

# ASEAN BRIEFS

Joint Maritime Cooperation in the South China Sea:  
Lessons from the Indonesia–Malaysia–Philippines  
Trilateral Maritime Patrol (Indomalphi)



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# Executive Summary

- Maritime cooperation is a complex and multifaceted challenge which has acquired growing importance in ASEAN and the wider region. The South China Sea in particular extends over 1,800 miles, and serves as the principal maritime component linking the Indian and Pacific Ocean
- While these underlining driving factors provide enormous benefits and opportunities, they can also pose significant sources of threats, disputes and challenges if not properly and adequately managed. At the same time, it cannot be denied that competing claims over the South China Sea provide another set of hurdles that hinder ASEAN and the wider region from seizing the full benefits and opportunities this vast expanse of seawater provides.
- Arguably the Indonesia-Malaysia-Philippines Trilateral Maritime Patrol (Indomalphi) initiative in the Sulu Sea provides an interesting case study for possible joint maritime cooperation in the South China Sea. Chief among these lessons learned: (1) cooperation is possible in spite of ongoing territorial disputes between the states involved; (2) an indigenous initiative is also possible without the involvement of non-regional powers; (3) assymetry in capacity should not hinder joint maritime cooperation in the South China Sea, but instead be an incentive for greater cooperation; (4) clear goals and threats to be mitigated need to be identified; and (5) joint maritime cooperation in the South China Sea can be developed along the way, starting with piecemeal efforts aimed at low hanging fruits.





## Introduction

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Maritime cooperation is a complex and multifaceted challenge which has acquired growing importance in ASEAN and the wider region. For ASEAN, its importance is underlined by the fact that: the sea covers almost 80% of the region; a majority of its member-states share maritime borders with one another; and the region is home to some of the most busiest straits and strategically crucial choke points in the world.<sup>1</sup>

The South China Sea in particular extends over 1,800 miles from the Indonesian islands of the Natunas at its southernmost point to Taiwan at its most northern point. At the same time, this vast expanse of seawater serves as the principal maritime component linking the Indian and Pacific Ocean, where ‘through the South China Sea pass more than 41,000 ships a year, more than double the number that pass through the Suez Canal and nearly treble the total for the Panama Canal.’<sup>2</sup>

While these underlining driving factors provide enormous benefits and opportunities, they can also pose significant sources of threats, disputes and challenges if not properly and adequately managed. These include illegal and unregulated fishing, trafficking in persons, weapons smuggling, piracy and armed robbery, acts of terrorism, marine pollution, unsustainable development of coastal communities, and biodiversity loss among others.

Out of respect for these threats, ASEAN’s Bali Concord II of 2003 declares, ‘maritime issue and concern are trans-boundary in nature and therefore shall be addressed regionally in a holistic, integrated and comprehensive manner.’<sup>3</sup>

The ASEAN Political-Security Community Blueprint lists the promotion of ASEAN Maritime Cooperation as one of its key objectives, with the other two Blueprints for the ASEAN Economic Community and ASEAN Socio-Cultural Community touching on maritime transport connectivity and the promotion of sustainable use of coastal and marine environments respectively.

## Challenges and Hurdles

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At the same time, it cannot be denied that competing claims over the South China Sea provide another set of hurdles that hinder ASEAN and the wider region from seizing the full benefits and opportunities this vast expanse of seawater provides. Despite recent progress over the South China Sea – most illustrated by last year’s endorsement of a framework for the Code of Conduct for the South China Sea (COC) as well as the relative calm and lack of major incidents in the disputed area – there remains a certain degree of mistrust and uncertainty.<sup>4,5</sup> There is still deep skepticism over whether the recent progress really constitutes as such, or whether it is merely the proverbial calm before the storm.<sup>6</sup>

Critics have lambasted the length of time taken to get to this point, especially since sixteen years have now passed since the non-binding Declaration on the Conduct of Parties in the South China Sea (DOC) of 2002 had first called for a Code of Conduct.<sup>7</sup> In the time since then, Beijing has been accused of changing the realities on the ground, reclaiming islands in the disputed area, and installing military facilities. It should be noted however that China is not alone in conducting such activities – several ASEAN claimants have also done their own

reclamation in the South China Sea.<sup>8</sup> In any case, it could be argued that the new realities will mean that any Code of Conduct – if it is ever finalized – will automatically be rendered irrelevant.

