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Regional Cooperation on Maritime Piracy: A Prelude To Greater Multilateralism In Asia?

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This article examines the potential for the emergence of a multilateral maritime regime in East Asia founded on regional cooperation to reduce maritime piracy. Although multilateralism has not yet taken hold in Asia, this article suggests that maritime piracy might be the ideal issue on which to base greater regional cooperation in the future. The article examines the root causes and effects of maritime piracy, describes regional efforts to address the problem and potential challenges to a maritime regime, and provides policy recommendations for the future. The final analysis concludes that an East Asian anti-piracy regime is possible and that a regional approach to piracy may serve as a prelude to greater multilateralism on other issues, such as naval cooperation and counterterrorism efforts.

Is Asia ready for a regional, multilateral regime? Recent trends reveal greater regional cooperation and multilateral dialogue between states in East Asia. As national interests become more closely aligned and individual states seek protection against common threats, states within the region will likely continue to pursue even greater collaboration. Although many individual states have historically mistrusted one another and been hesitant to commit to a multilateral regime, the increased economic interdependence of the region and the growth of multilateral institutions such as the Association of South East Asian Nations (ASEAN) have provided multiple opportunities and stimuli for cooperation. Continued political tensions and geostrategic struggles for power will likely prevent the region from developing a comprehensive political alliance or overarching security regime, but the seeds of multilateral cooperation have been planted. By starting with a lower profile issue and addressing a common, outside threat that affects every individual state, East Asia may slowly develop a functionalist regime.

This article examines the potential for the establishment of a maritime regime in East Asia founded on multilateral cooperation for anti-piracy measures. Although piracy has not yet become a top priority concern for individual states in the region, the issue has the potential to devastate East Asia's political stability and economic strength, significantly damage environmental quality, and increase the region's vulnerability to future terrorist attacks. Individual states, international organizations, and the private sector have already begun to respond to the problem, and multilateral dialogue has laid the foundation for future cooperative action.

Establishing a regional response to piracy will not be easy. Southeast Asia's ASEAN and its security arm, the ASEAN Regional Forum (ARF), continue to struggle

with questions of legal jurisdiction, corruption, internal economic and social instability, and regional balance of power. Although Asia's current multilateral structure is very loosely institutionalized, it is gradually becoming more structured. Similarly, as the states of East Asia learn to cooperate on anti-piracy measures, they will likely begin to formalize regional cooperation and extend this collaboration to address other issues. Multilateral approaches to piracy may serve as a prelude to greater regional collaboration on other issues, such as naval cooperation and multilateral counterterrorism efforts. Ultimately, piracy may serve as a catalyst for a broader maritime regime for both North and Southeast Asia.

PIRACY: TRANSNATIONAL MARITIME CRIME IN SOUTHEAST ASIA

"Pirates wearing a black eyepatch and burying treasure chests of jewels may be the stuff of musical theater and legends, but that romantic notion of old-time buccaneers is far from the truth" (Mann 2001). Today's pirates are well-armed and well-organized robber barons operating in major sea-lanes around the world. Using expensive technology and carefully planned attacks, pirates board major shipping vessels and rob the crew, pilfer valuable cargo such as aluminum or fuel oil, and sometimes steal the entire ship. Each individual attack can result in losses of thousands or even millions of dollars, and annual global losses from maritime crime may be as high as $16 billion (Brandon 2000).

Southeast Asia, particularly the South China Sea and Malacca Strait, are particularly vulnerable to pirate attacks. The region's geography and importance as a strategic trade route create narrow waterways densely packed with a number of cargo ships carrying goods and energy resources to all of Asia. Ninety percent of the world's

trade moves by ship, one-third of the world's shipping moves through Southeast Asia's waters, and 65% of all pirate attacks in 2000 occurred in Southeast Asia (Brandon 2000). Southeast Asia (particularly Indonesia, Malaysia, and Singapore) has led the world in maritime incidents since 1991, and 335 piracy attacks were recorded in 2000. The world's longest strait, the 500 mile long Malacca Strait, is the main seaway connecting the Indian Ocean and the South China Sea, and is particularly vulnerable to pirate attacks. Approximately 600 vessels transit the strait every day, and shippers typically report up to 200 pirate attacks every year (Piracy Hot Spots website).

