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# Japanese Anti-Piracy Initiatives in Southeast Asia: Policy Formulation and the Coastal State Responses

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*Although Japan is generally hesitant to adopt aggressive positions in Asia's political affairs, especially in those activities involving the use of force, it has taken a leading role in eradicating maritime piracy. Japanese proposals envisioning active multinational cooperation met with little enthusiasm among the Southeast Asian states, but less ambitious bilateral approaches have enjoyed relative success. This article discusses the causes of the Japanese anti-piracy initiatives and the Singaporean, Indonesian, and Malaysian responses. The Japanese motivations include comprehensive security concerns, the perception of Japan as a piracy victim, and a range of institutional interests. Singapore, possessing interests closely aligned with those of Japan, has been most receptive. Indonesia has been the least receptive because it places low priority on fighting piracy and sees cooperation as relatively costly. Malaysia has engaged in moderate cooperation, but as the value it places on cooperation increases, Malaysia is becoming more favourable towards Japanese proposals.*

## Introduction

Maritime piracy concerns many nations, but it particularly alarms Japan, a state vitally dependent on the flow of resources through the pirate-infested waters of Southeast Asia. Although Japan possesses highly capable maritime forces, its constitution restricts the Self Defence Forces (SDF) from operating as a traditional military. Moreover,

the Japan Coast Guard (JCG), not part of the SDF, is also restrained by antimilitarist prohibitions. However, since the mid-1990s concern over the piracy threat has triggered changes in Japan's outlook and led it to initiate significant efforts aimed at leading a regional effort to cooperatively eradicate piracy in Southeast Asia. Japan's initiatives have met with mixed success. The most radical ideas, proposals which envisioned standing ocean-peacekeeping fleets conducting multinational patrols in both territorial and international waters, made very little progress. However, at a bilateral level, Japanese initiatives have been quite successful. For example, the JCG has conducted joint training exercises with six Southeast Asian states and Japanese aid programmes have trained and equipped forces in all of the coastal states.

Focusing on the political, law enforcement, and military programmes adopted by states, this article examines the formulation of Japan's anti-piracy initiatives and the responses of Singapore, Indonesia, and Malaysia to those initiatives. The first section describes the nature of Southeast Asian maritime piracy and its significance to Japan. The second section examines the factors which caused Japan to implement its anti-piracy initiatives and the evolution of those policies from inception to March 2004. The third section explains responses to the Japanese proposals by the states bordering the Strait of Malacca.

The article's analysis draws upon the security framework provided by the Copenhagen School as represented by Barry Buzan and Ole Wæver.<sup>1</sup> The Copenhagen School understands that security is a socially constructed concept and that discourse is a key element in the construction and identification of security issues. Based on the discourse which surrounds it, a public policy issue can be classified as non-politicized, politicized, or securitized. A non-politicized issue is one which is excluded from the policy debate and ignored by policy. A politicized issue is identified as a matter of public importance, brought into the policy discourse, and requires the commitment of public resources. A securitized issue is identified as a potential threat to the continued existence of the state. Once securitized, issues are perceived to be of such immediate importance that they are elevated above the ordinary norms of the political debate and the state acquires special rights to adopt extraordinary measures in order to protect itself.

Although the security framework is employed as a key conceptual tool in this article, the analysis looks at more than just discourse. Instead, it adopts an approach which is both more rational and more objective than that of the constructivist Copenhagen School. It assumes that security threats can be intrinsically real, but that the discourse surrounding and the perceptions regarding threats are key factors in

determining the policy priority and resources devoted to addressing them. Non-politicized threats do not warrant a response, whereas securitized threats warrant extraordinary responses. Therefore the article also examines the various interests, security and otherwise, which have motivated policymakers in regional states to categorize the threat posed by maritime piracy differently. Where Japan and Singapore have both securitized maritime piracy, the issue has been only politicized by Malaysia and remains essentially non-politicized in Indonesia. In examining the anti-piracy cooperation between Japan and its potential partners, the analysis reveals that while the political and security priority state policymakers have placed on fighting piracy is a key factor determining the extent of cooperation, additional variables must also be taken into account. In doing so, the article corresponds closely with recent applications of the security framework to the field of Southeast Asian maritime security by Joon Num Mak and Ralf Emmers.<sup>2</sup> In particular, by looking at both discursive (perception and speech acts) and non-discursive (policy implementation) elements this article shares Emmers' "rationalist understanding of the process of securitization".<sup>3</sup>

### **Piracy and Japan**

The 1982 United Nations Law of the Sea Convention (UNCLOS) defines piracy as illegal acts of violence, detention, and depredation committed for private ends in areas outside the jurisdiction of any state. However, the Japanese concept of piracy goes beyond this definition to also include attacks which are politically motivated or take place within national waters. In fact, the acts of piracy which most concern Japan are those taking place in the territorial seas along important Southeast Asian sealanes such as the Straits of Malacca and Singapore.<sup>4</sup> In order to discuss these acts, the National Institute for Defence Studies (NIDS), the main policy research arm of the Japan Defence Agency (JDA), uses the term "modern piracy", which is "a broad concept including all acts of robbery, seizure of cargo, and seizure of vessels in ports and harbours, territorial waters, exclusive economic waters, and on the high seas".<sup>5</sup> Although careful to use the international standard definitions when precision is necessary, it is "modern piracy" which concerns Japan and is most discussed by Japanese policymakers.

The variety of definitions pertaining to piracy, the lack of a centralized data collection system, and poor information sharing have resulted in serious deficiencies in the data regarding modern piracy. However, as shown by Table 1, available information clearly reveals that a great deal of modern piracy takes place in the waters surrounding Southeast Asia. Among the targets, the Japanese government counts

TABLE 1  
Recorded Piracy Attacks

	2003	2002	2001	2000	1999	1998
<b>Global attacks</b>	445	370	335	469	300	202
<b>Attacks in Southeast Asia</b>	189	170	170	257	167	99
<b>Attacks against ships related to Japan</b>	12	16	10	31	39	19

SOURCES: IMB, *Piracy and Armed Robbery against Ships Annual Report, 1 Jan–30 Dec 2003*, Jan 2004, p. 5; Japan, Ministry of Foreign Affairs, *Diplomatic Bluebook 2003*, p. 176; and meeting with JCG, International Criminal Investigation Division, 5 March 2004.

multiple “ships related to Japan”, i.e., those registered under Japanese law, owned by Japanese companies, or manned with Japanese crewmembers.