Further complicating the matter is the involvement of so-called non-regional powers in the South China Sea. Then-U.S. Secretary of State, Hillary Clinton famously stated at the ASEAN Regional Forum in 2010 that the South China Sea – in particular freedom of navigation and unimpeded commerce – was a matter of national interest for Washington D.C.<sup>9</sup> While the current Trump Administration has seemingly placed less interest in the South China Sea as the previous Administration, it has nevertheless continued to conduct freedom of navigation operations (FONOP) in the disputed waters in order to challenge ‘excessive maritime claims.’<sup>1011</sup> In addition to the U.S., Australia was also uncovered to have conducted ‘surveillance flights’ over disputed islands in the South China Sea, while the United Kingdom recently announced plans to send a warship through the area and ‘making it clear that our Navy has a right to do that.’<sup>1213</sup>

While some ASEAN member-states have quietly welcomed the involvement of such non-regional powers in the South China Sea, there are also concerns over the risks involved, in particular the possibility that a simple miscalculation of intentions or error of judgement may be all it takes to spark a major conflict in the region. Beijing has regularly criticized ‘dangerous and irresponsible’ provocations by the U.S. that ‘undermines regional peace and security.’<sup>1415</sup>

On the one hand, China’s sensitivities to the involvement of non-regional powers is understandable. Beijing refers to its ‘century of humiliation’ at the hands of the great powers during the 19th and 20th century when it was forced to sign unequal treaties and make unreasonable concessions to outsiders. Those suspicions arguably remain to this day in some form or another. On the other hand, the concerns of some ASEAN member-states and their quiet embrace of U.S. involvement in the South China Sea is also understandable. The military balance between China and ASEAN member-states is so asymmetrical that to challenge Beijing militarily would incur heavy costs.



ASEAN, China and the wider region are thus confronted with a dilemma. All parties recognize the importance of the South China Sea as well as its complexities given competing claims and the involvement of non-regional powers. They each, however, have their own sensitivities and concerns that while understandable are difficult to reconcile. And all sides understand that under the status quo there is the very real possibility that a simple miscalculation of intentions or error of judgement may be all it takes to spark a major conflict in the region.

The question, then, becomes: what form of maritime cooperation could work in such a situation to ensure that the enormous benefits and opportunities of the South China Sea can be reaped and at the same time traditional and non-traditional security threats can be mitigated. It is in this context that the Indonesia-Malaysia-Philippines Trilateral Maritime Patrol (Indomalphi) initiative in the Sulu Sea provides an interesting case study.

### **Indonesia-Malaysia-Philippines Trilateral Maritime Patrol (Indomalphi)**

Linking Indonesia, Malaysia and the Philippines, the Sulu Sea has until recently not attracted the same level of attention as the South China Sea. This lack of attention is somewhat unfortunate given the importance this one million square kilometer body of water holds in its own right. Indeed one expert argued,

‘No area better captures both the complexity of the region’s manifold maritime security challenges as well as the potential opportunities for greater multilateral cooperation among the states that rely on it.’<sup>16</sup>

For example, the Sulu Sea is estimated to accommodate more than 100,000 ships passing through its waters every year, carrying 18 million people and 55 million metric tons of cargo.<sup>17</sup> At the same time, the Sulu Sea has witnessed a host of non-traditional security threats including a spate of piracy and kidnapping incidents in recent years. Indonesian fishermen have borne the brunt of such kidnappings – in the first six months of 2016, 24 Indonesians were kidnapped – whilst nationals from Canada, Norway and other countries have also been victims with some killed after ransom demands went ignored.<sup>1819</sup> It has been reported that the proceeds from such incidents have gone on to be used to fund terrorist activities and in 2016, Malaysia's Defense Minister, Hishammuddin Hussein warned that action was needed to prevent the Sulu Sea from becoming a 'New Somalia.'<sup>20</sup>