In Southeast Asia and around the world, piracy is increasing. The International Chamber of Commerce (ICC) annual piracy report states that the number of pirate attacks worldwide grew to 469 in 2000, a total four and a half times the number of attacks in 1991 (2002a). The continuous increase poses a threat to the safety of the crewmembers and the livelihood of the shipping companies—as the frequency of the attacks increases, the violence also continues to escalate. Incidents involving the hijacking of an entire ship doubled from eight in 2000 to 16 in 2001, and the number of assaults using guns rose from 51 to 73. In 2001, pirates took 210 crewmembers and passengers hostage, while in 2000, pirates murdered 72 people. All but one of these murders were committed in Asian waters (ICC 2002a; ICC 2002b).

How Do Pirate Attacks Happen?

Although some pirate attacks are committed by small groups of fishermen or others seeking a quick robbery, most attacks are perpetrated by more sophisticated organized crime groups. Pirates use radio signals, surface radar, computer models, and careful

surveillance methods to locate vulnerable ships at sea. After robbing valuables from the ship's safe or its crew members, the pirates escape to their speedboat and leave the crew "locked-up, handcuffed, set adrift, or dead" (Smead n.d.).

Pirates are typically armed with weapons far superior to those of most shipping crews, rendering crews unable to defend themselves. Many seafarers are not trained to defend themselves with weapons and, in most cases, crews are not armed. Fearing that armed crews could easily escalate the number and severity of attacks, many states do not permit firearms on commercial ships flying their flags, and many insurance companies discourage seafarers from bringing weapons on board the ships. Some states, such as Indonesia, forbid armed ships to sail through their territorial waters, thus leaving many vulnerable to attack (McDaniel 2000).

Root Causes of Piracy in Southeast Asia

Rampant unemployment, rising poverty, and slow economic growth in Southeast Asia make it difficult for states to finance anti-piracy efforts, but these economic hardships only raise incentives for individuals to join piracy gangs (Smead n.d.). Following the Asian financial crisis collapse, many turned to crime to acquire money, food, or cigarettes. Some ships carry enough food to feed an entire village, while others carry oil or other cargo that can be resold for tremendous profits (Dinakar 1999).

After Asia's 1997 financial crisis, governments were forced to reduce coastal surveillance and sea patrols, and naval and law enforcement funds have since been reallocated to internal security and stability concerns. Indonesia, for example, has recently reduced its defense spending by 65% and its maritime forces are now addressing

communal unrest within the country's own borders (Brandon 2000). To keep up with the technological advances embraced by the pirates, states should invest in more advanced patrol ships, but these anti-piracy measures are not a budgeting priority in developing Asian economies. Finally, underlying the current political and economic situation is a long-standing social tradition. The historical roots of piracy in Southeast Asia have created a lasting regional culture that accepts piracy as a normal (yet illegal) approach to earning an income (Brandon 2000).

DOES PIRACY MATTER? THE TRUE THREATS OF MARITIME ROBBERY

Maritime piracy inflicts clear danger and physical harm upon seafarers, as well as significant losses to shipping companies, but it also has significant implications for the environment, trade, and the national security of states that are dependent on foreign imports. Because the current economic risks are relatively low, many states are hesitant to invest the resources necessary to increase anti-piracy measures within their own state or territorial waters. As the states work to foster economic development and political stability, secondary threats such as piracy are often not the primary concern.

Although pirate robberies have not yet destabilized the political or economic well-being of an entire state, the issue's potential to bring devastating financial loss and a sense of lawlessness and insecurity to the region should provide an impetus for governments to take action and seek a solution. The massive quantities of oil and liquefied natural gas (LNG) transported through the region introduce significant environmental and economic concerns. Over 80% of the oil for Taiwan, South Korea, and Japan flows through the South China Sea. These shipments fulfill two-thirds of

South Korea's total energy needs and over 60% of the energy demanded by Taiwan and Japan (Cossa et al. 2001). In order to meet these demands, more than 9.5 million barrels of oil flow through the Malacca Strait everyday—an amount three times more than the amount passing through the Suez Canal and fifteen times the flows through the Panama Canal. Two-thirds of the world's LNG trade also occurs in the waters of Southeast Asia (Smead n.d.).

If attacked by pirates, the sheer volume of hazardous material being transported poses significant environmental threats to the region. Pirate attacks could lead to an environmental disaster, such as an oil spill or an explosion on an LNG tanker. Often, pirates ransack and then vacate the ships, leaving large LNG and crude tankers floating through narrow channels or on the open sea with no crew on board. In 1999, pirates attacked a crude carrier, the M/T Chaumont, in the narrowest part of the Strait of Malacca. Carrying millions of gallons of oil, the vessel continued to sail at full speed for over 70 minutes with no crewmembers on board (McDaniel 2000). If an oil spill of the magnitude of the Exxon Valdez spill occurred in Southeast Asia, it would have grave environmental consequences, but could also force the regions to close some of the narrow and extremely busy sea-lanes for years. Such a closure could devastate the economy of the region (Smead n.d.).

