



FISIP DEPARTMENT OF
INTERNATIONAL
RELATIONS

IR-UI COMMENTARIES

IR-UI Commentaries is a platform for academics and practitioners to share their thoughts and views on issues related to International Relations (IR), established by IR Universitas Indonesia in 2020. The ideas are presented from the perspective of International Security, International Political-Economy, Transnational Society, or the multidimensional approaches across the three clusters. It is quarterly and jointly published by the IR-UI and Centre for International Relations Studies (CIReS) – Faculty of Social and Political Sciences Universitas Indonesia with International Standard Serial Number (ISSN). The analysis presented here represents the views of the author(s) and not the institutions they are affiliated with, the IR-UI and CIReS.

Vol. IV/ No. 3 | June 2023

Time for Southeast Asia's Coordinated Patrols in the South China Sea

Ristian Atriandi Supriyanto¹

Summary

In comparison to nearby waters, the South China Sea (SCS) lacks coordinated patrols (corpat) among the Southeast Asian littoral states. Political and other challenges, especially maritime boundary and territorial disputes, have stymied past corpat initiatives. However, corpat is consistent with the United Nations Convention on the Law of the Sea that encourages the littoral states of “an enclosed or semi-enclosed sea” as the SCS is, to “cooperate with each other” including “in the management, conservation, exploration and exploitation of the living resources of the sea.” Maritime security issues beyond boundary and territorial disputes have made corpat in the SCS a genuine and practical necessity for Southeast Asia. With external support, the corpat could initially focus on the southern part of the SCS, or between the 1st and 10th degree parallel north. If realised, the SCS corpat might become yet another sub-regional ‘minilateral’ answer to maritime security issues that the SCS now poses to littoral and non-littoral states alike.

Keywords: *coordinated patrols, South China Sea, Southeast Asia, maritime security, navies, coastguards*

¹ Lecturer at the Department of International Relations, Universitas Indonesia

One of the vexing issues in Southeast Asia's maritime security is the lack of cooperation among littoral states in the South China Sea (SCS), especially in coordinated patrols (corpat—NB: both singular and plural). In corpat, two or more littoral states patrol a shared maritime boundary while remaining within each other's territorial waters (Supriyanto, 2023, p. 371). Arguably, corpat soothes Southeast Asian sovereignty concerns better than 'joint patrols' where participating countries can regularly patrol the territorial waters of one another (Storey, 2023, p. 309). Nevertheless, corpat may adopt a 'hot pursuit' rule of engagement (RoE) where a patrol from one country can chase the perpetrator into the territorial waters of another within a certain duration on an *ad hoc* and case-by-case basis.

While the SCS lacks corpat, ironically corpat proliferate in other areas where maritime disputes also exist: the Straits of Malacca and Singapore (SOMS), Sulu and Sulawesi seas (SSS), and Timor and Arafura seas (TAS). That Indonesia and Vietnam had agreed in December 2022 to delimit their exclusive economic zone boundary in the SCS should give further impetus for Corpat (BenarNews and RFA Staff, 2022). Regardless of their political and other challenges, corpat in the SCS have become a genuine and practical necessity (Parameswaran, 2015; Graham, 2015).

Legally speaking, Corpat is consistent with the United Nations Convention on the Law of the Sea (UNCLOS) article 123, which stipulates that states "bordering an enclosed or semi-enclosed sea should cooperate with each other in their exercise of rights and in the performance of their duties" (UNCLOS, 1982, p. 67). Indeed, the SCS is an enclosed or semi-enclosed seas where Southeast Asian littoral states should have employed Corpat as one measure to "coordinate the management, conservation, exploration and exploitation of the living resources of the sea." Obviously, the SCS corpat, should they come to pass, concern with the non-living resources of the sea as well.

Past initiatives

Initiatives for an SCS corpat are not new. In May 2015, Singapore's navy chief Lai Chung Han spoke about extending the Corpat in SOMS to the southern extremities of the SCS, while insisting that the "contested claims" in the SCS and "the piracy situation" there—which should be the corpat's focus—should not be "conflated" (Jianyue, 2014). In late October 2016, Indonesia's defence minister Ryamizard Ryacudu considered "the possibility of conducting joint patrols in the eastern part" of the SCS with Australia (Sundaryani, 2016). Though he quickly backtracked following public disapproval, Ryamizard revisited the initiative in March 2018, saying he "went around" ASEAN counterparts to ask "each country that faces the South China Sea patrols up to 200 nautical miles, around 230 kilometers" (Jensen, 2018). Likewise, in December 2021 the head of Indonesia's Maritime Security Agency (Bakamla), or its coast guard-equivalent, Aan Kurnia suggested the ASEAN Coast Guard Forum to discuss "a coordinated approach" for Southeast Asian countries facing "the same 'disturbance'," caused by "China's maritime militia" in the SCS (Septiari, 2021). Alas, these initiatives have thus far come to naught.