Only Singapore and Brunei, relatively wealthy states with small sea territories, are able to adequately protect vessels in their waters from piracy. The other coastal states lack the resources necessary to control piracy in their vast territorial waters. For example, Indonesia has less than one hundred operational vessels to patrol three million square kilometres of archipelagic waters.<sup>6</sup> Southeast Asian geography also allows pirates to easily escape over interstate maritime borders where a lack of “hot pursuit” agreements virtually guarantees safe retreat. Corruption further encourages piracy in many Southeast Asian states where it is not uncommon for law enforcement agencies to, at the operational level, ignore acts of piracy or even collaborate with its perpetrators.<sup>7</sup>

Regional conflicts exacerbate the piracy problem by diverting forces away from protecting shipping and towards more immediate threats. For example, in 2003, media reports stated that the Indonesian Navy was using all its available ships to support military operations in Aceh.<sup>8</sup> Similarly, the already overstretched Malaysian Navy has since the mid-1990s concentrated forces to protect Sabah’s shores from amphibious raiders.<sup>9</sup> The Philippine Navy is likewise occupied with countering insurgency and patrolling the contested Spratly Islands.

Given the inability of most coastal states to control piracy, international bodies, seafarers’ organizations, and shipping interests have called on extra-regional powers to render assistance.<sup>10</sup> The United States, Japan, Australia, China, and India all maintain strong maritime forces and significant interests in Southeast Asia. Of these, the United

States has historically been the guardian of Southeast Asian sealanes. However, until 2001 the United States focused nearly all of its attention on traditional military affairs and paid relatively little attention to the threats posed by non-state actors, particularly those pirates who hunted their victims within state waters. Since 2001, the United States, Australia, and India have expanded their involvement in regional sealane security and placed greater emphasis on countering non-state threats. In contrast, Japan's interest in protecting the sealanes from non-traditional threats predated 2001 and is less concerned with the potential conflation between piracy and terrorism than with the threat posed by piracy itself.

Despite the calls for action, piracy is statistically dwarfed by other forms of violent crime. For example, in 2002 there were 12 attacks reported against ships related to Japan, but over 76,000 violent offenses, including over 1,000 murders, reported in Japan. Similarly, the Nippon Foundation, a private philanthropic organization involved in maritime projects, estimates that piracy costs Japan US\$10–15 million/year, a relatively small sum given the gargantuan nature of the shipping industry. The deputy director of the International Maritime Bureau summarized the situation, "The financial impact is, therefore, currently not important. It is more the actual and psychological damage caused to the individual and the possibility of a disaster".<sup>11</sup> Such disaster is most likely if a pirate attack were to impair the operation of a vessel and thereby precipitate a collision, grounding, large chemical spill, or the closure of a strait.

There is also concern that terrorists, either acting in concert with pirates or employing their techniques, could hijack a large vessel and use it as an enormous vehicle-bomb to inflict unprecedented destruction. However, the terrorist threat has not been the driving force behind the Japanese anti-piracy initiatives. Not only did those initiatives start well before the events of 2001 heightened sensitivities to terrorism, but, even after 2001, counterterrorism has been adopted as only a secondary plank of the Japanese anti-piracy programmes. As one senior Japanese policy expert summarized, "Maritime terrorism is a real threat, but it is also a convenient cover issue for us to mobilize against piracy."<sup>12</sup>

### **The Japanese Anti-Piracy Initiatives**

Although the costs of piracy may be considered relatively low, since the mid-1990s a convergence of factors has driven Japanese policymakers to securitize the piracy threat and identify anti-piracy cooperation with coastal states as a critical policy interest. A primary motivation has been the identification of piracy as a direct threat to

Japan's comprehensive security. As neither the key coastal states nor other extra-regional powers were taking adequate steps to control the problem, Japan felt it had to assume a leadership position. The humanization of the problem as one with Japanese victims further raised the perceived value of confronting piracy. In addition, the shared interests of several influential policy groups in anti-piracy programmes not only increased their perceived value, but also influenced the shape of those initiatives. Although the reactions of the coastal states have caused an evolution in their proposals, the Japanese have consistently maintained a preference for a strong multilateral regime as the ideal solution, while simultaneously pursuing less ambitious bilateral proposals.

### *Piracy as a Threat to Japanese Comprehensive Security*

The Japanese notion of comprehensive security combines physical security and economic welfare, both domestic and external, into a single concept. Preservation of Japan's comprehensive security emphasizes economic and diplomatic means, but does not ignore the military dimension. Japan has long recognized that the safety of maritime transportation is among the most important components of its comprehensive security. In particular, piracy threatens Japanese economic security, energy security, and the safety of Japanese citizens.

Japan imports approximately 99 per cent of its petroleum and 70 per cent of its food by sea. Similarly, ships carry away 99 per cent of Japanese exports by volume. While many sealanes are important to Japan, those of Southeast Asia are of vital importance because they deliver strategic commodities such as petroleum, coal, uranium, grain, and iron ore and carry Japanese manufactured goods to Europe, Australia, the Middle East, and Africa. The Strait of Malacca alone carries 80 per cent of Japan's petroleum imports. Sealane security is so critical to Japan that the first time Japanese officials recognized the SDF might defend interests beyond Japanese territory was in 1977 when the Director General of the JDA, responding to questions about Japan's ability to protect shipping in the Strait of Malacca, stated that the Japanese Maritime Self Defence Force (JMSDF) was ready to defend sealanes up to one thousand miles from Japan.<sup>13</sup>

For several decades prior to 1999, Southeast Asian sealane security was an important element of Japanese foreign policy, but piracy remained unsecuritized. A wide variety of programmes were implemented to improve navigation safety and security, but those were in parallel with Japan's general policies of promoting trade and assisting regional development. For example, Japanese programmes fund the installation and maintenance of navigation aides, donate

buoy-tenders to coastal states, upgrade marine safety data management systems, and execute hydrographic surveys. These assistance programmes are carried out both by the Japanese government and private organizations such as the Nippon Foundation which has spent more than US\$100 million on improving the safe navigation of regional straits. Only when the security imperatives were complemented by other factors did Japanese policymakers securitize the piracy threat and launch its cooperation initiatives.