In this way, piracy has the potential to further disrupt the already-distorted economy of the region and threaten the stability of many states that are dependent on foreign imports. Estimates predict that nearly half of the world's container trade will be handled by East Asian ports by 2005 (Cossa et al. 2001). Already, 41,000 ships sail through the South China Sea each year, accounting for $65.6 billion (27%) of China's

total trade for the year, and \$260.4 billion (39%) of Japan's total annual trade (Glosserman 2001). If the risk continues to escalate in Southeast Asian waters, shippers may instead sail south of Indonesia to avoid the dangerous region and increase their shipping prices to finance the longer routes. States that rely on safe shipping lanes for economic stability will be most directly affected. Japan, for example, receives most of its oil from the Middle East and depends on safe and affordable passage through the channels of Southeast Asia for timely delivery. Impeded or delayed oil deliveries could pose a direct threat to Japan's national security (Smead n.d.).

Despite the comparatively high concentration of pirate attacks in Southeast Asia, economic losses are too small to seriously affect the shippers, crews, or maritime insurers in the region and spur them to take action on their own (Gottschalk and Flanagan 2000, 93). Piracy costs the shipping industry between \$450 million and \$1 billion per year, but the cost to most individuals is relatively low. Gottschalk and Flanagan estimate that, "Even with the large upturn in piracy attacks [since 1995] and the steadily increasing number of ship hijackings, the overall impact of piracy adds a financial risk of less than forty cents on every ten thousand dollars shipped worldwide" (Gottschalk and Flanagan 2000, 106).

Individual attacks do not yet threaten to destabilize a country's economy, but a significant change in trading patterns or increase in the price of imported goods could have severe economic ramifications for the region. Although the threat to individuals is small, the cumulative threat to trade, local economies, and human life is serious and warrants attention from the international community.

The recent increased terrorist activity in the region has also significantly increased the threat of maritime piracy. Following the terrorist attacks in Bali, Indonesia, and amid reports of increased Al-Qaeda activity in Southeast Asia, states in the region view piracy as an increasingly serious threat. Intelligence agencies warn that Al-Qaeda still aims to "cripple the global economy" and officials report that a number of Al-Qaeda attempts to strike commercial and U.S. ships in the waters of Southeast Asia have silently been foiled (Ressa 2002). This has intensified regional concern, as pirates no longer operate only as small organized crime syndicates, but also potentially as large and very well-funded international terrorist organizations (Brandon 2002).

CURRENT APPROACHES TO REDUCING THE THREAT

To understand the prospects for a multilateral response to piracy, one must first consider current strategies to address the problem. In the private sector, companies such as Marine Risk Management have introduced improved ship-tracking devices that link ships at sea to law enforcement agencies in different countries.

Individual states have stressed the importance of improved patrolling and surveillance to keep seafarers aware of suspicious ships or dangerous areas at sea. In 2002, the Philippine Coast Guard recently announced the addition of 30 vessels for patrol of its thousands of archipelagos. Japan and Indonesia have also asked their national coast guards to assume more responsibility in preventing future pirate attacks. Although these individual increases are not large enough to drastically reduce the piracy threat, states are taking steps in the right direction.

Multiple regional conferences, many sponsored by Japan, have also addressed the problem of piracy and have encouraged discussions about possible solutions. As a result, some Asian states have negotiated bilateral measures such as mutual visits of patrol vessels, joint training, and coordinated national patrols, but few states are willing to engage in joint patrols that truly unite members of different national navies in patrolling missions. In most cases, however, the cash-strapped security forces of many Southeast Asian countries cannot keep pace with the sophisticated pirate syndicates. Most national navies lack the capability to find, identify, and catch pirates, but sharing the burden with other states in the region would reduce costs and increase response capabilities.

In recent years, many existing international organizations, such as the United Nations and the International Chamber of Commerce, have turned their attention toward piracy and facilitated multilateral, cooperative responses to the problem that have proved to be much more successful than those approaches employed by individual states. The International Maritime Bureau (IMB) and the United Nations' International Maritime Organization (IMO) issue regular reports to alert shipping companies and crews of attacks, thefts, and acts of violence in ports and at sea. IMB also offers an advanced satellite tracking system and rapid response investigative service, while IMO conducts seminars to help governments and officials improve their ability to prevent and suppress piracy (ShipLoc website; McDaniel 2000; Smead n.d.).

