

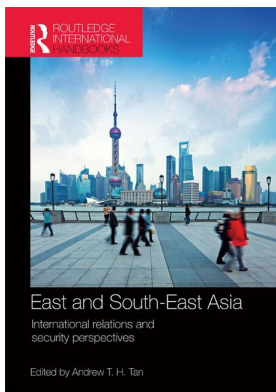
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Maritime security in East and South-East Asia

Justin V. Hastings

What is the relationship between the maritime domain and non-traditional security threats in East and South-East Asia? The concept of non-traditional security opens up the possibility that someone besides the state is threatened, and someone or something besides another state is doing the threatening. There is at this point a substantial literature on non-traditional security and the allied concept of human security, and it will not be rehashed here. Instead, I am primarily interested in how the maritime domain in East and South-East Asia serves as a theatre for threats to the security of the state, as well as to human security, but securing the state and securing the population do not always go hand in hand. Using three cases of maritime security issues in East Asia—territorial disputes, maritime piracy and terrorism—I will focus on two broad scenarios in the maritime domain where state and non-state security may (or may not) be at odds.

In the first, actions by maritime non-state actors designed to maximize their own (non-traditional) security can lead to state security problems and even interstate conflict. This can be seen in the case of fishing vessels and energy-prospecting ships operating in disputed East Asian waters, and setting off escalating interstate crises. In the second, violent maritime non-state actors, notably terrorists, threaten the security of states as well as local populations. At the same time, because these groups are using the same social and economic networks used by local populations to support themselves, cracking down on those networks as a way of getting at the violent actors risks costing states legitimacy and harming human security.

One of the main drivers of these issues in the region is the problem of sovereignty, specifically the disconnect between what regional states claim as their sovereign territory, and what they actually control in anything more than a superficial way. While this disconnect exists in many parts of the world, in East and South-East Asia it has manifested itself primarily in two ways relevant to maritime security.

First, East and South-East Asian states do not agree among themselves about what their sovereign borders are, resulting in a number of territorial disputes (most over maritime territory) and territory with either contested control (in the case of Japan's control over the Senkaku/Diaoyu Islands, and the Republic of Korea's (South Korea) control over the Dokdo/Takeshima islets), or no effective control by any single state (in the case of the South China Sea). Second, many East Asian states do not exercise uncontested authority over territory that other states

recognize as rightfully theirs, resulting in zones (often in maritime border areas) where the legitimacy of the state is either contested by non-state actors or simply ignored.

Pre-colonial East Asia did not traditionally have Westphalian concepts of sovereignty or borders, often relying instead on a centre-periphery understanding of the territorial spread of political authority (and power), where a central state exercised authority with decreasing intensity as one moved away from the capital, and tributary states acknowledged the centre's supremacy when the centre was strong. When this understanding came into contact with Western conceptions of sovereignty beginning in the 19th century, the result was often confusing. In North-East Asia it was unclear whether traditional tributary states were part of the territory of core states. In addition, the ability of even small islands to serve as anchors for large exclusive economic zones reinforced the importance of establishing Western-style sovereignty over small, previously uninhabited pieces of territory. This was further complicated by Qing and Republican Chinese weakness and civil war up to 1949, and the series of international treaties associated with imperial Japan's rise and fall between 1867 and 1945: territories (such as Taiwan and its associated islands) often changed hands a number of times, and different treaties made vague or contradictory references to what were at the time considered unimportant pieces of territory. In the 1895 Treaty of Shimonoseki, for instance, China ceded Taiwan, 'together with all islands appertaining or belonging to the said island of [Taiwan]'.¹ Which islands these were was left unclear.

