

## Maritime security in the Asia-Pacific

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### Overview

The Asia-Pacific region is a community of maritime nations. There are few Asian-Pacific states that do not have significant maritime frontiers and strong maritime interests. The commercial and strategic significance of the sea in the Asia-Pacific region requires little elaboration. The sea is a major source of food for the region, and the sea lanes are the lifelines of the Asian-Pacific economies, which are heavily dependent on unimpeded access to raw materials, markets, and investment opportunities. The region also encompasses a number of strategic straits, some of which lie across the vital oil supply routes from the Persian Gulf. All these resources, of course, relate directly to the welfare of those inhabiting the Asia-Pacific region and thus to their “human security” imperatives.

This strong maritime orientation dictates the security, political, as well as economic outlooks of all states in the region. Any analysis of the geopolitics in the Asia-Pacific must account for this maritime character (which for a long time has been taken for granted). As the economies of the region have prospered and extra-regional influences have declined, so governments have turned their attention more closely to the security of their own maritime interests. As a result, maritime issues are at the forefront of current regional security concerns. Of the 30 or so conflict points in the region, more than a third involve disputes over islands, continental shelf claims, exclusive economic zone (EEZ) boundaries, and other off-

shore issues. Many emerging regional security concerns – such as piracy, pollution from oil spills, safety of the sea lines of communication, illegal fishing and exploitation of other offshore resources, and other important elements of economic activities – are essentially maritime.

These concerns, in fact, are reflected in the significant maritime dimension of the current arms acquisition programmes in the region, for example, the maritime surveillance and intelligence collection systems, fighter aircraft with maritime attack capabilities, modern surface combatants, submarines, anti-ship missiles, naval electronic warfare systems, and so on. Unfortunately, some of these new capabilities are more offensive and inflammatory, and, in conflict situations, potentially prone to the possibilities of inadvertent escalation. For this reason, maritime concerns are well represented in current proposals for regional confidence-and-security-building measures, of which about a third are intended to address maritime matters directly, while others have a significant maritime dimension. It is therefore important that regional mechanisms be instituted to deal with these maritime issues – both to address the cause of tension and to manage and reduce such tension. By doing so, the region's maritime politics will be addressing human security more directly and more effectively.

Another urgent task to improve the maritime security environment in the Asia-Pacific region is to build a solid maritime regime based upon the common understanding of rules governing the use and protection of the ocean. In this regard, the law of the sea is particularly important. In fact, the Asia-Pacific region is characterized by a number of features that give prominence to certain law of the sea issues. For example, the Asia-Pacific region includes two of the largest archipelagic states in the world. It also includes a number of major straits that have increased in strategic and maritime significance since the end of World War II. There are, moreover, a number of maritime boundary disputes as well as sovereignty disputes over both islands and maritime areas. The United Nations Convention on the Law of the Sea (hereinafter, the LOS Convention), which came into force on 16 November 1994, deserves particular attention. The LOS Convention obviously does not resolve all the outstanding maritime issues. But it could be an important basis for maintaining peace and stability in the Asia-Pacific ocean by clarifying and refining rules applicable to ocean affairs and providing a mechanism for peacefully settling disputes in the event of conflicts.

When examining maritime issues in the Asia-Pacific region from the viewpoint of the international law of the sea, it must be stated that “the individual” is not seen as the ultimate and intended beneficiary. The dominant emphasis in the law of the sea is on sovereign entitlement and state authority. What, then, is the linkage to human security? A perspec-

tive of international law that views the individual as the ultimate beneficiary is chiefly of relevance in the field of human rights and related areas of fundamental human welfare. Nevertheless, issues related to ocean management, particularly in the areas of the environmental health of the oceans and resolving sea-use conflicts, can be brought down below the level of the nation-state, to communities and ultimately to the level of the individual. With such a perspective in mind, this chapter first examines maritime issues that could pose a threat to security in the Asia-Pacific. We then explore the appropriate measures to be taken to enhance regional maritime security. Particular attention will be paid to the relevance and role of legal rules in improving the maritime security environment.