It was, however, the siege of Marawi in 2017 which served as a wakeup call for Jakarta, Kuala Lumpur and Manila, underscoring the importance of trilateral cooperation. An estimated 1,100 were left dead and 350,000 displaced as a result of the 154-day battle between the Philippine government and Islamist militants affiliated to the Maute brothers and Abu Sayyaf Group.<sup>2122</sup> For the wider ASEAN region, there were (and are continued) fears that what took place in southern Philippines may spread to neighbouring Indonesia and Malaysia, with security experts warning that the so-called Islamic State are planning to establish a 'far caliphate' in Southeast Asia. In his keynote address at the Shangri-La Dialogue of 2015, Singapore's Prime Minister Lee Hsien Loong warned that the so-called Islamic State posed 'a very serious threat to the whole of Southeast Asia' explaining,

“(I)t is not so far-fetched that ISIS could establish a base somewhere in the region, in a geographical area under its physical control like in Syria and Iraq, to have territory in Southeast Asia somewhere far from the centre of power of state governments.”<sup>23</sup>

While the siege of Marawi was arguably a land-based conflict, it nevertheless exposed the weak level of maritime security cooperation that allowed militants affiliated to the Maute and Abu Sayyaf groups as well foreign fighters from Indonesia and Malaysia to temporarily establish a Islamist foothold



in the region. Indeed the Sulu Sea is characterised by 'its porous borders and decades of weak governance, [and] has been ridden with conflict, crime, and poverty, making it a hub for transnational organized crime and terrorist threats.'<sup>24</sup>

In response, the three countries launched the Indonesia-Malaysia-Philippines Trilateral Maritime Patrol (Indomalphi) on June 20, 2017. The indigenous initiative involved 'increased intelligence sharing and joint patrols' with the three countries establishing a maritime command center (MCC) in Tarakan (Indonesia), Tawau (Malaysia) and Bongao (the Philippines) as well as communication hotlines to ensure coordinated operations.<sup>25</sup> The Indomalphi initiative also 'provides that naval personnel from any of the three nations may enter the maritime waters of the others in pursuit of suspected militants and criminals'.<sup>26</sup> A few months later on October 13, 2017 an air element was added to the initiative with the launching of air patrols.<sup>27</sup> A land component to the trilateral patrols is also planned for inclusion later on.

According to the Philippine Defense Secretary, Delfin Lorenzana, the Indomalphi initiative has been a success. He noted, 'The maritime patrol is working very well. We have not had incidents, piracy or kidnappings in the maritime areas of common concern.'<sup>28</sup> To what extent the decrease in incidents can be attributed to the Indomalphi initiative is perhaps too early to tell, although one expert has argued 'there does seem to be evidence to support this assertion.'<sup>29</sup> Certainly, any form of cooperation is better than no cooperation in the fight against non-traditional security threats.

It is, however, interesting to note that the long journey from concept to implementation of the

Indomalphi initiative was not without its struggles. For years, experts had questioned why Indonesia, Malaysia and the Philippines could not replicate the Malacca Strait Sea Patrols (MSSP) which involves Indonesia, Malaysia and Singapore (and later Thailand) in the 2000s and has proven so successful in tackling piracy in the Malacca Straits. Possible trilateral cooperation between Indonesia, Malaysia and the Philippines was first mooted on the sidelines of the ASEAN Defense Ministers Meeting (ADMM) in May 2016 and by July 2016 a Trilateral Cooperation Agreement was signed by the Defense Ministers from the three countries.<sup>30</sup>

Despite that early momentum, and promises to ‘immediately begin’ coordinated joint sea patrols, experts noted how almost a year on from the signing of the Trilateral Cooperation Agreement there had been ‘several postponements occurring’ and that ‘the path forward is still not quite that clear.’<sup>3132</sup> Patrols had been ‘slow to take off’ and negotiations on a Standard Operating Procedure (SOP) had ‘stalled’.<sup>3334</sup>