In archipelagic South-East Asia, state power similarly radiated out from a central state, but state power was based on control of trade routes (rather than large swaths of land), either sea lanes of communication or riverine passages that allowed goods to be transported from the interior (in Sumatra and Borneo in particular) (Freek 2003; Bentley 1986). The most relevant geographical features of the political landscape—the maritime trade routes that connected islands in the archipelago, and enabled the territorial spread of social and economic networks—not only did not follow the frontiers between colonial states, but actually cut across them. In very few places in East and South-East Asia were boundaries delineated clearly before the 19th century. When the European colonial powers did eventually set down boundaries, particularly in South-East Asia, the specific boundaries often cut across these maritime trading routes that predated colonization, with the movement along these routes becoming 'illicit'. Informal population and trading now became 'smuggling' and 'trespassing' (Tagliocozzo 2005). The networks themselves continued to provide for the social and economic needs of the local populations on both sides of the borders, however, and post-colonial states such as Indonesia, Malaysia and the Philippines found themselves with the unenviable task of attempting to establish control over border areas that do not comport with the social and economic realities on the ground. How these dynamics play out in non-traditional security threats will be seen in the three case studies below.

Territorial disputes

At first glance, maritime disputes would seem to be the archetypal traditional security problem, and indeed they are: from a rationalist understanding of war, territorial disputes are exactly the kinds of focal points for disagreement where information problems about resolve and capability come to the fore (Fearon 1995). However, in East Asia, the maritime territory under dispute means that non-traditional security concerns have the potential to serve as catalysts for interstate conflict as well. While the People's Republic of China has shown a great willingness to settle its land border disputes (in some cases giving up substantial swaths of territory) (Fravel 2005), particularly in periods of political transition, it has not been similarly flexible in maritime

territory disputes with Japan in the East China Sea, and with the Philippines, Viet Nam, Malaysia, Brunei (and Taiwan) in the South China Sea. Other countries in the region have their own disputes with each other: Malaysia and Indonesia both claim waters east of Borneo, and South Korea and Japan both claim islets between the two. These disputes are exacerbated by non-traditional security needs. East Asia's economic growth rate in the past several decades has brought new wealth to hundreds of millions of people in the region, but also has brought a search for resources to sustain that growth. Two non-traditional security issues loom large in East Asia, given the bounty that may lie below the surface of East Asia's oceans: food security and energy security.

The need for a consistent food supply has led fishing fleets from East Asian countries to venture abroad in search of bountiful fishing grounds. This has led to a number of complicated security problems for both fishing vessel crews and East Asian states. In most circumstances, it is the non-state fishing fleets that have ended up causing security problems for the states. First, fishing vessels can slip into waters that are claimed (and recognized by other states) as the sovereign territory of an East Asia, but which are poorly patrolled, or more generally, poorly controlled by the state. Given the size of its maritime territory relative to its capacity to monitor or patrol, Indonesia has persistently had problems with incursions by foreign fishing vessels engaged in illegal fishing ('fish piracy') (Kompas 2012). Second, fishing fleets operating in disputed waters have served as catalysts for many of the state-to-state diplomatic and military crises in East Asia in the past several decades. The Scarborough Shoals standoff between China and the Philippines that began in April 2012 was set off when the Philippines Navy detected Chinese fishing vessels at Scarborough Shoals, within waters claimed by China and the Philippines. Philippine and Chinese government ships then engaged in a standoff that was accompanied by public demonstrations on both sides, cancellations of trips, and diplomatic conflict (Ortigas 2012). Likewise, in September 2010 a Chinese fishing vessel rammed a Japanese coastguard ship near the disputed Senkaku/Diaoyu Islands. The Chinese captain was subsequently detained, and released by Japan after a diplomatic spat (BBC 2010).

Similar catalysts can be seen in countries' search for energy security. The US Energy Information Agency has estimated that oil deposits in the South China Sea may range from 28 billion to 213 billion barrels of oil (admittedly a wide range) (Fabi and Mogato 2012). Given the high level of uncertainty, and the desire by East Asia's growing economies to secure energy resources, countries involved in the South China Sea dispute have strong incentives to engage in oil exploration, and award contracts for drilling. As with fishing vessels, a number of the prospecting ships sent out by the Philippines and Viet Nam has clashed with Chinese vessels. In March 2011 two Chinese vessels threatened to ram a Philippine-contracted survey ship in Reed Bank in the South China Sea, prompting a Philippine military response (Fabi and Mogato 2012). Several months later, in June, a Vietnamese survey vessel chartered by state-owned PetroViet Nam collided with a Chinese fishing vessel in disputed waters (bringing both food and energy security together), prompting a new diplomatic spat, and patriotic Internet activism by citizens of both countries (BBC 2011a, 2011b).