### *The Humanization of the Piracy Threat*

Japanese interest groups concerned about piracy have encouraged the Japanese media to report heavily on the phenomenon, highlight the human costs involved, and focus specifically on the victimization of Japanese citizens and firms.<sup>14</sup> By humanizing piracy victims and localizing piracy as a threat with Japanese victims, this process has heightened public awareness, increased the perceived need to address the problem, and encouraged the securitization of maritime piracy.

A number of high profile cases have been key in humanizing and "Japanizing" the impact of piracy. In 1992, the *Nagasaki Spirit*, likely out of control following a piracy attack, collided with the *Ocean Blessing*, triggering a five-day fire that burned 100,000 tons of Japanese-owned petroleum. Other high-profile cases, such as the hijackings of the ships related to Japan, *Tenryu* (1998), *Global Mars* (2000) and *Arbey Jaya* (2001), further sensitized the Japanese public and policymakers to the problem. However, no act of piracy did more to heighten Japanese sensitivities than the odyssey of the *Alondra Rainbow*.

On 22 October 1999 this Japanese-owned vessel departed Kuala Tanjung, Indonesia, bound for Japan but was immediately seized by pirates. On 29 October the crew, which included two Japanese officers, was set adrift in life rafts aboard which they floated for eleven days before being rescued by Thai fisherman. The story was closely followed by the Japanese media while the JCG and the Japan Ship Owner's Association both issued public appeals. Two weeks later, the vessel, now disguised as *Mega Rama* under a Belize flag, was discovered by the Indian Coast Guard. On 16 November the Indian Navy fired on her engines and detained 15 Indonesian pirates. In the wake of the media frenzy surrounding the *Alondra Rainbow*, Japanese government officials publicly discussed the idea of a UN Coast Guard, editorials supporting Japanese forces involvement in multilateral enforcement operations ran in major publications such as the *Asahi Evening News*, and Prime Minister Keizo Obuchi announced the first major anti-piracy cooperation proposals.

Both the humanization and the “Japanization” of piracy are important because safety, victimization, and communal welfare are exceptionally strong triggers in Japanese society. In the case of piracy, the human issues are particularly powerful not only because Japan is seen as being the victim, but because the maritime and violent nature of the attacks are easily associated with other socially disturbing phenomenon such as the abductions conducted by North Korean spy boats, organized crime, and terrorism. The result of these human factors is a Japanese society particularly eager to protect itself from piracy, which encouraged the securitization of the problem and relaxed opposition to overseas force deployments and expanded roles for the SDF.

### *Institutional Motivations for Anti-Piracy Initiatives*

In addition to the motivations to fight piracy as a threat to comprehensive security which has already claimed Japanese victims, the institutional interests of several groups influential in Japanese policymaking have been in alignment. Most significantly, the JCG, the JMSDF, the political groupings which favour expanding Japan’s international security role, several prominent research institutions, and the powerful lobbies supporting the maritime industries, have all advocated Japanese involvement in countering Southeast Asian piracy. Although these institutions have not always actively colluded, the convergence of interests has clearly increased the value given to anti-piracy policies and pushed the state to securitize the issue.

Professionally motivated to promote maritime security and to protect Japanese mariners, the JCG has eagerly supported initiatives to fight Southeast Asian piracy. Being a safety agency rather than a branch of the SDF, the JCG is regarded as a less controversial tool for regional engagement and can legally cooperate with the maritime law enforcement agencies of other states. The JCG, which sustains an intense rivalry with the JMSDF, also sees engaging in high-profile overseas missions as beneficial to its institutional prestige and recruitment potential.

The JMSDF and its parent agency, the JDA, also maintain institutional interests in anti-piracy programmes. Since the 1970s, the JMSDF has sought to include the protection of vital sealanes, including those in Southeast Asia, among its core missions. Today, the JMSDF maintains the force capability to protect those sealanes, but legal norms banning collective self-defence preclude it from cooperating with coastal states. In light of this situation, the JMSDF and its political allies have identified piracy as an issue which may be used to enable their



deployment into Southeast Asia. This could happen in one of two ways. First, if anti-piracy missions were to be endorsed by the UN, the deployment of JMSDF forces would be acceptable within the existing norms. Second, if piracy is clearly identified as a direct threat to Japan, then existing norms could possibly be modified to allow JMSDF action.

Political interest groups have also sought to use the piracy issue as a vehicle to expand Japan's overseas presence and further "normalize" Japanese security policy. For many of these groups, the piracy threat presents an opportunity to justify the overseas deployment of forces thereby setting a precedent for future actions. Although some elements of these groups desire greater Japanese self-reliance, most believe that an expanded Japanese role in maritime security would help sustain American security commitments in Asia. For example, the framers of one of Japan's most far-reaching anti-piracy proposals, the Ocean Peace Keeping (OPK) initiative, wrote, "It seems that if Japan takes the initiative in activities like OPK, it would provide Japan the bargaining power to ensure the commitment of the United States Navy in the oceans in the Asia-Pacific region."<sup>15</sup>

The various groups in favour of involving Japan in the Southeast Asian anti-piracy enforcement have met with very little opposition. After the Japanese Socialist Party retracted its advocacy of armed neutrality in 1994, the left-wing foreign policy opposition collapsed and the new leading opposition party does not include anti-militarization on its agenda. As a result, the only significant opposition to Japan's anti-piracy initiatives has come from pacifist bureaucrats. The entrenchment of these pacifists in noteworthy positions within powerful bureaucracies has given them significant clout but not sufficient strength to do more than slow the new initiatives.<sup>16</sup> The convergence of institutional interests have not only encouraged Japan's securitization of piracy and the launching of significant anti-piracy initiatives, but also influenced the evolution of their shape.

### *The Evolution of the Japanese Anti-Piracy Initiatives*

In the mid-1990s Japanese researchers clearly identified Southeast Asian piracy as a potential threat to Japan, and successfully politicized the issue by bringing it into the policy discourse. However, the piracy threat was not securitized until 1999. Correspondingly, the idea of an anti-piracy role for Japanese maritime forces in Southeast Asian waters, an extraordinary policy given Japanese antimilitarist norms and hesitancy to take a direct role in regional security, did not become official government policy until 1999. Since then, three consecutive prime ministers have supported anti-piracy foreign policy initiatives in both word and deed.