## Major maritime issues in the Asia-Pacific

Outstanding maritime issues in the region can conveniently be divided into five categories: (1) disputes about the sovereignty of offshore islands; (2) issues of maritime boundaries; (3) the protection of seaborne trade; (4) resource conflicts; and (5) the maintenance of law and order at sea.

### *Island disputes*

It has been pointed out that disputes over territory have been the most important single cause of war between states in the past two or three centuries. As one scholar observed some time ago, there is some kind of sanctity about state territories.<sup>1</sup> It is often argued that the psychological importance of territory is quite out of proportion to its intrinsic value, economic or strategic.<sup>2</sup> Thus territorial disputes inevitably involve serious threats to international peace and security. The danger of confrontation is all the more serious when important natural resources are at stake.

The main offshore territorial dispute in the Asia-Pacific is over the Spratly Islands in the South China Sea. Within the South China Sea, the Paracel Islands and Macclesfield Bank have also been sources of dispute, but the Spratly Islands are contested by six different claimants. They are the most strategically important, lying in the key sea lines of communication (SLOCs) between the Strait of Malacca and North-East Asia's great industrial powers.<sup>3</sup> The question of who owns the 400-plus rocks, reefs, and islands within the South China Sea was largely ignored until 1970s. At that time, however, the area became a possible target for exploration by multinational oil companies. Motivated by the desire to extend control over sea-based resources, neighbouring states in the area have increasingly come into verbal conflict and even sporadic military confrontation over who exercises sovereignty over the Spratlys. During

the 1980s and 1990s, most states found themselves in a race to bolster their claims to sovereignty by gaining occupation of those islands that can support a physical presence. Currently, Viet Nam occupies over 20 islets or rocks, China occupies 8, Taiwan 1, the Philippines 8, and Malaysia 3 to 6.

The race for occupation of the Spratlys has increased the likelihood of conflict, resulting in at least two major cases of military intimidation in recent years, one of which led to military conflict (China and Viet Nam in 1988 and China and the Philippines in early 1995). This particular territorial dispute thus remains one of the most dangerous flashpoints in the region. Although all the claimants have endorsed the use of peaceful means to overcome their differences, it is worrying that all claimants, except Brunei, have stationed troops in the contested area. With time, most of the claimants will be in a good position to project military power into the South China Sea. Progress in the informal South China Sea workshops hosted by Indonesia has been slow because of the different approaches, priorities, and agendas of China and the South China Sea states, but some cooperation has been achieved in non-contentious areas such as the conduct of marine scientific research, the preservation of the ecosystem, and pollution control.<sup>4</sup>

There are three major island disputes in the seas of North-East Asia: namely the dispute over the Senkaku Islands (or Daioyutai) between Japan and China; the dispute over the Tok-to (or Takeshima) between Korea and Japan; and the dispute over the Northern Territories (or Southern Kuril Islands) between Russia and Japan. Like the Spratlys, the three island disputes in North-East Asia, unless carefully managed, could also erupt into major regional conflict. The island disputes in North-East Asia have also recently come to the fore owing to the regional states' moves to extend their maritime jurisdictions by establishing 200-mile exclusive economic zones.<sup>5</sup> One of the consequences arising from such extended maritime jurisdiction is the overlapping of competing jurisdictions and, thus, the necessity of delimitation. In North-East Asia, where the distance between the coastal states does not exceed 400 miles, the question of boundary delimitation inevitably arises. Moreover, the extension of maritime jurisdiction also exacerbates the decade-long island disputes in the region, because the boundaries cannot be delimited unless the sovereignty disputes over the islands are resolved one way or another.

The intensity of these territorial disputes cannot be explained in terms of the economic or strategic value of the islands in dispute. Rather, in each case the dispute has become a volatile element of domestic politics. Certainly, historical animosities between Japan and other claimant states are a complicating factor in the Senkaku and Tok-to disputes. The risk of a military takeover of any of the disputed islands, however, seems unlikely. The political and human costs would be huge, while the economic

and security benefits would be relatively small. But there is a risk that agitators on either side may precipitate a crisis by undertaking provocative acts, which would raise nationalist passions and make conflict resolution difficult.