Whether maritime territorial disputes in East Asia will escalate to full-scale wars remains to be seen. What is clear, however, is that the disjuncture between East Asian countries' claimed sovereign territory and the territory over which they actually have uncontested control means that there are ample opportunities for maritime disputes. That East Asia's maritime disputes have the potential to escalate at all is in large part because non-traditional security issues—food and energy security—have heightened the practical importance of controlling territory, the exploitation of which can address those needs.

Maritime piracy

Given the global attention focused on the syndicates hijacking ships and holding them and their crews for ransom off the Horn of Africa, it is perhaps surprising that East Africa did not surpass South-East Asia in terms of total number of pirate attacks until 2007. As of 2012, South-East Asia remains one of the three global hotspots for piracy (along with the Horn of Africa and West Africa) in terms of total attacks.²

In part, South-East Asia's hotspot status is almost certainly because of its geography and place in the global economy. Tens of thousands of small islands dot the landscape, many astride important international shipping lanes, giving pirates easy access to rich hunting grounds, as well as hideouts both before and after their attacks. Yet these features are constants, and the overall numbers, or even distribution of types of attacks, have not been constant over time. In the 1990s, the main area of concern for sophisticated piracy operations was not the Malacca Strait or Indonesian waters at all, but the areas of the South China Sea near China, where pirates, apparently operating out of China, with some looking suspiciously like Chinese government ships, would attack passing ships, demanding money, seizing the cargo, or seizing the ship itself for resale or use as a 'phantom ship' (Abhyankar 2001). After a Chinese government ban on Chinese military involvement in business in 1998, and a concerted crackdown on piracy (and more generally corruption) in Guangdong in 2000, which included the execution of a number of pirates and officials, piracy ceased to be a major problem in China (Eklöf 2006: 78).

Since then East Asia's maritime piracy has been concentrated in South-East Asia, with attacks in the Malacca Strait spiking in 2000 (with 73 successful attacks), and attacks spiking in Indonesian waters (outside of the Malacca Strait) in 2003 (with 86 successful attacks). Total successful attacks bottomed out in 2007 at 49, but since then have risen to 121 as of 2011. The vast majority of these attacks are simple robberies, where pirates board ships (either on the water or at anchor) and steal money, valuables, documents, or equipment—but not all are. Where the majority of attacks off the Horn of Africa are kidnappings, where pirates seize a ship and its crew and hold them for ransom, the most prevalent sophisticated pirate attacks in East Asia are ship and cargo seizures. In these operations, syndicate leaders, either themselves or through middlemen, identify ships and/or cargos to target, and potential buyers. They then hire pirates (who are often underemployed sailors or fishermen), who hijack the ship, put the crew off, repaint and sometimes reregister the ship, and then deliver the cargo and/or the ship to the buyer. South-East Asia contains the right combination of factors to make ship and cargo seizures possible. The key to South-East Asian piracy is not state failure, but a relative lack of state failure—unlike Somalia, South-East Asian governments function well enough to provide basic transportation and economic infrastructure (such as markets for large-scale commodities) to support international shipping networks. These are the networks and the infrastructure upon which ship and cargo seizure syndicates also depend. The sellers need to be integrated into business networks to find potential buyers, the transportation infrastructure needs to be sophisticated enough to find ports to disguise ships and secrete cargo, and the markets need to be large enough to be able to absorb suspiciously registered ships and thousands of tons of cargo without much notice (something not possible in smaller, less sophisticated markets). At the same time, South-East Asian states, particularly Indonesia and the Philippines, lack the resources to police thousands of islands and the waters around them, providing an opening for both sophisticated pirates and those engaged in simple robbery (Hastings 2009, 2010b).