Japanese policymakers would ideally like to see the establishment of a multinational maritime security and safety regime with strong enforcement capabilities. Fighting piracy would be just one of the duties of such a regime. A multilateral solution is preferred, especially by the JDA and pro-normalization interest groups, for several reasons. First, given piracy's transnational nature, comprehensive solutions require multilateral effort.<sup>17</sup> Second, Japan prefers to focus its international political roles through multilateral forums and institutions.<sup>18</sup> Third, a multilateral regime would make the deployment of forces, particularly the SDF, more acceptable within contemporary Japanese political norms.<sup>19</sup> However, Japanese policymakers have also learned that establishing a multilateral regime which satisfies the diverse interests of the coastal states will be extremely difficult, perhaps impossible. Therefore Japan has also sought improved bilateral relationships as short-term, more attainable goals. Table 2 summarizes these proposals chronologically.

Contemporary Japanese anti-piracy policy initiatives can be traced to 1996 NIDS studies which suggested the OPK concept as a role for maritime forces to provide ocean governance and sustainable development. The OPK conceptual framework argues that sovereignty barriers should not prevent the safeguarding of the oceans against non-traditional threats such as piracy. Instead, OPK suggests that states should contribute forces to a standing body which would provide comprehensive maritime security in both international and national waters.<sup>20</sup>

In 1997, NIDS made extensive efforts to implement OPK in the Asia Pacific and argued that OPK was an appropriate role for the JMSDF. After an international symposium adopted the "Tokyo Appeal" naming OPK as a positive contribution to maritime security, the concept was introduced at several major maritime meetings including the Council for Security Cooperation in Asia Pacific Maritime Working Group and the General Assembly of the Independent World Commission on Oceans. Despite these initiatives, OPK was rejected both by the Japanese government and the international community as impractical, contrary to international law, and an unconstitutional use of the SDF.<sup>21</sup> However, the NIDS proposals were far from insignificant. By raising awareness of the piracy threat, questioning the wisdom of existing behavioural norms, and suggesting previously unthinkable policies, they successfully expanded the discourse and paved the way for future decisions.

Fostering multilateral anti-piracy regimes and deploying forces remained mere academic concepts until the October 1999 hijacking of the *Alondra Rainbow* raised the perceived costs of piracy and triggered the Japanese government to securitize the issue. Language intrinsic to

TABLE 2  
Key Japanese Anti-Piracy Proposals

	OFFICIAL	UNOFFICIAL	RESULT
1997		OPK concept (multilateral)	Failed. Rejected as impractical and an unconstitutional use of SDF.
1999	"Regional Coast Guard body" proposal by PM Obuchi at ASEAN+3 Summit (multilateral)		Failed. Agreements reached were only non-obligatory endorsements of cooperation.
2000	Proposals for joint anti-piracy training exercises and Japanese aid (bilateral)		Succeeded. All coastal states conducted joint training exercises and accepted aid by 2004.
2000		Organization for the Cooperative Management of Safety in the Straits of Malacca and Singapore (multilateral)	Failed. Rejected by proposed members.
2001		Maritime Coalition (multilateral)	Has generated discussion.
2001	ReCAAP organization (multilateral)		Negotiations ongoing.
2002	Japan-Singapore-Indonesia joint training exercises (multilateral)		Negotiations are stalled.

the securitization of a policy problem was clearly apparent in the newspaper editorials, television features, and official commentary that immediately followed the incident. This discourse clearly identified piracy as a direct threat to the security of Japan and called for extraordinary measures to be taken to counter that threat. Prime Minister Obuchi implemented such an extraordinary measure at the November 1999 ASEAN+3 Summit in Manila, when he surprised the region by announcing his desire for JCG vessels to conduct joint patrols with Southeast Asian maritime forces. Specifically, the proposals entailed 1) the establishment of a "regional coast guard body", 2) the strengthening of state support for shipping companies, and 3) the improved cooperation

of regional responses to attacks. However, instead of offering details, Obuchi suggested national representatives meet and discuss how best to proceed. Media reports described the initial reaction to Obuchi's suggestions as encouraging. Indonesian President Abdurrahman Wahid; Singapore Premier Goh Chok Tong; Singapore Ambassador-at-Large, Tommy Koh; and Malaysian Foreign Minister Syeh Hamid Albar were all noted as being amiable to Japanese joint patrols.<sup>22</sup>

The following year, two anti-piracy conferences in Tokyo drew delegates from seventeen countries, regional maritime law enforcement agencies, shipowners associations, and the International Maritime Organization. By personally opening the second conference, Obuchi's successor, Yoshiro Mori, demonstrated his government's continued support for the programme. His comments, and those of other Japanese senior officials at the conference, reaffirmed the official view of piracy as a threat to Japanese security and to economic prosperity and social stability of the entire region.<sup>23</sup> Drawing on the OPK concept as a means to address this threat, Japanese delegates pressed for joint patrols and offered regional forces equipment, vessels, and training.

The conference results did not reflect the initial enthusiasm reported for Obuchi's suggestions. No state supported Japanese patrols in foreign waters and the Chinese delegates questioned the need for any cooperation against piracy. The representatives did adopt three documents: 1) "Asia Anti-Piracy Challenges 2000", which expressed the participants' intention to reinvigorate anti-piracy efforts; 2) the "Tokyo Appeal" (not to be confused with the 1997 Tokyo Appeal), which recognized the need for improved international cooperation, called for the identification of anti-piracy contacts for information exchange between governments, and endorsed the establishment of national action plans; and 3) the "Model Action Plan", which suggested specific countermeasures for states and shippers. These documents included no specific obligations, but the Japanese government has adopted them as mandates for its continued initiatives. Although the conferences demonstrated the difficulties involved in negotiating multilateral solutions, the clarification of regional interests assisted Japan's pursuit of bilateral agreements.