A piracy meeting organized by IMB in 1992 led to the creation of the Regional Piracy Center (RPC). The RPC is based in Kuala Lumpur, Malaysia, and financed by voluntary contributions from the insurance and shipping industries. The Center reports pirate attacks, maritime armed robbery, and suspicious shipping patterns to local law

enforcement officials and the IMO, while also broadcasting daily bulletins via satellite to announce pirate attacks as they occur. A weekly piracy report identifies "hot spots" of increased danger, draws attention to recent developments, and helps crews navigate safely through pirate-prone waters. Finally, the RPC aids crews and owners of ships who have suffered a pirate attack and helps locate vessels and stolen cargoes seized by pirates. The RPC provides round-the-clock monitoring services and provides daily, quarterly, annual, and emergency piracy reports for crews, shipping companies, law enforcement officials, governments, and international organizations (Grissim 1997; Hollingsbee 1988).

Members of ASEAN have recently started to address maritime piracy in annual conferences and reports, but the under-institutionalized structure and loosely organized nature of the Association has prevented it from implementing strict mandates for action. Although ASEAN was formed primarily as a forum for economic cooperation, the organization has recently developed a security arm, and presented a series of recommendations to address piracy in the region. In March 2002, the members of ASEAN and ARF established a sea piracy task force to study issues of piracy and armed robbery. The cooperation will primarily focus on information sharing, legal matters, law enforcement, training, institutional capacity building, and extra-regional cooperation (*Shipping Times* 2002).

The Current Approach Is Not Enough

While the current level of commercial protection and improved reporting systems will help protect some ships from pirate attacks, pirates continue to strike and steal billions of dollars per year. The recent increased interest from ASEAN and ARF will help attract

more attention to the problem of piracy, but the organizations must be willing to go further if they hope to end the threat. Until states are willing to invest more resources into regular patrols and work to coordinate national laws and regional procedures governing the pursuit, capture, trial, and punishment of pirates, these sophisticated rings of organized crime will continue to endanger crew safety, the environment, and economic stability of the region.

RECENT TRENDS OF GREATER MULTILATERAL COOPERATION IN ASIA

States have a vested interest in taking steps now to prevent a major disaster in the future. Left unchecked, piracy will continue to grow and may eventually force the commercial shipping industry to change their routes and increase their prices. Such a shift could potentially devastate the trade and energy markets of several Asian countries. States that refuse to patrol their territorial waters will see the price of imported goods skyrocket, as "only the most expensive or well-equipped shipping companies will find it economically feasible to bring imports into dangerous waters" (Gottschalk and Flanagan 2000, 107). Although the immediate consequences of piracy are relatively small, many states in the region have already begun discussions for multilateral cooperation on piracy and other maritime issues of concern.

Until recently, governmental contacts between states were primarily bilateral. Since 1999, however, multilateral contacts, particularly contacts between China and ASEAN, have increased dramatically. In 2000, these two parties began negotiating a "Code of Conduct" for the South China Sea. In these talks, China and ASEAN focused on "foreclosing the use of force, expanded occupation, and further construction in the

South China Sea where overlapping claims are under dispute" (Cossa et al. 2001). Dean Yap, State Department action officer on South China Sea issues, explains that because this process is official, information on the details of the negotiations is not readily accessible. It appears, however, that negotiations have stalled, in part because of differences over the geographic scope of the Code (primarily regarding debates as to whether or not the Paracel Islands should be included) (Yap 2002). Furthermore, neither side was willing to submit to the enforcement mechanisms that would be necessary to verify that commitments are being fulfilled (Cossa et al. 2001).

Southeast Asian countries have also pursued a second channel for addressing piracy issues and conflicts in the South China Sea more generally. The Indonesia Workshop on Managing Potential Disputes in the South China Sea (commonly referred to as the Jakarta Process) is an informal, non-governmental process that has been working since 1990 to promote practical economic and other cooperation in the South China Sea while avoiding the more difficult issues of sovereignty and hydrocarbon resource exploitation. Funding limitations, however, recently brought this process to a halt (Yap 2002).