With that said, while overall piracy levels increased in South-East Asia from 2008 to 2011, they are down from the high levels seen between 2000 and 2003. Successful attacks in the Malacca Strait hit a low of just four in 2009 (although they rose to 34 in 2011). Moreover, ship

and cargo seizures dropped substantially as well, from a yearly average of 9.3 between 1996 and 2003, to an average of 5.5 between 2004 and 2011. There are several reasons why this might be so.

First, from 2004, spurred on by worries about foreign intervention, South-East Asian countries did put more resources behind fighting maritime piracy. That year, Malaysia, Singapore and Indonesia began co-ordinated patrols in the Malacca Strait (dubbed MALSINDO) (Mak 2007), with aerial patrols ('Eyes in the Sky') starting in 2005 (Ministry of Defence—Singapore—2005). The declaration of the Malacca Strait as a 'war zone' by Lloyds of London in 2005 also spurred the littoral states on to action. Then, in 2006 the Regional Cooperation Agreement on Combating Piracy and Armed Robbery, designed to fight piracy in Asia, came into force, with an Information Sharing Centre based in Singapore launched at the same time (although notably, Indonesia and Malaysia are not parties to the agreement) (ReCAAP Information Sharing Centre 2011).

Second, the shipping industry and the International Maritime Organization (IMO) have taken steps to reduce the ability of piracy syndicates to disguise, re-register and profitably sell off the ship and cargo, thus reducing the market demand for pirates' loot. This has been accomplished by making it more difficult to hijack ships without the owners knowing (by installing hidden GPS locators onboard vessels) (International Maritime Organization 2002). It also became more difficult to disguise hijacked ships, since most large, oceangoing ships were required from 2004 by the IMO to be registered, and to have their names and registration numbers embossed on their hulls (International Maritime Organization, 2004b, 2004a). Many jurisdictions also increased their evidentiary requirements for selling ships (to prove that the sellers actually have legal possession of a ship) and large amounts of cargo (Hastings 2005b). Pirate syndicates have attempted to adapt to these measures. In some cases, they have simply seized cargoes and scuttled the ship, as happened with ships carrying tin ingots that were scuttled near Bangka in Indonesia in 2005 (Hastings 2005b). They have also begun seizing ships that remain untracked and unregistered with the IMO or ships that can be used by the pirates themselves. In practice, this has meant that smaller vessels have been targeted—the average tonnage of ships seized in South-East Asia fell from a high of 4,581 metric tons in 1998 to 750 tons by 2011—and cargo ships and tankers (which have lost their resale value) are increasingly ignored in favour of tugs, barges and fishing vessels. Piracy—both robbery and hijacking—remains a security problem in East Asia, but the pirates are not invincible, and the measures taken by both state and non-state actors have helped considerably.

Terrorism

After the terrorist attacks on the USA on 11 September 2001 (9–11), South-East Asian analysts, already attuned to non-traditional security threats, became concerned about the possibility of maritime terrorism. South-East Asia, in particular, was presumed to be vulnerable to maritime terrorism for several reasons. First, at the time there were a number of fairly capable terrorist and radical groups active in South-East Asia (and Indonesia was in the throes of one of its periodic meltdowns), among them Jemaah Islamiyah (JI), Abu Sayyaf Group, the Moro Islamic Liberation Front, and Indonesian Islamist militias. Al-Qa'ida itself also had representatives working in the region. Second, South-East Asia's geography and its role in the global economy renders it unusually vulnerable to maritime terrorist attacks. South-East Asia serves as the shipping and transshipment connector between Europe and the Middle East in the west, and North-East Asia in the east: in 2011, 15.2 million barrels/day transited through the Malacca Strait (Energy Information Agency 2012). Both straits have chokepoints congested with many cargo ships slowly navigating narrow, shallow channels, and an attack in those channels could slow down or otherwise damage global trade. Third, the prevalence of maritime piracy in South-East Asia's

waters means that there already existed people with the willingness and capacity to attack ships when they so desired (Raymond 2005; Ong 2007; Greenberg *et al.* 2006; Chalk 2008). There was, as a result, a potential piracy-terrorism nexus.