In 2000, while China continued its opposition to joint patrols and multilateral solutions in forums like the Mumbai ASEAN Regional Forum anti-piracy meeting, Japan hastened to reach bilateral arrangements with coastal states. Japanese teams visiting the Philippines, Malaysia, Singapore, and Indonesia made specific offers for combined training and received feedback on possibilities for cooperation. In November 2000 bilateral efforts yielded their first concrete results when the JCG conducted anti-piracy training exercises

with India and Malaysia. Following those inaugural exercises, the JCG conducted anti-piracy training exercises in 2001 with the Philippines, India, and Thailand; in 2002 with Brunei, Indonesia, and India; in 2003 with the Philippines and Singapore; and in 2004 with Thailand. Like Malaysia, several of these states emphasized that the exercises are only law enforcement training, not patrols or military exercises. Still, the progress was remarkable. Armed Japanese ships ventured into Southeast Asian waters, not only with the acquiescence of regional states, but with their assistance.

Meanwhile, the Japanese government and non-governmental organizations continued to describe piracy as a threat to both Japan and the region and to advocate the formation of a multinational regime. In 2000 the Nippon Foundation proposed establishing the Organization for the Cooperative Management of Safety in the Straits of Malacca and Singapore to share the financial burden of ensuring navigational safety, preventing pollution, and fighting piracy between the user and coastal states. In November 2000, Prime Minister Mori, while attending the ASEAN+3 summit in Singapore, pushed for another regional conference to organize anti-piracy cooperation. That conference, held in Tokyo in October 2001, reaffirmed the need for regional cooperation, but again secured no commitments. Similarly, in 2001 retired JMSDF Vice Admiral Hideaki Kaneda proposed a regional "Maritime Coalition" which would include JMSDF vessels in a multinational maritime security force.<sup>24</sup> Despite the efforts, these ideas, like other multilateral initiatives, were overly demanding and have failed to find acceptance.

Prime Minister Junichiro Koizumi has continued the identification of Southeast Asian piracy as a vital security issue and reinvigorated the drive for a multinational regime. However, his goals are far less comprehensive than the original OPK concept. In November 2001 at the ASEAN+3 Summit in Brunei, he proposed that a government-level working group study the formulation of a regional anti-piracy cooperation agreement. Acceptance of his proposal led to ongoing negotiations for a "Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia" (ReCAAP) between representatives of the ASEAN states, China, Japan, South Korea, India, Sri Lanka, and Bangladesh. The Japanese intent is for members to commit themselves to supporting a primarily Japanese-funded Information Sharing Center where full-time staff would both maintain a database of piracy-related information and facilitate communication between national agencies prosecuting piracy cases. Malaysia, Singapore, South Korea, and Indonesia have all volunteered to host the ISC, but after two years of negotiations the delegates have been unable to settle on a text agreement for its mandate and protocols. If a ReCAAP agreement

is reached, it will be the first multilateral Japanese effort to succeed. However, ReCAAP is far less ambitious than the Japanese ideal concept. The negotiations have been limited to information sharing, while maritime patrols and training exercises have not been discussed and ReCAAP is unlikely to have enforcement mechanisms.<sup>25</sup>

Another recent multilateral initiative has also stalled. After successfully conducting bilateral exercises with the Indonesian Coast Guard and Marine Police in March 2002 and the Singapore Police Coast Guard in December 2003, the JCG proposed a trilateral anti-piracy exercise involving maritime law enforcement agencies from Indonesia, Singapore, and Japan. Singapore has endorsed the idea, but Indonesia has been less cooperative. Japanese officials now regard the proposal as on indefinite hold.

Japanese officials continue to view a strong multinational regime as the ideal solution, but acknowledge that working bilaterally will probably bring quicker results. In May 2003, JDA Director General Shigeru Ishiba stated that, although not a government product, OPK is an idea which "could contribute to regional stability". Similarly, in unofficial forums Kaneda continues to advocate his multilateral "Maritime Security Coalition", while acknowledging that the idea "is an ideal image of security structure, but has less chance of feasibility".<sup>26</sup> Instead, Japanese policymakers continue to regard building a multilateral regime as an ideal goal, but have learned to focus their efforts on bilateral relationships.

### **Coastal State Responses to Japanese Anti-Piracy Proposals**

Japanese brutalities during World War II and Japan's seemingly unrepentant attitude have left many Southeast Asians distrustful of Japanese motivations and hesitant to cooperate with Japan. However official relations between Southeast Asian states and Japan are underpinned by pragmatism and Japan is generally viewed as a positive contributor to Southeast Asian development. Furthermore, in the post-Cold War era, Southeast Asian states have come to increasingly desire a Japanese role in security affairs as a potential balancer against other extra-regional powers.<sup>27</sup> Accordingly, the responses of Southeast Asian states to the Japanese anti-piracy initiatives have been primarily driven by pragmatism rather than ideology or historical legacies.

The Southeast Asian coastal states have been willing to cooperate with Japan only when they perceive that doing so is in their own net interest. As the states' interests vary, so have their responses to the various Japanese proposals. The state responses can be understood by weighing the perceived benefits of cooperation against the perceived

costs of doing so. The security framework provides an excellent tool for estimating the value state policymakers place on the gains from improved security cooperation, whereas the perceived costs must be dealt with on a more ad hoc basis. Although there are certain commonalities among the regional state interests, the uniqueness of each situation dictates that they must be examined individually. The three Strait of Malacca states are particularly interesting not only because of their key geographic locations, but because their responses show significant variation. These states' key perceived interests and responses are summarized by Table 3.

### *Singapore's Responses*

Singapore has been the coastal state most willing to cooperate with the Japanese initiatives. Not only has Singapore agreed to bilateral arrangements with Japan, but it has also encouraged Japan to take a leadership role in enhancing multilateral cooperation. Singapore has