More generally, other factors also encourage and favor the development of multilateralism in East Asia. As the world becomes more interdependent and economies more entwined, governments have increasingly turned to multilateral institutions to tackle problems that are too big for individual states to address. Multilateral cooperation allows small and medium powers to join together to balance against the power of larger states. As Mark Valencia explains, "Multilateral institutions are thus the ideal for the practice of 'middle power' or 'niche' diplomacy in setting regional or global agendas" (Valencia

1996, 7).   By meeting regularly for negotiations, states gradually develop a "habit of cooperation" that spills over into other policy arenas.   Although bilateral relationships typically address one issue at a time, multilateral cooperation allows for "issue linkage" that encourages more creative problem solving.   Nevertheless, Asian multilateral security cooperation may be very difficult to achieve in the short-run.   Rather than pursuing a comprehensive Asian security union, focusing on specific issues through an "a la carte approach" is probably more likely to yield greater regional cooperation (Valencia 1996, 7-8).

Piracy is an ideal issue around which to pursue further regional integration. Piracy "matters" enough to warrant attention, but a piracy regime will not directly threaten the power or influence of any individual country in the region.   States currently lack the resources, political will, military clout, and regional influence necessary to protect their countries from piracy through unilateral actions.   A recent rise in multilateral talks and interest in regional cooperation indicates that a multilateral solution to piracy may be a viable approach.

Piracy as a Prelude to Regional Naval Cooperation and Multilateral Counterterrorism Efforts

Just as ASEAN and ARF provided the foundation from which East Asian states pursued greater cooperation, the issue of piracy may be a building block from which the region can multilaterally address additional issues of concern.   In the short-run, cooperation on anti-piracy measures may lead to greater negotiations on naval cooperation issues and collaboration on counterterrorism efforts.   As the states of Southeast Asia grow more

comfortable with multilateral negotiations and learn to trust and rely on one another on lower-profile issues (such as piracy), they are likely to pursue greater levels of integration on even greater economic, social, political, and security issues.

Anti-piracy joint patrolling efforts could easily evolve into broader talks on naval cooperation throughout the region. Most notably, these talks will almost certainly address the possibility of reinstating Japan's naval presence. Japan has been an aggressive leader of political cooperation on anti-piracy measures, but its neighbors are wary of Japan's announced desire to increase its patrolling in the region. Japan's constitution forbids the state from operating a navy, yet Japan has offered its Coast Guard to play a leading role in the establishment of more integrated patrolling efforts and a cooperative or joint naval capability. Although it is unlikely that Japan will form a navy in response to piracy threats, continued discussion of the topic will likely exacerbate geostrategic power struggles in the region and lead to reconsideration of Japan's military role in the world.

One Southeast Asian diplomat indicated that piracy is most likely to evolve as a cover for Southeast Asian cooperative counterterrorism efforts. As states cooperate to fight piracy through joint or coordinated patrolling, the increased integration may allow states to cooperate on other crime issues, such as terrorism (Anonymous 2002). The ASEAN and ARF states have all condemned terrorism and vowed to increase counterterrorism measures, yet this politically charged issue is difficult to address in the public arena. Instead, states recognize that cooperative policy toward piracy may also help develop the types of coordination capabilities necessary to thwart terrorism in the region. By framing this capability building as part of an "anti-piracy policy," the states

could also strengthen their cooperative "anti-terrorism policy" with far less public scrutiny. Furthermore, while some states in Southeast Asia are hesitant to allow the United States to dictate counterterrorism policy in the region, they welcome U.S. participation on anti-piracy efforts. Using piracy to segue into counterterrorism cooperation could help ensure American participation without upsetting or threatening the influence of other states in the region. As states share more information regarding piracy attacks and dangerous areas, they may also share more intelligence on potential terrorist threats. Likewise, as states increase port and harbor security, they may also decide to increase airport security or engage in other counterterrorism projects, thus bringing further security benefits to the region.

Potential Challenges to Cooperative Anti-Piracy Efforts or Increased Multilateralism in Asia

Functionalist regime theory indicates that regimes should be evaluated based on their political feasibility, distributive implications, and social consequences. An anti-piracy or maritime regime faces significant political and economic obstacles, but will likely yield benefits for all states involved (Valencia 1996, 35-36).[1]

Political rivalries and struggles to maintain a desired balance of power will likely complicate efforts to establish a cooperative response to piracy or a broader maritime regime that incorporates both North and Southeast Asia. The United States, Russia, China, and India all continue to compete for influence in the region, and the necessary reliance on naval presence and power will likely yield heated debates regarding the role each of these countries should play. A rising China also complicates the creation of a

balanced and equitable regime, and strains the political relations between members in the region. China has traditionally been skeptical of multilateral organizations, but its behavior in ASEAN and ARF indicates that the state in becoming more comfortable with the notion of regional cooperation.