Analysts have mapped out a number of scenarios in which terrorism and the maritime domain could come together to cause disproportionate damage or loss of life, running the gamut from simple bomb attacks on ships and port facilities, hijacking ships and ramming them into other ships, port facilities, or liquefied natural gas storage units, or scuttling ships so as to block the ability of other ships to transit through congested chokepoints, thus hampering global trade (Chalk 2008; Greenberg *et al.* 2006: 27).

Few of these scenarios have played out in South-East Asia in more than a decade since 9–11. In fact, the Global Terrorism Database (2012) lists only four terrorist attacks on maritime targets in East and South-East Asia between 2001 and 2010, and only one—the 2004 Superferry bombing in Manila Bay—actually taking place against a ship on the water (as opposed to attacks on port facilities). Admittedly the Superferry bombing was the deadliest maritime terrorist attack to date, although it was not a particularly good example of terrorists adapting their tactics to create a special kind of maritime terrorism: the bomber simply left the bomb underneath a seat while the ferry was in port, then got off before the ship left (International Crisis Group 2005: 16–17).

One plausible reason for the relative lack of maritime terrorism may simply be that traditional attacks such as bombings against land targets were still effective (in the sense that the groups were able to carry out attacks successfully, and cause a desired level of damage), and there was little need to move to potentially riskier maritime attacks. Jemaah Islamiyah (JI) set off bombs simultaneously in 11 different Indonesian cities on Christmas Eve in 2000, and managed to use two suicide bombers and a vehicle-borne improvised explosive device (VBIED) in Bali to kill 202 people in 2002 (Hastings 2008). A maritime attack would have potentially resulted in fewer casualties, against targets that JI had hitherto ignored, with the requirement that JI learn skills, such as constructing maritime-borne bombs or carrying out hijackings, that it did not previously have. Tellingly, the only group that did carry out a maritime attack, Abu Sayyaf, already had a history of engaging in maritime operations (as shown by its 2000 kidnapping attack on Sipadan island in Malaysia). The harsh response to terrorism of Singapore and Malaysia in 2001, and of Indonesia from 2002 also had the effect of diminishing the capabilities of many of the terrorist groups, and turning their attention away from Western targets (attacks on which some terrorist leaders judged to have been a strategic blunder) (International Crisis Group 2007), and toward targets within their own countries. Terrorist attacks since 2009 in Indonesia and the Philippines have been concentrated on rival Muslim clerics, police and the military, and have virtually ignored Western economic targets, including those in the maritime domain.

The (relative) lack of maritime terrorism in South-East Asia does not mean, however, that there is no connection between terrorism and the maritime domain. In fact, the nature of the linkages not only makes terrorism a problem of maritime security, but also confounds states' ability to address it. While terrorist groups have carried out few attacks on maritime targets in South-East Asia, the maritime domain has served an important logistical and support role in the operations of violent non-state actors, including terrorists. In the 1990s, for instance, the separatist Free Aceh Movement used boats to smuggle refugees and fugitives from Aceh, on the northern tip of Sumatra, to Malaysia, and move firearms from Thailand and Malaysia back into Aceh (Hastings 2010b: 111–45). Likewise, terrorist groups operating between Indonesia and the Philippines have long used maritime routes to move operatives and weapons between the two countries (Rabasa and Chalk 2012: 8–9).

Here the problematic disconnect between sovereign claims and reality on the ground comes to the fore, for many of the routes and methods that are used by terrorists to smuggle operatives