TABLE 3  
Key Interests and Responses to Japanese Anti-Piracy Proposals

	<i>Benefits</i>	<i>Costs</i>	<i>Response</i>
<b>Singapore</b>	Regional Security (securitized)	Resource Expenditure (low value)	Generally cooperative. Especially favourable towards multilateral proposals.
	Maritime Security (securitized)	Erosion of Sovereignty (high value)	
<b>Indonesia</b>	Maritime Security (non-politicized)	Resource Expenditure (high value)	Little cooperation. Strong opposition to multilateral arrangements and joint patrols. Most receptive to aid with few associated obligations.
		Erosion of Sovereignty (high value)	
		Decline of State Prestige (high value)	
<b>Malaysia</b>	Maritime Security (increasing politicization towards securitization)	Resource Expenditure (medium value)	Increasing cooperation. Opposed to joint patrols with Japan. Increasingly favourable to multilateral arrangements. Favourable towards efforts which increase Malaysian capabilities.
		Erosion of Sovereignty (high value)	
		Decline of State Prestige (high value)	

been generally cooperative because it perceives a tremendous amount to gain and relatively little to lose by working with Japan against piracy. The gains include improved regional and maritime security, both of which Singapore has securitized, i.e., identified as extremely high value policy areas vital to the continued survival of the state to which it is willing and able to devote extraordinary measures. However, those benefits are offset by perceived costs that include the expenditure of resources and harm to sovereignty and nation-building efforts. Therefore, even though both Singapore and Japan have securitized piracy, Singaporean cooperation has not been without limit. For example, although Japan approached Singapore to conduct bilateral anti-piracy training exercises in 2000, Singapore did not agree until 2003.

Singapore is particularly interested in cooperating with the Japanese anti-piracy initiatives as a tool for securing Japanese commitment to regional security. Because Singapore is a small state surrounded by large neighbours, Singaporean policymakers share a strong sense of vulnerability and regard cooperation with extra-regional powers as essential to survival. In accordance with these perceptions, regional stability has been securitized by Singapore since its independence. Although Singapore values bilateral security cooperation with Japan, it prefers Japanese roles which are regional, because it worries that if its security relations with Japan are stronger than those between Japan and Singapore's neighbours, the regional balance of power could be undermined. Similarly, Singapore did not want to appear too accommodating to the Japanese initiatives until its neighbours had demonstrated their comfort with Japanese intentions.

Since 2001, trends in terrorism and piracy, including the discovery of maritime terror attacks planned against targets in Singapore, have further elevated the priority Singapore places on maritime security to the point that it has fully securitized the issue. With trade accounting for more than 80 per cent of its GDP, Singapore's policymakers have determined any danger to that trade as an existential threat. In fact, according to Singapore's Minister for Foreign Affairs and Law, "freedom of navigation through the Malacca and Singapore Straits as well as the South China Sea is fundamental to the survival and prosperity of Singapore".<sup>28</sup> Deputy Prime Minister Tony Tan explained that, "As a maritime nation and the world's busiest transshipment port, maritime security is a vital component of Singapore's national security. Singapore views the regional piracy situation and the possibility of maritime terrorism in regional waters very seriously", and more recently stated that, "Piracy is an issue which is unfortunately gaining more and more importance everyday."<sup>29</sup> Singapore's Chief of Navy also highlighted growing concern that piracy poses a vital threat,



Ensuring our ports and sealanes remain secure and safeguarding our maritime security always have been priorities for the Republic of Singapore Navy. These will remain *even more relevant* with the threat of terrorism. The spate of piracy attacks in the Strait of Malacca is a worrying trend.<sup>30</sup>

As Singaporean policymakers have securitized piracy and maritime terrorism, they have placed higher value on the gains to be realized from cooperation with the Japanese proposals.

At the same time, because Singapore's highly capable maritime forces have essentially eradicated piracy in their jurisdiction, it has little to gain from Japanese patrols or exercises in Singapore waters. However, the sealanes on which Singapore depends pass entirely through Malaysian and Indonesian territory and, like Japan, Singapore is dependent on law enforcement in those countries for its own security. Therefore Singapore has been most keen to support ventures which improve the capability of its neighbours while sustaining regional stability.

Although cooperation with the Japanese initiatives is seen as highly beneficial, Singaporean policymakers do not regard the Japanese proposals as being cost free. Singapore is not so wealthy that it can totally ignore the financial costs of training exercises, especially when those exercises interfere with commercial operations in Singapore's busy water space. These costs were among the factors Singaporean representatives have cited when declining offers for Japanese joint exercises and patrols.

A more important factor limiting cooperation has been the perceived costs of cooperation in terms of sovereignty issues and nation-building. Like those in other regional states, Singaporean policymakers are highly sensitive to sovereignty issues and expend considerable efforts on nation-building programmes. Furthermore, in Singapore, more so than in neighbouring states, popular hardships during the Japanese occupation have played a key role in the forging of national identity.<sup>31</sup> The cost of cooperation in terms of sovereignty and nation-building are illustrated by the rejection of Japanese proposals for joint anti-piracy exercises in 2000. Japanese officials believed that they had reached an agreement to conduct joint anti-piracy exercises with Singapore, but their counterparts withdrew their support, explaining that the proposed exercises would take place too close to Singapore's National Day celebrations. Perhaps Singapore's policymakers did not want to divert resources from their National Day nation-building extravaganza or did not want to conduct high-profile exercises with the Japanese at a time when national sensitivities to the war legacy would be especially high.

On balance, Singapore has been quite supportive of the Japanese initiatives, especially those which are seen as potentially contributing to improved security in Malaysian and Indonesian waters. Although Singapore was initially less supportive of Japanese forces exercising in its territory, its securitization of the maritime piracy threat has made it more receptive to Japan's bilateral programmes. Singapore has little to gain from joint patrols, but has accommodated joint exercises. In fact, the relationship has so matured that JCG officers describe the December 2003 anti-piracy exercises conducted with the Singapore Police Coast Guard as extremely successful in terms of both training opportunities and publicity generated.<sup>32</sup>

### *Indonesia's Responses*

Indonesia has been the coastal state least receptive to Japanese proposals. Although describing themselves as favourable to cooperation, Indonesian policymakers have made few compromises to realize such cooperation. They strongly reiterate their unwillingness to allow Japanese forces to patrol Indonesian waters and have been hesitant to engage in joint training exercises. However, Indonesia has accepted Japanese funds and equipment offered with few obligations. Indonesian policymakers decline to cooperate with the more substantive Japanese proposals because they believe such cooperation would produce few gains at high cost. These costs include the expenditure of scarce resources, erosion of sovereignty, and loss of prestige. Gains from cooperation are viewed as most likely limited, an assessment which corresponds with the low priority Jakarta places on all maritime affairs.