A maritime regime, however, would help to finesse many of these tensions. The regime would address issues in which all countries have a stake, but will not tie the individual countries' hands on hard security issues such as military policy or arms control. Instead, the regime will facilitate political cooperation in a region that is becoming more economically interdependent and emphasize the tremendous benefits to cooperation. The threat of war within the East Asian region is currently low, and a regime allows countries to discuss and smooth out their tensions in the political instead of the military arena.

The members of ASEAN simply cannot afford to invest large amounts of money into anti-piracy or security measures in the immediate future. Still struggling to establish economic stability, Asian states have given other issues budgeting priority over improved piracy and maritime concerns. Although the smaller states of Southeast Asia cannot afford to increase their patrolling, the richer states of Northeast Asia can more easily provide additional and advanced ships for patrols, thus disrupting the power balance in the bloc organization. Cooperative approaches to these measures will help diffuse the cost among many states, but the economic expense remains high.

An Asian Maritime Regime *Is* Possible

Despite these challenges, an Asian multilateral maritime regime is possible. According to international legal expert Ann-Marie Slaughter, a new world order is emerging. She argues that, though it may not be immediately apparent, the nation-state is declining in importance and being replaced by a focus on functional policy areas. Within each of these policy areas, actors in one country network with their counterparts in another country, crossing national boundaries and focusing instead on cooperative approaches to the policy problem at hand. Slaughter calls the resulting dense web of relations a new "transgovernmental order." Through international regimes, multilateral organizations, and regional cooperation transgovernmentalism channels the power of the state to implement solutions at a broader regional or global level (Slaughter 1997).

Potential for Asian regional cooperation is growing, as states of all sizes and of various interests attend seminars and conferences to discuss transnational issues and engage in more frequent and substantial multilateral negotiations. As trade between countries increases and the global economy makes states even more interdependent, states in the region will face even greater impetus to cooperate, protect trade routes, and preserve peace and stability in the region. As these trends continue to influence the states' approaches to security concerns, piracy could be the stimulus necessary to provoke a broad, institutional, and "transgovernmental" response.

RECOMMENDATIONS

To improve safety in Asian waters and strengthen multilateral regional cooperation, states in the region must focus on immediate improvements in sea patrolling, improve on-ship security without arming crews, implement national anti-piracy laws in each individual

state, decrease dependence on foreign funding, strengthen ARF and ASEAN, and use anti-piracy efforts as the foundation for a broader Asian maritime regime.

1. *Immediate Focus on Improved Patrolling*

The states of Southeast Asia have named increased patrolling and policing of waters as their top priority in the fight against maritime piracy. While ASEAN and ARF continue to disagree on issues of jurisdiction and the appropriate legal definition of piracy, they both can agree that increased patrolling is necessary as well as possible in the near future. Currently, states' navies conduct patrols of their own territorial waters. While these patrols are often coordinated, they are not joint or combined efforts whereby a navy from one state would help patrol the waters of another state.

States in the region recognize the need for additional and more advanced patrol boats (most pirate boats are much more sophisticated than those operated by local navies), but most lack the resources necessary to fund the increased surveillance. A renewed focus on cooperative patrolling will bring immediate security benefits to the region without posing a grave threat to state sovereignty. Although patrolling is an appropriate starting point, states must be willing to move carefully toward greater legal and political integration as well.

2. *Improve On-Ship Security Without Arming Crews*

Private security organizations suggest that piracy could be stopped by providing armed guards for cargo ships or arming the crewmembers themselves. Supporters of increased weaponry to protect crews, ships, and cargoes argue that special training will help crews

better detect and defeat approaching pirates. This notion has received a great deal of criticism, however, as many analysts fear armed ships would only increase the lawlessness of the seas. The IMB, the Seaman's Institute, and the International Shipping Federation have vehemently opposed measures to arm crews or ships against pirates. These organizations report that a majority of seafarers also oppose this approach. Most crewmembers have no police or paramilitary training, nor do they desire to go through training to bear arms as they perform their rigorous and demanding sailing duties. The risk of accidentally shooting the wrong person during an invasion or shooting a law enforcement official at sea is reportedly higher than the risk of an actual pirate attack (McDaniel 2000).

In addition, because of the low probability of attack, insurance companies usually disapprove of weapons on board ships (ICC 2002b). Instead of arming the crew or the ship, most safety experts suggest that crews defend themselves by maintaining 24-hour radio watches, keeping pre-charged fire hoses ready for use, designating members to stand watch for pirates during the night, and refraining from keeping cash or valuables in the ship's safe.