### *Maritime boundaries*

In the North-East Asian region, there are currently three maritime boundary agreements in force.<sup>6</sup> The geographic circumstances of the area require the conclusion of a few more bilateral and trilateral agreements to complete maritime boundaries. Yet two factors make the boundary delimitation in this area particularly thorny. First, there exist some very difficult territorial disputes in the region. Unless these territorial disputes are resolved, which is highly unlikely, it may not be possible to delimit the boundaries. Secondly, as the continental shelf dispute in the early 1970s showed, coastal states appear to be in serious disagreement about which laws should apply to boundary delimitation in the region. Moreover, the region's complicated geography and the uncertain nature of the seabed make delimitation an extremely difficult issue.

In the South-East Asian sub-region, on the other hand, there are currently over 20 maritime boundary agreements in force.<sup>7</sup> However, given the greater number of coastal states and the complicated geographical nature of the region, there still remain a number of important boundaries to be delimited. In fact, the geographical circumstances relating to the delimitation of maritime boundaries in South-East Asia are far more complicated than those found in North-East Asia. This area has a series of highly complicated territorial disputes as well, involving the ownership of uninhabited islands and coral outcroppings (most of them in the South China Sea).

The attitude of regional states towards boundary delimitation has been summarized by Sam Bateman as follows: "few countries appear to have assigned any great priority to the delimitation of maritime boundaries and some (e.g.: the Philippines, Russia and North Korea) have no agreed boundaries at all. Indonesia is the one country which has pursued its maritime boundary negotiations assiduously with agreement, wholly or in part, to seven of the seventeen boundaries required."<sup>8</sup> Furthermore, overlapping national maritime jurisdictions will continue to pose significant problems for marine environmental management and marine resource development in the Asia-Pacific.

### *SLOC security*

The Asia-Pacific region as a whole enjoyed the highest rate of economic growth in the world in the 1980s and 1990s. If the region's economic

strength continues to grow (and signs are good that its current financial crisis is dissipating), so too will its share in world trade. The medium of this expanded trade is shipping, which carries over 98 per cent of all goods traded. Thus the increased importance of Asia-Pacific trade means a remarkable growth in sea-borne trade traversing the Pacific Ocean. Against this backdrop, the security of merchant shipping in the region is a subject that certainly deserves continued attention.

In 1995, shipments in the Asia-Pacific region surpassed 1.5 billion tonnes, comprising over one-third of the world's maritime trade volume. Generally, crude oil is the biggest single cargo in terms of volume through the sea lanes of South-East Asia, while industrial products are the dominating cargo in terms of value. The SLOCs of South-East Asia handle 54 per cent of the total two-way trade of South-East Asian countries, 42 per cent of Japan's trade, and 46 per cent of Australia's trade.<sup>9</sup> Major shipping routes in the Asia-Pacific region are constricted at key straits such as Malacca, Sunda, Lombok, and Makassar straits. The South China Sea provides shipping routes connecting North-East Asia and the Middle East.

With the demise of Cold War confrontation, it is generally acknowledged that the prospects of a global conflict extending into East Asia and the consequent threat to the security of sea lanes are rather remote. However, this does not necessarily mean that threats to the security of the sea lanes cease to exist. In fact, although the end of the Cold War has certainly resulted in the decline of activities by the traditional naval powers in the region (the United States and Russia), it has also led to the rather paradoxical situation where more navies of regional powers have begun to assert themselves in regional waters, apparently to fill the power vacuum.<sup>10</sup>

China's naval capability, for instance, has expanded over the years from a coastal defence role to an ability to project power further offshore. This capability has assumed greater significance in the South China Sea, where territorial disputes remain unresolved. It is clear that Japan has the potential capability in technology and financial resources to go beyond its legitimate task of protecting its waters within 1,000 nautical miles from its mainland. Indeed, a long-range sea lane defence strategy is in prospect, indicated by the Japan Defence Agency's recent acceleration of defence procurement requests to cover Japan's "surrounding areas" more credibly.<sup>11</sup> Although these proposals have thus far been tempered by other Japanese government agencies, China's rising military power and ongoing Japanese apprehensions about the United States' long-term intentions to balance China in the East and South China Sea could yet lead to a more independent and powerful Japanese maritime power.

