as well as China, Taiwan, and international organizations. The topics discussed ranged from scientific assessments of the resources to transnational fishery management and conflicting navigation regimes.
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