Unsurprisingly, sovereignty issues proved to be one of the key stumbling blocks in implementing the Indomalphi initiative. Like the South China Sea, the parties to the Sulu Sea have various disputes with one another. It was not until 2014 that Jakarta and Manila signed a maritime boundary agreement to resolve ‘an age-old dispute over the Celebes Sea’ whilst Indonesia and the Philippines continue to have unresolved disputes with Malaysia. The Indonesian public’s sensitivities to the possibility of Malaysian naval incursions in the disputed Ambalat block (further heightened after the International Court of Justice awarded the islands of Sipadan and Ligitan to Malaysia) was cited as one example hindering the implementation of the Indomalphi initiative.<sup>36</sup>

Similarly, the Philippines continue to claim the Malaysian state of Sabah and in 2013 a group of armed militants from the Philippines famously intruded in Lahad Datu, Sabah, prompting a standoff between Malaysian forces and the so-called ‘Royal Security Forces of the Sultanate of Sulu and North Borneo.’<sup>37</sup> Manila was left in an awkward position of condemning the actions of the armed militants but at the same time not giving up the cause behind the armed militants, i.e. Philippine claims over Sabah.

It was in this context that the Indomalphi’s provision that ‘naval personnel from any of the three nations may enter the maritime waters of the others in pursuit of suspected militants and criminals’ proved controversial, given the unresolved sovereignty issues.

There were also more logistical questions that needed answering. These included whether the trilateral patrols would be joint or coordinated, what threats would and would not be addressed by the initiative, the SOP that would govern the patrols, and the naval capabilities (or limitations) that the three states could offer.<sup>38</sup> Indeed, it has been noted that the Indomalphi patrols would be ‘asymmetric in terms of the needs, capabilities, political will and priorities of each state.’<sup>39</sup> Nevertheless, it has also been argued that ‘the inadequacies of each party could instead be seen as an opportunity for cooperation, helping each state to develop their own capabilities.’<sup>40</sup>

Overall, the very fact that the Indomalphi initiative has gone from conception to implementation is no small achievement. As one expert put it, ‘Indomalphi demonstrates that cooperation can be done even with territorial disputes, political differences and reservations on sovereignty issues.’<sup>41</sup>

## Lessons for Joint Maritime Cooperation in the South China Sea

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What then are the lessons provided by the Indomalphi initiative and what indications does it provide on the prospect for joint maritime cooperation in the South China Sea? This issue of ASEAN Briefs argues that there are five key lessons from the Indomalphi initiative for joint maritime cooperation in the South China Sea

*Firstly, cooperation is possible in spite of ongoing territorial disputes between the states involved.* Indonesia, Malaysia and the Philippines were able to conduct trilateral patrols under the Indomalphi initiative without such activities harming their various sovereignty claims in the disputed waters. ASEAN member-states and other claimants should thus take the position that any joint maritime cooperation does not have any implications on ongoing claims in the South China Sea, allowing them to focus instead on tackling non-traditional

security issues such as illegal and unregulated fishing, trafficking in persons, weapons smuggling, piracy and armed robbery, acts of terrorism, marine pollution, unsustainable development of coastal communities, and biodiversity loss among others. Having said that, it should be acknowledged that the disputes in the Sulu Sea are not as high profile or as pressing as those in the South China Sea, making it arguably easier for Jakarta, Kuala Lumpur and Manila to cooperate. For example, tensions between Malaysia and the Philippines over Sabah have largely been placed on the back burner, whilst disputes between Indonesia and Malaysia are often downplayed at the government level despite occasional public protests. Whether cooperation can take place in a situation where disputes are much tenser such as in the South China Sea remains to be seen.

*Secondly, an indigenous initiative is also possible without the involvement of non-regional powers.* Despite expression of interests from non-regional powers to support the Indomalphi initiative, patrols have remained trilateral to date. As noted earlier China is sensitive to the involvement of non-regional powers whilst ASEAN too has a preference for indigenous initiatives that can showcase 'ASEAN Centrality'. It should be remembered that the ASEAN Declaration of 1967 notes that,

'the countries of South East Asia share a primary responsibility for strengthening the economic and social stability of the region ... and that they are determined to ensure their stability and security from external interference in any form or manifestation in order to preserve their national identities in accordance with the ideals and aspirations of their peoples.'<sup>142</sup>

As such, joint maritime cooperation in the South China Sea would be another initiative that showcases the capabilities of ASEAN to take primary responsibility for the region.