Other countries in the region, including Taiwan, South Korea, and

most ASEAN countries, are also planning to acquire more powerful naval forces and to develop their maritime capabilities. Such naval arms build-ups stem from growing concerns about the region's strategic environment and differing national interests, that is, the urge to protect and expand a sphere of influence and the fear of losing it. The states concerned thus pay heed to the geo-strategic dimension of their rivalries. The result is that, despite the reduction in the US and Russian maritime presence, the maritime security environment in the Asia-Pacific is becoming more complicated. There will be more navies of consequence, and an increased risk of incidents between maritime forces. This could result in a potentially unstable regional maritime environment. Of particular concern is disruption of SLOCs by conflicts involving actions by China to enforce its claims to sovereignty over Taiwan or the Spratly Islands, or to oil fields disputed with Viet Nam.

The other issue related to SLOC security is a navigational regime. Three specific categories of navigational controls – innocent passage, transit passage, and archipelagic sea lanes passage – are designed in the Law of the Sea Convention to balance the rights of user or maritime states with the interests of coastal states. Some coastal nations interpret the navigation regimes differently from the maritime powers. The former are generally interested in imposing controls in waters under their jurisdiction for purposes of national security and environmental protection. The latter tend to interpret the rules to permit a maximum degree of navigational freedom. The most important unresolved issues in the Convention, which could affect the security of the SLOCs in the Asia-Pacific region, are discussed below.

First, it is beyond dispute that a foreign vessel enjoys the right of innocent passage through the territorial sea of the coastal state. However, it has long been controversial whether or not the right of innocent passage applies to all ships, including warships or ships carrying nuclear or other inherently dangerous or noxious substances. In particular, the right of innocent passage for warships has been a much debated issue in the international community, and many coastal states have been reluctant to permit passage without prior authorization or at least notification. Further, general state practice remains conflicting. The history of foreign invasion and traditionally sensitive security concerns in East Asia has caused many coastal states in the region to have strong reservations on the right of foreign warships to innocent passage through their coastal waters.<sup>12</sup> Despite the adoption of the LOS Convention, this issue remains unresolved, and has become a potential source of conflict.

Secondly, under the Convention, straits used for international navigation are subject to the new regime of transit passage. Transit passage is defined as the exercise of freedom of navigation and overflight solely for

the purpose of continuous and expeditious transit in normal modes of operation. It is generally understood that submarines are free to transit international straits submerged, since that is their normal mode of operation. As far as passage in the international straits is concerned, controversy appears to lie not in its military aspect but rather in its commercial aspect. For example, a question frequently concerns the rights of a strait state to interfere with transit passage because of suspected pollution incidents, and the scope of corresponding enforcement measures that can be taken by a strait state.<sup>13</sup> The strait states' regulatory response to accidents and pollution that heavy use of the straits has caused could be a serious source of conflict in the region, where there are some 20 important international straits.

Thirdly, under the LOS Convention, an archipelagic state may designate sea lanes and air routes suitable for the continuous and expeditious passage of foreign ships and aircraft through or above its archipelagic waters. Such archipelagic sea lanes must include all normal passage routes and all normal navigational channels. There are two important archipelagic states in the region, Indonesia and the Philippines. The Convention assigns responsibility to these states for designating sea lanes in coordination with the competent international organization, the International Maritime Organization (IMO). However, much uncertainty remains over the balance between maritime states and archipelagic states. Specifically, the respective roles and power of the IMO and of archipelagic states in designating sea lanes are subject to various interpretations. Given that the designation of archipelagic sea lanes is a potentially potent device for regulating navigation, it is not difficult to envisage a source of conflict unless common interpretation of an archipelagic regime is agreed.