3. *Implement National Anti-Piracy Laws in Each Individual State*

Before states can engage in regional cooperation, they must first implement their own national laws regarding piracy. In 2001, only three countries (India, China, and Thailand) had rules outlawing piracy (Zhow 2001). Once states have their own national laws in place, they can begin to negotiate regional rules and procedures regarding piracy. This political cooperation should also focus on strengthening of Track II (non-

governmental) dialogue in the region, particularly emphasizing the role of the Council for Security Cooperation in Asia-Pacific (CSCAP) and the South China Sea Workshops (SCSW).

4. *Maintain Global Cooperative Efforts but Gradually Decrease Dependence On Foreign Funding*

The United States and the European Union currently provide financial backing for an Asian-led anti-piracy force as well as funding to allow Southeast Asian maritime experts to study the law of the sea and piracy in Sweden (*Lloyd's List* 2002). After the Cold War, the United Kingdom, the United States, and Russia all reduced their naval presence in the region. In addition, the Asian financial crisis caused East Asian states to reduce their navies. Nevertheless, the U.S. Navy continues to provide a sizable patrolling presence in the region, and also provides financial support and training for new Asian patrol crews. States in the region recognize the need for additional and more advanced patrol boats, but most lack the resources necessary to fund the increased surveillance. Instead, they look to the United States or the European Union (EU) for additional funding.

Both the United States and the EU hope to move beyond this "donor-recipient" relationship and pursue greater political collaboration. The EU has a collective seat in ARF, but has thus far played a passive role and has no military presence in the region. Europe's only current contribution to security in Asia is through its arms sales, but in 2001, the European Commission issued a Communication clarifying its desire to move beyond an "aid and trade" relationship to pursue increased cooperation and political dialogue with ASEAN and ARF (European Union 2002).

Finally, greater cooperation with the EU could provide ASEAN and ARF with some much-needed technical expertise on regional integration. Like ARF, the EU also started from loosely institutionalized beginnings (the European Coal and Steel Community), but slowly grew to become a more cohesive policy-making body. While ASEAN and ARF may assume greater responsibility in the region and address additional security issues in the future, it is unlikely that either organization will become a unified regional bloc organization, such as NATO. Historic state rivalries, political tensions, and concerns about the regional power balance will likely prevent ARF from engulfing all states of Southeast and Northeast Asia into a comprehensive security alliance in the near future. Nevertheless, ASEAN and ARF must be preserved to protect the interests of the smaller Southeast Asian states against the will of the larger states in Northeast Asia.

5. *Strengthen ARF and ASEAN*

ASEAN and ARF provide the foundation for multilateral cooperation in Asia, but these bodies must be strengthened. ASEAN is valuable in that it allows the smaller states of Southeast Asia to address issues of their region and gives them a voice so that they are not overshadowed by the larger, more powerful states of Northeast Asia. As the only cooperative security organization in Asia, ARF carefully balances the interests of both North and Southeast Asian countries, as well as the European Union and the United States. Although the two Asian sub-regions have already begun cooperative efforts through ASEAN +10 and ARF, the smaller Southeast Asian countries are hesitant to pursue greater integration with their neighbors to the north.

Formed primarily to engage a rising China and ensure continued American military presence in the region (after the United States pulled out of the Philippines), ARF was never able to clearly define its primary security threats. In order to engage China, ARF had to be non-threatening and permit consensus decision-making. The need to reassure China of the benefits of engagement, a diverse membership (including the United States and the European Union), and a lack of consensus about which problems to tackle led to weak institutionalization. Nevertheless, the organization is gradually gaining legitimacy as states continue to focus more and more of their multilateral security efforts and resources into ARF (Johnston 1999, 323).

Like most international security institutions, ARF lacks a highly systematic and sophisticated organizational structure, but the organization continues to develop in unexpected ways (Johnston 1999, 323). Comprised of states hesitant to commit to multilateral positions on major policy issues and still lacking a clear, dominating security threat on which to focus, ARF should take an important step toward greater multilateral collaboration and choose piracy as its first target of cooperative policy action.