*Thirdly, the asymmetry in capacity should not hinder joint maritime cooperation in the South China Sea, but instead be an incentive for greater cooperation.* In the case of the Indomalphi initiative, the three states had differing levels of capacity

but by working together, each state was able to develop their own capabilities. A similar scenario is possible with regards to ASEAN member-states and other claimants.

*Fourthly, clear goals and threats to be mitigated need to be identified.* In the case of Indomalphi initiative, the aim of maritime cooperation was to tackle the spate of kidnappings and piracy occurring in the Sulu Sea. This may be more difficult in the case of a joint maritime cooperation in the South China Sea as a similar situation does not exist, and many of the threats come from traditional rather than non-traditional sources. In some ways, the trigger for the Indomalphi initiative was the siege of Marawai. The question then becomes whether ASEAN and other claimants can formulate a maritime cooperation in the absence of such crisis to spur joint and coordinated ventures.

*Fifthly, joint maritime cooperation in the South China Sea can be developed along the way, starting with piecemeal efforts aimed at low hanging fruits.* As noted with the Indomalphi initiative, air patrols were added later and plans are in place for a land element. In other words, there is no need for joint maritime cooperation in the South China Sea to be comprehensive in its initial implementation. By starting small, and working up, ASEAN and other claimants can help develop the trust and understanding that is needed for more comprehensive maritime cooperation.

There is ofcourse no one-size-fits-all solution to the South China Sea. What works in the Sulu Sea will not automatically work elsewhere. It is for the same reason that the Indomalphi initiative took much longer to be implemented in contrast to the Malacca Strait Sea Patrols (MSSP). Nevertheless the lessons from above may be useful when discussing joint maritime cooperation in the South China Sea. In any case, the end goal remains the same for all sides: to reap the enormous benefits and opportunities of the South China Sea and at the same time to mitigate traditional and non-traditional security threats. It is therefore hoped that one day joint maritime cooperation in the South China Sea may come into fruition so that when experts and officials talk about the South China Sea they refer to it as a source of regional prosperity rather than one of tensions.



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The Habibie Center was founded by Bacharuddin Jusuf Habibie and family in 1999 as an independent, non-governmental, non-profit organisation. The vision of The Habibie Center is to create a structurally democratic society founded on the morality and integrity of cultural and religious values. The mission of The Habibie Center are first, to establish a structurally and culturally democratic society that recognizes, respects, and promotes human rights by undertaking study and advocacy of issues related to democratization and human rights, and second, to increase the effectiveness of the management of human resources and the spread of technology.

## About ASEAN Studies Program

The ASEAN Studies Program was established on February 24, 2010, to become a center of excellence on ASEAN related issues, which can assist in the development of the ASEAN Community by 2015. The Habibie Center through its ASEAN Studies Program, alongside other institutions working towards the same goal, hopes to contribute to the realization of a more people-oriented ASEAN that puts a high value on democracy and human rights. The objective of the ASEAN Studies Program is not merely only to conduct research and discussion within academic and government circles, but also to strengthen public awareness by forming a strong network of civil society in the region that will be able to help spread the ASEAN message. With the establishment of ASEAN Studies Program, The Habibie Center aims to play its part within our capabilities to the ASEAN regional development.

## About Talking ASEAN

Talking ASEAN is a monthly public dialogue held at The Habibie Center in Jakarta. Covering a wide array of issues related to ASEAN, Talking ASEAN addresses topics of: Economic Integration, Socio-cultural, & Democracy, human rights and regional peace, among others. Featuring local and visiting experts, Talking ASEAN is one of a series of twelve dialogues regularly held each month and open to a target audience consisting of ASEAN officials, foreign ambassadors & diplomats, academics, university students, businesses, and the media.

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[www.thcasean.org](http://www.thcasean.org)



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