Although piracy is rampant in Indonesia, maritime security remains almost entirely non-politicized and thus the eradication of piracy occupies an extremely low position in the government's hierarchy of interests. Policymakers are preoccupied with dozens of more urgent matters ranging from suppressing terrorism and separatism, to alleviating poverty and to sustaining democracy. Fighting piracy is also of low priority because some politically powerful elements may directly or indirectly profit from the criminal activities. To say the issue is completely non-politicized would be incorrect, for there is some discourse surrounding the topic. However, the discussion falls short of the sort of debate necessary to qualify the issue as politicized. Even the Indonesian policymakers most attuned to the maritime security threat quickly reject the prospect of devoting significant resources to what is perceived as such a low priority problem. For example, an Indonesian representative to a 2000 piracy conference in Tokyo dismissed the value of fighting piracy as irrelevant in the face of "so many islands, so

many problems".<sup>33</sup> At the highest levels of Indonesian policy-making, maritime issues rarely warrant more discussion, normally entering into the discourse only when raised by foreign sources.<sup>34</sup>

While perceiving little to gain from cooperating with the Japanese proposals, Indonesian policymakers regard the cost of doing so as quite high. Indonesia's maritime forces suffer from critical shortages of equipment, funding, and expertise. Cooperative efforts such as joint exercises with Japan are costly not only in terms of fuel and manpower, but in that they divert vessels away from other activities. With resources in such short supply, many forms of cooperation are essentially unaffordable without direct resource compensation.

Cooperation is also perceived as costly to Indonesia's sovereignty, especially over its archipelagic waters, which is a particularly sensitive issue in Indonesia. The unity of Indonesia's land and sea territory is an integral element to Indonesia's nationalist ideology and since 1957, the Archipelagic Doctrine, which places the seas within Indonesia's archipelagic baselines under state sovereignty, has also been a principle component of Indonesia's foreign policy. In fact, so important is the Archipelagic Doctrine that defending complete, unquestioned authority over Indonesian waters is perceived as a synonymous with safeguarding the nation's territorial security. Preserving sovereign control over these waters is not just of symbolic value, but is also practical. Not only do Indonesian waters hold vast resources, but exercising exclusive jurisdiction has been of continued importance in securing the state against both external threat and irredentist movements. Indonesia most recently capitalized on these rights in May 2003 when it supported military operations by banning foreign vessels from operating in waters adjacent to Aceh without explicit permission.

Intense sensitivity to maritime sovereignty issues has made Indonesia perceive cooperation with foreign forces in its waters as coming at exceptionally high cost. Even cooperative ventures which do not directly undermine sovereignty, such as joint exercises, are viewed with caution out of fear that such activities might lead to creeping infringement. This is not to argue that such sensitivities are so strong as to preclude all cooperation. Indeed, Indonesian policymakers have been willing to compromise on sovereignty issues when cooperation is perceived to be of net interest. For example, when Indian and U.S. Navy ships conducted anti-piracy patrols in the Strait of Malacca during 2001 and 2002, Indonesia declined to protest publicly because the costs of hindering American security activities so soon after September 11 were perceived as relatively great. This concession was only possible because of the particular circumstances

and the relative American strength. Less powerful Japan is highly unlikely to receive similar treatment.

Cooperation with the Japanese anti-piracy proposals is also seen as detrimental to state prestige and harmful to international standing and domestic stability. Most Indonesian officials willingly admit that piracy is rampant in their country and that corruption feeds the problem. However, they choose to keep the issue non-politicized because they are extremely reluctant to identify specific facets of the problem or to analyse trends that might reflect negatively on the government or politically influential groups. Some officials also seek to protect national prestige by blaming foreign elements for piracy in Indonesia.<sup>35</sup> The high costs associated with prestige have been reflected in the ReCAAP negotiations. Although Indonesian delegates regularly state their keen interest in concluding an agreement quickly, they also maintain the position that if the Information Sharing Center is not located in Indonesia they will not participate. The Indonesian Foreign Ministry's Director for ASEAN Politics and Communications explained that this position results from the belief that the location of the International Maritime Bureau's Piracy Reporting Center (IMB-PRC) in Malaysia has contributed to the publication of information that portrays Indonesia unfairly.<sup>36</sup> In short, Indonesian policymakers associate the transmission of data which may portray the state badly as costly, and they are therefore reluctant to agree to measures which share information or improve transparency.

Indonesian policymakers perceive that cooperating with Japanese anti-piracy initiatives offers relatively small gains but comes at high cost. As the perceived gains are so low, even small costs bar cooperation. Although Indonesian representatives frequently cite the UNCLOS Article 43 requirement that user and coastal states share the responsibility for navigation safety in international straits to complain that Japan is the only user state fulfilling its aid responsibilities, they generally refuse aid which assumes reciprocal obligation. Indonesia's most reciprocal cooperative venture with the Japanese, its 2002 anti-piracy exercises with the JCG, is reported to have been realized only after Japan promised significant resource compensation.

#### *Malaysia's Responses*

Since the Japanese launched their anti-piracy initiatives, Malaysian officials have spoken favourably concerning cooperation in general, but voiced strong opposition to joint patrols and exhibited significant caution with regard to multilateral arrangements. Malaysia's bilateral cooperation with Japanese anti-piracy proposals has been greater than its support for multinational initiatives, but that has also been restrained. In 2000,

Malaysia was the first Southeast Asian state to conduct joint anti-piracy exercises with the JCG. Since then it has conducted personnel exchanges with the JCG and received significant training. In more recent years, Japanese policymakers sense growing receptiveness to their proposals in Kuala Lumpur. These evolving responses are explained by changes in the Malaysian policymakers' perceptions of the costs and benefits associated with cooperating with the Japanese proposals. While Malaysian policymakers have consistently regarded the costs as relatively high, the value they place on the potential benefits has increased in recent years. Perceived gains from cooperation include improved maritime security and strengthening Malaysia's fledgling coast guard while cooperation erodes resources, sovereignty, and prestige.

In the five years since the Japanese government first securitized the piracy threat and launched its anti-piracy initiatives, Malaysia has become more attuned to transnational maritime threats and has begun placing a higher value on combating those threats. As awareness of the threats grows, the issue is being increasingly politicized. Although the Malaysian government is not yet ready to devote the extraordinary resources to the threat that it would to a securitized issue, it increasingly regards piracy as a potential threat to the state and maritime security as an important area of concern warranting considerable state attention.