6. *Use Anti-Piracy Efforts as a Foundation for a Broader Asian Maritime Regime*

Although a broader regime including all East Asian countries would be most valuable, the maritime regime would not necessarily undermine ASEAN or ARF, nor would it subordinate Southeast Asian countries to control of the stronger Northeast Asian states. The regime would likely begin by focusing on piracy, but grow to address current and future problems, even those that cannot yet be defined. Current issues that could be addressed by the maritime regime include (but are not limited to): exchange of maritime

information, freedom of navigation, illegal fishing, illegal immigration, incidents at sea, management of resources in areas with overlapping claims, navigational safety, search and rescue, smuggling, and transnational oil spills (Valencia 1996, 12). Additionally, the maritime regime could pursue broader issues of confidence-building measures, transparency, sharing of information, multilateral talks, and Track II dialogue (Valencia 1996, 40).

The maritime regime would not necessarily take the form of a new organization, but could instead operate through increased collaboration and negotiation between ASEAN, ARF, China, Russia, South Korea, and Japan. The United States and European Union will likely also participate in the talks, but in a limited and neutral capacity. The United States is concerned about the future of maritime safety in the region, but American participation must be minimal because of China's suspicion of American intentions in the region and opposition to excessive American participation. ASEAN would likely seek the support of the United States in the negotiations, but would not wish to upset China or increase tensions between Washington and Beijing (Cossa et al. 2001).

CONCLUSION

Despite increased government concern, the states of East Asia have not yet formulated a regional response to the piracy threat. The states remain resistant to multilateral agreements and are busy focusing on other issues, such as the future of Japan's military. Also, states' insistence on focusing on joint patrolling rather than addressing the political and legal barriers to reducing piracy could also limit the effectiveness of their response.

Furthermore, the weak institutionalization of ARF and the lack of other security organizations complicate transition to an anti-piracy or broader maritime regime.

Nevertheless, regional cooperation and the potential for a cooperative solution are increasing. Piracy is an ideal issue around which to base this cooperation, as the issue allows states to focus their energies on a common threat to all states with long-term rather than immediate consequences. States are already acknowledging the piracy threat by attending seminars to discuss possible solutions and exhibiting a broader interest in increasing their participation in the international community. As the states grow more interdependent, and as forces of transgovernmentalism continue to expand, the states of East Asia may eventually discover that a multilateral approach to transnational security threats is the only potential solution. Left unchecked, piracy has the potential to significantly devastate the economic, political, and environmental stability of East Asia. If the individual states seize this opportunity for regional cooperation, however, a multilateral effort to reduce maritime piracy could serve as a catalyst for the establishment of a broader maritime regime in East Asia.

NOTES

[1] A review of regime theory reveals that the Southeast Asia region may be ripe for the formulation of a successful maritime regime. Functionalist regime theory purports that regimes are most successful when they are formed to combat not a single country but a common problem that plagues all of the involved states. As Mark Valencia explains, "Issues are all maritime safety problems of a civil, as opposed to a military, nature. Resulting proposals for maritime cooperation are formulated against no single adversary but rather against common problems of crime, human depredation, pollution, and natural disaster. Progress on the harder issues may well depend on successful development of a softer, essentially civil, maritime safety regime" (Valencia 1996, 12). Rather than immediately addressing "hard" security issues, the region can "ease into" a regime by starting first with softer issues such as piracy.

Regimes are typically strongest when they combine a relatively small number of countries with similar interests to facilitate conversation, promote cooperation, offer decentralized enforcement to verify compliance, and provide mutually acceptable standards of behavior (Valencia 1996, 12-21). The East Asian region needs a system of standardized rules and procedures regarding response to pirate attacks, as well as a means of surveying and patrolling waters to help prevent attacks. Stephen Krasner defines a regime as "implicit or explicit principles, norms, rules and decision-making procedures around which actors' expectations converge in a given area of international relations" (Haggard and Simmons 1987, 481-517). Peter Haas argues that regimes are more than a "static summaries of rules and norms," and asserts that regimes also facilitate "international learning that produce(s) convergent state policies" (Haas

1989, 377-403). Both of these definitions aptly describe the needs and desires of East Asia: the states need a clear system of standards regarding piracy that may help them learn to cooperatively address other maritime issues.

Further, Valencia asserts that regimes fill at least one of three critical needs: "they establish a clear legal framework with liability for action; they improve the quality and quantity of information available to states; and they reduce transaction costs" (Valencia 1996, 18-19). All three of these needs can be met through a piracy or maritime regime; the states desire standardized legal rules and verification measures, improved information sharing, and assistance with the costs of developing their own anti-piracy or maritime regulation forces. Further, similar maritime regimes have already been suggested in the region and are being considered for the Yellow Sea, the East China Sea, and the Sea of Japan (Valencia 1996, 7). A broader regime, including the states of North- and Southeast Asia, could be even more effective.

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