The other challenges to the free passage of ships through SLOCs in the post-Cold War Asia-Pacific encompass obstruction due to maritime accidents or disasters, damage by piracy, unilateral declarations restricting the use of specific waters, and intentional obstruction of shipping by, for example, mining of a critical SLOC.<sup>14</sup> Although SLOC protection lends itself to cooperative regimes, some balance is needed between the concerns of maritime nations to keep the sea lanes open and as unregulated as possible and those nations whose coastlines abut the strategically important sea lanes and whose main concerns are associated with marine safety and traffic management issues.

### *Resource conflicts*

Competition for scarce marine resources is another source of conflict in the region. It has been mentioned that territorial and boundary issues are becoming more acute, mostly because of the resources involved. In par-



ticular, fish that used to be found in abundance in the region have become very scarce owing mainly to over-fishing. Many national fishing grounds such as the Yellow/East China Sea and the Gulf of Siam have long been depleted of fish. This situation has made fisheries one of the most contentious maritime issues in the region. Currently, the fishing regime in North-East Asia that has been in force for the past four decades is going through a fundamental transformation because regional countries have either established or are about to establish 200-mile EEZs. New bilateral fishery agreements based on the regime of the EEZ have replaced,<sup>15</sup> or are expected to replace in the near future, the old treaties that had regulated fishery relations among the regional countries.

The transition to the era of the EEZ may be inevitable, but the path to a new regime is strewn with many thorny issues.<sup>16</sup> In South-East Asia, illegal fishing in foreign EEZs has become a cause of tension among regional states. There have been many incidents where the Thai navy, for example, has used force to prevent Thai fisherpeople from being arrested in neighbouring states' waters. It remains to be seen what will happen when the Thai navy acquires more power-projection capabilities. The Malaysian navy has been prompted to examine its rules of engagement in light of these developments. It may be necessary to introduce new incidents-at-sea agreements to prevent the escalation of low-level conflicts into greater ones over the near future. Such agreements are designed to prohibit or contain the consequences of inherently dangerous or inadvertent military activities by articulating codes of conduct for military forces and mandating crisis consultation and communication.<sup>17</sup>

### *Law and order at sea*

Piracy has also become an issue of international importance and concern. The threat posed by piracy in South-East Asian waters has exhibited a marked rise since the end of the Cold War. Attacks rose from 3 in 1989 to 60 in 1990, before reaching an all-time high of 102 in 1991. Between 1992 and 1997, 511 separate attacks were recorded, representing an annual incident rate of 85. Indeed, South-East Asia is by far the most piracy-prone region of the world. The lethality of piracy attacks also appears to be on the increase. During the first half of the 1990s, with 557 ships boarded, 442 crew were taken hostage, 29 were assaulted, 45 were injured, and 55 were murdered. Piracy thus constitutes a direct threat to the lives and welfare of the citizens of a variety of flag states. Particular concern has been expressed about the navigational hazards to ships, often carrying dangerous cargoes, and the potential danger to navigation and the marine environment these ships may pose if left unattended while steaming at full speed and under attack by pirates in confined waters.

The fight against the international narcotics trade now has substantial international maritime dimensions, as has the problem of the passage of illegal migrant peoples. The major importation of drugs is usually made by sea through secretion in the structure of shipping containers, in containerized goods, and in vessel compartments; concealment in trawler cargo, coastal traders, and yachts; transfers at sea from mother ships to trawlers; crews bringing commodities ashore; and throwing narcotics overboard for local trawler or yacht recovery. Insurance frauds involving both ships and cargoes are another continuing source of major concern in the growing field of international crime. It has been estimated that maritime fraud costs the international community more than £13 billion annually. There is particular concern in the Asia-Pacific regarding cargo deviations, that is, vessels not arriving at their nominated destination but unloading the cargo elsewhere, where it is sold and the vessel scuttled or re-registered, and phantom ships, namely vessels with false identities. The safe carriage of dangerous cargoes such as nuclear materials and liquefied natural gas is also an emotive and controversial environmental issue of particular importance to the Asia-Pacific scene. Concerns are raised in relation to the lack of notification to coastal states of the routes the shipments take, to legal issues relating to the shipment of nuclear materials through sensitive ocean areas, and to the liability of the states involved in the shipments should there be an accident.<sup>18</sup> In the case of nuclear materials, the declarations of nuclear-free zones may also raise difficult issues because of inconsistency with commitments made under the LOS Convention.