This growing attention to maritime threats can be traced to the mid-1990s when amphibious raids by Filipino criminals against settlements in Sabah triggered the redeployment of naval forces. The 2000 and 2001 high-profile Abu Sayyaff kidnappings significantly heightened interest in countering transnational maritime threats, because those events received global media coverage and threatened to disrupt Malaysia's valuable tourist industry. Since 2001 Malaysian policymakers have become even more concerned with maritime security as the events on September 11 demonstrated the potential power of non-state actors; piracy has become more dangerous, and evidence has emerged regarding the maritime intentions of regional terrorist and guerilla groups.

Cooperation with the Japanese anti-piracy initiatives is of additional value because Malaysia has begun to organize a national coast guard to shoulder responsibilities now under the jurisdiction of the overstretched navy and marine police. This new body is eager for assistance in organizational development, equipment, and training. The JCG has demonstrated its commitment to assisting the new body through a tailored training programme which has included demonstrations, seminars, technical assistance, and the stationing of a maritime security expert in Malaysia.

Although the perceived gains from cooperation with the Japanese proposals have increased in recent years, Malaysia has also regarded

the costs of such cooperation as high. Although more wealthy than Indonesia, Malaysia is constrained with regards to the resources it can devote to maritime security. This was especially true in the years just after the Asian financial crisis. The influence of these costs were most clearly exemplified in 2000 when Malaysia agreed to conduct joint anti-piracy exercises with Japan, but, by some reports, only after it was provided with the fuel required by the participating ship. Since then, Malaysian economic recovery has reduced the relative resource costs of maritime cooperation, but shortages remain a constraint.

Like its neighbours, Malaysia highly values protection of its sovereignty and the maintenance of legal control over its sea territory. It is likely to cooperate with proposals seen to impinge on sovereignty only when the benefits of doing so are very high. Vice Admiral Ramlan Bin Mohamed Ali, passionately summarized Malaysian perceptions of the relationship between sovereignty and anti-piracy cooperation, "Malaysia has been colonized four times, three times by Europeans, and in all cases they arrived under the pretext of fighting piracy. So you can understand why we are particularly sensitive to these issues."<sup>37</sup>

It is on similar grounds that Malaysian policymakers have explicitly rejected Japanese joint patrols. Like their counterparts in Indonesia, Malaysian policymakers are not only concerned about violations of sovereignty, but any agreements which might potentially erode their exclusive control. Therefore they also cite sovereignty concerns as impeding multilateral cooperation and stress the importance of tackling piracy at the national rather than transnational level.

Malaysian policymakers also consider dealing with the problem of piracy in its territorial waters to be a matter of national prestige. Malaysian officials have publicized Malaysia's ability to stop piracy on its side of the Strait of Malacca unilaterally and were proud to announce that Malaysian waters were practically piracy-free in 2003.<sup>38</sup> The fact that Indonesian officials suggest that the Malaysian government and the IMB-PRC are misreporting the locations of cases in order to cast Malaysia in a favourable light (a suggestion unproven, but corroborated by many independent analysts) only illustrates the importance of prestige as a state interest.

The high costs Malaysia has associated with cooperation have constrained Malaysian receptiveness to Japanese anti-piracy proposals. This is especially true regarding proposals for multilateral regimes and joint patrols because these are regarded as particularly costly to sovereignty and prestige. However, Malaysia has supported cooperation in principle and has been willing to agree to bilateral proposals which it sees as being in its interest. Cooperation with Japan has increased in recent years because Malaysian policymakers have increasingly

politicized countering maritime security threats as a policy priority and as economic recovery has made more resources available.

### **Conclusion: A Brighter Future for Anti-Piracy Cooperation?**

Although maritime piracy is currently of relatively low cost to Japan, a convergence of interests including comprehensive security, the humanization of piracy as a threat with Japanese victims, and the institutional interests of influential policymaking groups, have resulted in the securitization of the piracy threat. This securitization has resulted in the launching of extraordinary anti-piracy cooperation initiatives. Singapore, Malaysia, and Indonesia have responded with caution. The Japanese have successfully heightened awareness; provided training, equipment, and funding; and have engaged regional forces in joint anti-piracy exercises. However, the Japanese ideal of a multilateral maritime security regime remains nothing more than a concept. Similarly, proposals for joint patrols were soundly rejected and suggested multilateral exercises remain unrealized. Differences in perceptions of the costs and benefits of cooperation explain why Japanese initiatives have met with varied success from state to state. However, recent trends indicate that Southeast Asia might be on the threshold of increased cooperation and therefore deserves further research.

First, Southeast Asian policymakers are growing increasingly concerned about the threat of piracy and its possible conflation with other illegal maritime phenomena, especially terrorism. Discourse is expanding in all the states and fighting piracy is being more frequently identified as an area which should receive policy priority. This increased concern has already prompted expanded intra-regional maritime security cooperation. For example, in 2003 Malaysia and Thailand intensified coordination of maritime patrols along their frontier and in 2004 Indonesia, Singapore, and Malaysia did the same in the Strait of Malacca. As the coastal states place greater value on maritime security they will also be more likely to view Japanese proposals as beneficial and therefore acceptable.

Economic development should also favour increased anti-piracy cooperation with Japan. As regional states continue their recoveries from the Asian financial crisis, the resources available to devote to lower priority interests should grow. Therefore, governments should become more disposed to commit themselves to higher cost Japanese proposals.

A third trend that may lead to increased cooperation is the Indonesian decentralization process. Indonesia's coastal provinces, especially those along the busy chokepoints, have more to gain from

safe navigation than the Indonesian state as a whole. Already, local governments in Riau and Bangka have revitalized stagnating anti-piracy efforts by dedicating local revenue towards the purchase of vessels and fuel for resident maritime forces. As those provinces gain greater power to implement local policy and leverage the central government, improved state to state cooperation will become more likely.

Although maritime security cooperation in the recent past has only achieved mixed success in Southeast Asia, the opportunity for increased cooperation seems to be growing. Anti-piracy programmes, because they address regional problems that cannot be solved without international cooperation, can serve as models for improved cooperation in other fields. However, cooperation will only expand when interests are aligned. Therefore policymakers must seek to understand each other's perceived interests and to correctly identify the true barriers to cooperation.

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