Ironically, other semi-enclosed seas adjacent to the SCS already host some patrols among their littoral states. Beginning in 2005, Vietnam and China conduct regular joint patrols in their shared maritime boundary in the Beibu Gulf (Panyue, 2021). Cambodia-Vietnam and Malaysia-Thailand also conduct their own boundary patrols in the Gulf of Thailand (VNA, 2021; Pakkawan, 2021). These initiatives are salutary in themselves, but they remain bilateral in participation, localised to the periphery of the SCS, quite remote from the main shipping lanes in the area, and involve very few to no air patrol assets.

Security issues

The SCS warrants corpat for its own sake. Territorial and boundary disputes are not the only pressing security issues. Information Fusion Centre in Singapore reports that of all 167 poaching incidents in 2020, Vietnamese vessels committed 50.9% of them, mostly in the SCS (Information Fusion Centre, 2020, p. 28). While few piracy and sea robberies occur in the SCS, each and every incident could and did result in the loss of property and/or harm to the crew of the stricken vessel (Frecon, 2009). For instance, on 22 July 2019 near Pulau Anambas, Indonesia, seven robbers armed with guns and knives boarded the South Korean bulk carrier CK Bluebell, who subsequently threatened and injured some of the crew (The Maritime Executive, 2019). No less concerning are maritime incidents and pollution. On 21 August 2017, USS John S McCain collided with an oil tanker in southwest SCS, which killed 10 navy sailors (Transport Safety Investigation Bureau, 2018). A similar incident involving USS Decatur occurred a year later (GCaptain, 2018). These incidents could pollute the SCS already fragile marine tropical ecosystem, which has seen some degradation in recent years, partly due to the fortification and militarisation of disputed maritime features (Hiebert, 2022).

Surmountable challenges

For sure, corpat in the SCS will encounter many challenges to begin with. Maritime disputes exist not only between China and several Southeast Asian claimants, but also among the Southeast Asian countries themselves. Moreover, fewer criminal activities in the SCS may render the SCS less concerning than the more crime-prone SOMS and SSS. On the flip side, the absence of SCS Corpat will prolong, if not exacerbate, present maritime security issues. Potential objections from countries, such as China, who might consider its claim to be undermined by corpat, would be unjustifiable and hence, unacceptable to the corpat's potential beneficiaries. While non-littoral states with frequent maritime traffic in the SCS, such as the US, will welcome the corpat, the greatest beneficiary of all would be the Southeast Asian littoral states themselves whose territorial waters in the SCS demand more state-presence for the kind of rules-based order that UNCLOS provides.

In spite of the existing maritime disputes, the SCS corpat could proceed regardless. The SCS corpat could take cues from similar corpat in the SOMS, SSS and TAS, namely the Indonesia-Malaysia-Singapore-Thailand Malacca Straits Patrol (MSP), Indonesia-Malaysia-Philippine Trilateral Maritime Patrol (TMP), and the Australia-Indonesia Coordinated Patrol (AIC), respectively. Just like these three corpat, the SCS corpat would qualify as "provisional arrangements of a practical nature" per UNCLOS articles 74 and 83, which shall not prejudice upon on-going or future negotiations over maritime boundary delimitation.

The patrols in operation

Given the vast geographical scope of the SCS, the corpat should initially focus on the southern part, or between the 1st and 10th degree parallel north. This area roughly corresponds with the territorial waters of Brunei, Indonesia, Malaysia, the Philippines, Singapore, and Vietnam. At the operational level, the SCS Corpat could assume three divisional sectors: western, central and eastern. In the western sector, Indonesia, Malaysia and Singapore can patrol the waters around Pedra Branca, whereas Indonesia and Malaysia in areas between the Tioman and Anambas Islands. In the central and eastern sectors, the littoral states could coordinate patrols in 'double trilaterals': Indonesia-

Malaysia-Vietnam and Malaysia-Philippines-Vietnam. Yet more trilaterals could follow suit, such as Brunei-Malaysia-Philippines, depending on progress in the double track.