### Measures to enhance maritime security in the Asia-Pacific

In the post-Cold War Asia-Pacific, the urgent task of all regional states and maritime powers with interests in the region should be to support a stable and secure maritime regime as well as to implement maritime confidence-building measures. Such a maritime regime is a fundamental prerequisite not only for enhancing security at sea but also for further maritime cooperation among regional states. Perhaps the first priority is to agree upon the common reference point for the use and protection of the ocean. In this regard, it should be noted that the global ocean regime, as sets of authoritative norms for the jurisdictions and uses of the ocean, received its most complete expression in the LOS Convention. This framework is a good basis for building a more stable maritime regime in the region.<sup>19</sup> Obviously, ratifying and adhering to the LOS Convention will not solve all the problems confronting the region. Nevertheless, it will surely play a long-term stabilizing role by curing and preventing

the growth of state practice at variance with the universal norms so established.

Along with such regime-building efforts, various maritime confidence-and-security-building measures should be explored. As the maritime security environment gradually changes, the idea of regional agreements on the prevention of incidents at sea particularly deserves more attention. The need for such agreements has become real, owing mainly to the increased naval presence of many states in confined regional waters. Moreover, such agreements would subsequently facilitate development towards something more important in the future.

It has been suggested that the importance of maritime information and databases to the sustainable development of marine and coastal areas could even lead to a new discipline of marine informatics. This would involve studying how to supply decision-makers with the high-quality integrated information they require to make decisions on complex issues of sustainable development.<sup>20</sup> Although at the individual level citizens have a right to know, to understand, and to access information about their marine environment, the biggest problem about information sharing in the Asia-Pacific is that, with such a complicated situation regarding maritime jurisdiction and unresolved maritime boundaries, states may be less willing to cooperate in case they are perceived to be compromising their sovereignty.

With respect to the territorial/boundary and resources issues, the prospects for resolving territorial disputes are slim. Given the enormous difficulties related to resolving ongoing sovereignty disputes, it is better to divorce the question of sovereignty from the more technical boundary negotiations. Furthermore, in light of the complexities of the geographical and other situations in the region, a more functionally oriented approach is preferable to a jurisdiction-oriented approach such as boundary delimitation. Regional states should be encouraged to resolve pressing issues of environmental protection and resource development without incorporating underlying sovereignty and boundary issues. For instance, the states may address fishery problems, which motivated them to establish the 200-mile zone, from a regional perspective by promoting a coordinated policy of conservation and effective enforcement procedures. They may also work out cooperative arrangements for the development of seabed mineral resources. Since such arrangements could be established without prejudice to underlying territorial and maritime boundary issues, they might constitute optimal solutions that would defer more politically charged issues to the indefinite future. Given the rather sensitive political relations between various regional states, this approach may be more constructive.

To maintain law and order at sea, multilateral maritime surveillance

regimes might be considered for dealing with particular problems such as piracy and oil spills in international waterways. In 1992, for example, Malaysia, Singapore, and Indonesia agreed to cooperative efforts to combat the increasing threat of piracy in the Strait of Malacca. The three countries are now discussing the establishment of a common surveillance system over the Strait, to provide shared radar coverage of all traffic through the waterway. Obviously, there is little enthusiasm in the region at this stage for proceeding with a full-blown regional maritime surveillance regime. Short of a structured maritime surveillance regime, arrangements for the exchange of maritime information and data would be very important as potential maritime confidence-and-security-building measures in their own right and a prerequisite for other forms of maritime security cooperation including maritime surveillance.