and weapons across international boundaries are also used by local cross-border social and economic networks. JI, for instance, ran two transportation routes from approximately 1998 until 2002 or 2003 between eastern Indonesia and eastern Malaysia (notably the Indonesian province of East Kalimantan and the Malaysian state of Sabah) and the southern Philippines. Both routes used informal maritime trading networks that crossed international boundaries with little concern for state sovereignty. In the first, between Sabah and Bongao, a city in Tawi-tawi province in the Philippines, the JI operative in charge of transporting recruits to and from JI's camp in Mindanao would meet the recruits in the East Kalimantan city of Tarakan, put them on a regular ferry to Nunukan, across the river from the Malaysian city of Tawau, and then use smugglers (particularly those specializing in cigarettes) to transport the recruits to Tawau. The smugglers used most often were those who asked the fewest questions, and had the best relationship with local Indonesian police, and thus knew when to go, and how to avoid (unfriendly) officials. For transporting the recruits from Malaysia to the Philippines, the JI operative would look for Philippines Muslim boat operators in formal ports who were willing to transport 'Philippines nationals' going home without proper documents. These boats moved directly between Malaysian and Philippines ports without going through immigration formalities on either end, often taking up to 50 or 60 passengers, and their associated cargo, on each trip. On the way back to Indonesia through Malaysia, the JI operative would bribe port labourers who carried bags through Malaysian immigration checkpoints in Tawau to take the JI recruits with them (Hastings 2010a). JI was thus not creating new, informal transportation networks so much as slipping into the ones that already existed.

In the second route, through the Sangihe-Talaud islands in Indonesia to General Santos City in Mindanao, JI affiliates actually bought a boat and employed a local Indonesian fisherman to transport recruits to the Philippines, and bring weapons back (International Crisis Group 2003: 19). While there is an Indonesian immigrant checkpoint on an island between General Santos City and the Indonesian islands that are the destinations of most boats traversing the passage, it is sufficiently inconveniently located that many boats simply bypass it (Romdiati 2008: 126–27), thus creating informal transportation networks that connect Indonesia and the Philippines, and avoid the state. JI took advantage of this fact, moving a number of recruits into the Philippines, and weapons and explosives back into Indonesia by boat. In one case, JI-affiliated operatives were stopped by Philippines customs officials, but were able to bribe their way out (International Crisis Group 2003: 21).

The main relationship between terrorism and the maritime domain is thus one where the social and economic networks that criss-cross the maritime domain support terrorist groups' logistical activities. Yet cracking down on these networks is problematic. The networks thrive because they are often easier and cheaper to use than the 'legitimate' state procedures, and because they provide goods and services that local populations would otherwise be without. States are faced with a dilemma: they can either attempt to shut down informal movement across the formal boundaries as a way of cracking down on terrorism, and lose support from local populations that depend on informal cross-border trade and movement for sustenance, or allow the informal networks to exist and operate, earning them some support from local populations, but sacrificing internal control (and sometimes the credibility of territorial claims) and allowing terrorists and other belligerents to operate in border areas, and move into and out of their territory.

The way ahead

If the disconnect between sovereignty claims and reality really is one of the main drivers of East Asia's maritime security problems, then it will be nearly impossible to eradicate non-traditional

threats to maritime security, even in the long term. As the pressure to secure food and energy supplies increases, private actors will continue to search for new resources, and states in the region will have every incentive to press their claims to disputed maritime territories that have the potential to provide that security. Yet such a pessimistic view of future can be leavened by potential successes in the future. Piracy in South-East Asia is unlikely to be eradicated completely, but the successes that East and South-East Asian states have had in squeezing sophisticated piracy operations suggests that while improving the state's hold on maritime territory is important, pervasive state presence is not the only thing that is effective against violent non-state actors: concerted action by a combination of state and non-state actors to remove the impetus for maritime piracy (such as the market) is also feasible. Furthermore, while states must tread lightly when dealing with the social and economic networks that support terrorist groups' activities lest they lose legitimacy with local populations, these populations are not inherently opposed to the state as long as legal movement and commerce are low. Formalizing informal trade networks in South-East Asia's border areas may be one way to get a handle on terrorists' maritime activities.

Notes

- 1 An English translation of the Treaty of Shimonoseki can be found at Taiwan Documents, www.taiwandocuments.org/shimonoseki01.htm.
- 2 All figures on piracy in this chapter come from the author's dataset of all successful pirate attacks (those where the pirates boarded the ship) globally between 1996 and 2011, which is itself derived from data provided by the International Maritime Organization. The dataset is available from the author.

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