While it should not be rigid, the operational-sectoral distinction between ‘white-hull’ and ‘grey-hull’ depends on the maritime security issues at hand. The western sector should involve more naval participation to support the use of limited force against armed criminals, such as pirates and sea robbers. Law enforcement agencies, such as coastguards, could then focus on the central and eastern sectors to deter and/or detain maritime poachers while avoiding escalation that often accompanies naval deployment in disputed maritime areas. Ideally, all sectors should also include participation of air patrol assets, military or otherwise.

Several operational and technical hurdles may come in the way of SCS corpat. These include the delimitation area, command-and-control arrangements, the number of assets and personnel, RoE, among other hurdles. Moreover, corpat cannot be the answer to all of the maritime security problems above. For example, corpat is irrelevant to the problem of submarine accidents, which can occur not just underwater, but also under a thick veil of secrecy. But these hurdles are not unheard of and are indeed inevitable in the initiation of a new Corpat, as evident in the MSP, TMP and AIC experience.

Final thoughts

To ease these hurdles, the SCS corpat participants should invite and welcome external support. For instance, the US could offer its Indo-Pacific Maritime Security Initiative to replace or upgrade the Integrated Maritime Surveillance System in the SOMS and SSS with something that the recipients could operate more independently in the SCS. Australia could likewise develop the SCS ‘version’ of its Pacific Maritime Security Program while focusing, with the rest of its ‘Quad’ partners, the Indo-Pacific Maritime Domain Awareness initiative on Southeast Asia’s ‘white-hull’ assets partaking in the SCS corpat. Indeed, the possibilities aplenty if the motivation is there.

A Southeast Asian corpat in the SCS will be problematic, but it is necessary. As maritime disputes are giving rise to geopolitical tensions in the SCS, past initiatives for an SCS corpat have failed to gain traction among most Southeast Asian littoral states. The solution seems simple, i.e. political will, but as the Prussian general Carl von Clausewitz put it centuries ago, “the simplest thing is difficult.” That SCS corpat initiatives kept resurfacing from time to time attests to their genuine and practical necessity for Southeast Asia. Taking lessons from the MSP and TMP, the SCS corpat might become yet another intra-Southeast Asian or sub-regional ‘minilateral’ answer to maritime security issues that the SCS now poses to littoral and non-littoral states alike (Storey, 2023, pp. 309-310).

Bibliography

BenarNews and RFA Staff. (2022, December 22). *Vietnam, Indonesia wrap up talks on exclusive economic zones* . Retrieved April 3, 2023, from BenarNews:

<https://www.benarnews.org/english/news/indonesian/vietnam-indonesia-sez-12222022043301.html>

Frecon, E. (2009, February 20). *Piracy in the South China Sea: Maritime Ambushes off the Mangkai Passage*. Retrieved from S. Rajaratnam School of International Studies: <https://www.rsis.edu.sg/wp-content/uploads/2014/07/CO09018.pdf>

GCaptain. (2018, October 2). *Photos Show Confrontation Between USS Decatur and a Chinese Navy Warship in South China Sea*. Retrieved from GCaptain: <https://gcaptain.com/photos-show-confrontation-between-uss-decatur-and-chinese-navy-warship-in-disputed-south-china-sea/>

Graham, E. (2015, April 7). *Expanding Maritime Patrols in Southeast Asia*. Retrieved from S. Rajaratnam School of International Studies: <https://www.rsis.edu.sg/wp-content/uploads/2015/04/CO15082.pdf>

Hiebert, M. (2022, January 14). *The Looming Environmental Catastrophe in the South China Sea*. Retrieved from The Diplomat: https://thediplomat.com/2022/01/the-looming-environmental-catastrophe-in-the-south-china-sea/?fbclid=IwAR3-pWjGUBAWWhIRDa2zSUNJpa89dJCF61cXA_yW1v1qX_BxhhNMmg0C193A

Information Fusion Centre. (2020). *MARSEC Situation in IFC AOI 2020*. Retrieved from Information Fusion Centre: <https://www.ifc.org.sg/ifc2web/Publications/Annual%20Report/2020/AOI%20Document%202020.pdf>