## Conclusion

It has been previously emphasized that the LOS Convention could be a solid basis for building a stable regional maritime regime and thus enhancing maritime security in the Asia-Pacific. However, despite the seemingly strong support for the LOS Convention in the region, there are considerable doubts concerning the precise rules for governing the use of the ocean since many LOS provisions lack clarity and are subject to varying interpretation. In this sense, a stable maritime regime for the Asia-Pacific requires agreement on how to apply the terms of the Convention. In fact, the necessity of developing a uniform, coherent maritime regime through commonly acceptable interpretations is more acute in this part of the world than in any other region, mainly because outlooks and behaviour pertaining to important aspects of ocean use diverge substantially among the coastal states in the region. In this respect, the following three points should be emphasized.

First, it is important to enhance openness and transparency as regards maritime regimes and the practice of regional states. In fact, the LOS Convention requires coastal states to give due publicity to the charts or lists of geographical coordinates related to their baseline or jurisdictions and to deposit a copy of each such chart or list with the Secretary-General of the United Nations.<sup>21</sup> Considering that a number of unfortunate incidents have occurred in recent times that can be traced to uncertainty on such matters, this would seem essential for building a stable regional ocean regime.

Secondly, the LOS Convention offers a pacific settlement system that would substantially contribute to the development of uniform practice

and interpretation of the Convention. It also provides the basis for further development of law by providing general principles and a framework for issues such as marine environment and marine scientific research. Regional states should make the most of such mechanisms and frameworks to settle future disputes and to promote greater cooperation.

Thirdly, regional states should intensify their efforts to develop a more harmonious and solid maritime regime. In particular, regional states could reach greater consensus about controversial rules of the law of the sea that are inconsistent with the national policies of certain states. For instance, the United States and the Soviet Union signed a joint statement in 1989 on the innocent passage of warships in each other's territorial seas. Attached to the joint statement, the two governments issued a Uniform Interpretation of the Rules of International Law Governing Innocent Passage, which sets forth in more detail the common interpretation of the Convention governing innocent passage in territorial seas.<sup>22</sup> Similar measures could be taken by regional states with respect to various controversial issues. In addition, regional maritime councils or other coordinating bodies could be established for the purpose of coordination and strengthening cooperation among regional states.

All of these measures relate to the broader task of interrelating maritime resources and issues more effectively to the needs of individuals inhabiting the Asia-Pacific maritime region. Out of necessity, maritime security politics remains the current domain of state-centric bargaining and coordination. As greater expertise is required to negotiate and resolve increasingly complex LOC-related issues, however, the need to cultivate epistemic communities of experts to identify possible solutions to future maritime conflicts and for grass-roots support to enact these solutions will intensify. As a result, ways of conducting the business of maritime diplomacy in the Asia-Pacific are bound to undergo substantial and far-reaching change.

## Notes

1. A. O. Cukwurah, *The Settlement of Boundary Disputes in International Law* (Manchester: Manchester University Press, 1967), p. 10.
2. Evan Luard, *The International Regulation of Frontier Disputes* (London: Thames & Hudson, 1970), p. 7.
3. For a detailed study of the Spratly dispute, see for example Mark Valencia and Jon Van Dyke, "Comprehensive Solutions to the South China Sea Disputes: Some Options," in Sam Bateman and Stephen Bates, eds., *The Seas Unite: Maritime Cooperation in the Asia Pacific Region* (Canberra: Strategic and Defence Studies Centre for the Australian National University, 1996), pp. 223–262.

4. See Ian Townsend-Gault, "Preventive Diplomacy and Pro-Activity in the South China Sea," *Contemporary Southeast Asia* 20, no. 2 (August 1998), pp. 171–190.
5. For more on recent developments, see Jin-Hyun Paik, "Territorial Disputes at Sea: Situation, Possibilities, and Prognosis – With Particular Reference to Northeast Asian Seas," in Mohamed Jawhar Hassan and Ahmade Raffie, *Bringing Peace to the Pacific* (Kuala Lumpur: ISIS Malaysia, 1997), pp. 319–334.
6. The first boundary in the region was delimited between South Korea and Japan in the continental shelf area through the Korea Strait north of Tsushima Island in 1974. In 1986 and 1990, respectively, North Korea and the Soviet Union (now Russia) agreed on their territorial sea boundary and continental shelf and EEZ boundaries in the northern East Sea (or Sea of Japan).
7. For details of maritime boundary agreements in force in the East Asian region, see Jonathan I. Charney and Lewis M. Alexander, eds., *International Maritime Boundaries*, vols. 1 and 2 (Dordrecht and Boston: Martinus Nijhoff, 1993).
8. Sam Bateman, "Economic Growth, Marine Resources and Naval Arms in East Asia – A Deadly Triangle?" *Marine Policy* 22, no. 4–5 (1998), p. 303.
9. United States Pacific Command, *Asia-Pacific Economic Update*, Summer 1996.
10. For regional naval developments, see Dick Sherwood, ed., *Maritime Power in the China Seas: Capabilities and Rationale* (Canberra: Australian Defence Studies Centre, 1994).
11. Japan's new National Defence Programme Outline adopted in November 1995 emphasized the importance of that country building a capability of acting more efficiently to defend Japan's "surrounding areas" in future contingencies. This principle was further reinforced in 1997 when the Diet approved a revised set of U.S.–Japan Defense Guidelines, which committed the Japanese to support US military operations in future "regional contingencies" more comprehensively.
12. The following states in the East Asian region require either authorization or notification for the innocent passage of foreign warships: Bangladesh, Myanmar, China, India, Indonesia, Republic of Korea, Democratic People's Republic of Korea, and Pakistan.
13. For details, see B. A. Hamzah and Mohd. Nizam Basiron, *The Straits of Malacca: Some Funding Proposals* (Kuala Lumpur: ISIS Malaysia, 1997).
14. For details, see Henry Kenny, *An Analysis of Possible Threats to Shipping in Key Southeast Asian Sea Lanes* (Alexandria, VA: Center for Naval Analysis, 1996).
15. For example, the new Korea–Japan fishery agreement, which entered into force in January 1999, has replaced the bilateral agreement of 1965. The new treaty has been strongly opposed by fisherpeople in both countries.
16. For a discussion of the dangers related to the transition to the EEZ in North-East Asia, see Jin-Hyun Paik, "Exploitation of Natural Resources: Potential for Conflicts in Northeast Asia," in Sam Bateman and Stephen Bates, eds., *Calming the Waters: Initiatives for Asia Pacific Maritime Cooperation* (Canberra: Strategic and Defence Studies Centre for the Australian National University, 1996), pp. 171–184.
17. See Stanley Weeks, "Incidents at Sea Agreements and Maritime Confidence-Building Measures," in Bateman and Bates, *The Seas Unite*, pp. 79–94.
18. For an analysis of the difficult questions raised by the transport of radioactive wastes from Europe to Japan through the Asia-Pacific region, see Grant Hewison, "Return Shipments of Radioactive Wastes from Europe to Japan," unpublished paper presented at the meeting of the Working Group on Maritime Cooperation of the Council for Security Cooperation in the Asia Pacific, Tokyo, Japan, November 1997.
19. Strong support for, and commitment to, the LOS Convention is evident in the Asia-Pacific region. The following regional states are now parties to the LOS Convention:

Australia, China, Indonesia, India, Japan, Malaysia, Mongolia, Myanmar, New Zealand, the Marshall Islands, the Philippines, Belau, Russia, Nauru, South Korea, Singapore, Western Samoa, the Solomon Islands, Sri Lanka, and Viet Nam.

20. Roger Bradbury, "Marine Informatics: A New Discipline Emerges," *Maritime Studies*, no. 80 (January/February 1995), pp. 15–22.
21. Articles 16, 75, and 84 of the LOS Convention.
22. For the text of the statement with the attached Uniform Interpretation of Rules of International Law Governing Innocent Passage, see *International Legal Materials* 28 (1989), pp. 1444–1447.