Jensen, F. (2018, March 16). *Indonesia pushes for Southeast Asian patrols of disputed waters*. Retrieved from Reuters: <https://www.reuters.com/article/us-australia-indonesia-politics-idUSKCN1GS0CL>

Jianye, X. (2014, July 6). *S'pore, M'sia, Indonesia could extend joint patrols in South China Sea*. Retrieved from Webarchive: <https://web.archive.org/web/20150515080000/http://www.todayonline.com/singapore/spore-msia-indonesia-could-extend-joint-patrols-south-china-sea?singlepage=true>

Pakkawan, A. (2021, June 7). *Patrols stepped up to prevent crossings from Malaysia*. Retrieved from Bangkok Post: <https://www.bangkokpost.com/thailand/general/2128247/patrols-stepped-up-to-prevent-crossings-from-malaysia>

Panyue, H. (2021, June 30). *China, Vietnam navies wrap up 30th joint patrol in Beibu Gulf*. Retrieved from Ministry of National Defense of the People's Republic of China: http://eng.mod.gov.cn/xb/News_213114/TopStories/4888478.html

Parameswaran, P. (2015, March 19). *ASEAN Patrols in the South China Sea?* Retrieved from The Diplomat: <https://thediplomat.com/2015/03/asean-patrols-in-the-south-china-sea/>

Septiari, D. (2021, December 24). *Bakamla hails success over Natuna drilling*. Retrieved from The Jakarta Post: <https://www.thejakartapost.com/paper/2021/12/23/bakamla-hails-success-over-natuna-drilling.html>

- Storey, I. (2023). Southeast Asia's Minilateral Counter-Piracy/Sea Robbery Initiatives: An Assessment of Their Contributions to Regional Maritime Security. In J. C. John Bradford, *Maritime Cooperation and Security in the Indo-Pacific Region: Essays in Honour of Sam Bateman* (pp. 300-321). Leiden: Brill.
- Sundaryani, F. S. (2016, October 29). *RI proposes joint patrols with Australia*. Retrieved from The Jakarta Post: <https://www.thejakartapost.com/news/2016/10/29/ri-proposes-joint-patrols-with-australia.html>
- Supriyanto, R. A. (2023). Indonesia and Maritime Security Cooperation in Southeast Asia: A Study of Four Maritime Areas. In J. C. John Bradford, *Maritime Cooperation and Security in the Indo-Pacific Region: Essays in Honour of Sam Bateman* (pp. 364-385). Leiden: Brill.
- The Maritime Executive. (2019, July 22). *Pirates Attack Korean Bulker in South China Sea*. Retrieved from The Maritime Executive: <https://maritime-executive.com/article/pirates-attack-korean-bulker-in-south-china-sea>
- Transport Safety Investigation Bureau. (2018, March 8). *Final Report Safety Investigation Into Collision Between Alnic Mc And The Uss John S McCain In Singapore Territorial Waters on 21 August 2017*. Singapore: Ministry of Transport Singapore. Retrieved from Ministry of Transport Singapore: <https://www.mot.gov.sg/docs/default-source/default-document-library/collision-between-alnic-mc-and-uss-john-s-mccain-21-august-2017fbb8a9e0d243486a903b817f70996233.pdf>
- UNCLOS. (1982). Retrieved from www.un.org: https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf
- VNA. (2021, June 17). *Vietnam, Cambodia conduct joint maritime patrol*. Retrieved from Vietnam Plus: <https://en.vietnamplus.vn/vietnam-cambodia-conduct-joint-maritime-patrol/203200.vnp>

Publish with us! Submit your article to: internationalrelations@ui.ac.id

Editor-in-Chief

Ali Abdullah Wibisono, Ph.D.

Editorial Board

Asra Virgianita, Ph.D.

Prof. Evi Fitriani, Ph.D.

Prof. Dr. Fredy B. L. Tobing

Managing Editor

Ardhitya Eduard Yeremia, Ph.D.

Editorial Secretary

Ahmad Hidayat, MGAP.

Staff

Ivan Sanjaya



Department of International Relations

Faculty of Social and Political Sciences Universitas Indonesia

☎ (+62 21)-7873-744 ✉ internationalrelations@ui.ac.id

🌐 www.ir.fisip.ui.ac.id 📷 @internationalrelationsui 🐦 @ir_fisipui