

## ABOUT THE CONTRIBUTORS

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He earned his Bachelor of Arts degree in Business Studies from University of Malaya in 1975 and subsequently received his Masters of Science degree majoring in Corporate Communication in 2000 from University Putra Malaysia. Zahid Hamidi pursued the degree of Doctor of Philosophy in Communication Science and was conferred the PhD degree in 2008 from University Putra Malaysia. He was chosen as the Bagan Datoh UMNO Youth Chief in 1984 and has held various posts till becoming the UMNO Vice President in 2008. In 1993, the then Governor of Melaka, the late Tun Syed Ahmad Syed Mahmud Shahabuddin conferred him the Datukship. A decade later, he was conferred the Dato' Seri title by the Sultan Azlan Shah of Perak. Dato' Seri Dr Zahid Hamidi is married to Datin Seri Hamidah Khamis and they are blessed with five children.

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## **MARITIME SECURITY IN SOUTHEAST ASIA: CONSOLIDATING CURRENT EFFORTS AND FOSTERING NEW ONES**

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### **ABSTRACT**

*The Southeast Asian seas comprise seemingly disparate seas, each with its issues and challenges. The ties that bind these seas are often those related to traditional and non-traditional maritime security. Shared seas and resources sometimes lead to disputes where maritime areas overlap and maritime boundaries are yet to be delineated. Southeast Asia also faces issues relating to non-traditional security issues which transcend national boundaries. In the case of the Straits of Malacca and Singapore, the littoral States have succeeded to fight the piracy scourge that had threatened security of the area. Regional bilateral, multilateral cooperation and the involvement of other nations have enhanced maritime security capabilities in the region. Nevertheless, the Gulf of Eden and the Somali Basin has become the new hotspot for piracy. It is known that parts of South China Sea are being contested by littoral States as it is rich in natural resources. The Declaration of the Conduct of Parties is an interim instrument to manage conflict between claimants while the countries work towards “a peaceful and durable solution” to the problem. It has contributed to a reduction in the intensity of the conflict and should be the cornerstone of future efforts towards peaceful co-existence in the South China Sea.*

*Keywords: Maritime security, Non-traditional security, Regional bilateral and multilateral cooperation, Confidence building measures (CBM).*

### **INTRODUCTION**

The Southeast Asian seas comprise seemingly disparate seas, each with its issues and challenges. Often the ties that bind these seas are those related to maritime security, both traditional and non-traditional [1]. The efforts to do so have taken many forms and at many levels. There is a need for a comprehensive effort to ensure security in maritime Southeast Asia and beyond.

Southeast Asia is a maritime region as shown in Figure 1 except Laos which is landlocked. The seas around the region comprise open water bodies such as the South China Sea and the Celebes Sea. The Straits of Malacca and Singapore are the main seaways connecting the Indian Ocean with the South China Sea and together is the

shortest route for tankers trading between the Middle East and Far East Asian countries. According to the International Maritime Bureau, the Straits has become a priority passage for about 60,000 vessels per year, carrying about one quarter or 30 percent of the world's sea trade [2]. A quarter of all oil shipments carried by sea also goes through the Strait, an estimated 11 million barrels (1,700,000 cubic metres) per day, a trade that is expected to expand as oil consumption rises [3]. In addition, there are a considerable number of local vessels engaged in trade across the straits; and numerous fishing vessels can be encountered in most areas. There are also semi-enclosed waters such as the Sulu Sea and the Gulf of Thailand [2]. All these sea areas are rich in resources, culture and history and have contributed toward enriching Southeast Asia in more ways than one.



Figure 1. Southeast Asia Region

Shared seas and resources sometimes also lead to disputes particularly where maritime areas overlap and maritime boundaries are yet to be delineated. In addition, Southeast Asia also face issues relating to non-traditional security issues which transcend national boundaries-piracy, smuggling of contrabands, trafficking of humans and cross-border criminal activities such as kidnapping for ransom, have all at one time or another reared their ugly heads in this region and remain perennial threats to maritime security in Southeast Asia [4].

## **NON-TRADITIONAL SECURITY ISSUES**

Both traditional and non-traditional security issues had been addressed through bilateral and multilateral means and in some cases have been spectacularly successful. In the Straits of Malacca and Singapore for example, the littoral States comprising Malaysia, Singapore, Indonesia and most recently Thailand have succeeded to fight the piracy scourge that affected the area early in the millennium. The Malacca Straits Patrol (MSP) initiative which has now entered its fifth year has contributed to the decline in piracy cases which for the last three years have been reduced to only two cases annually [5]. The MSP which boasts the co-ordinated patrol, the eyes-in-the sky aerial surveillance and the intelligence exchange mechanism is ample illustration of what can be achieved through multilateral co-operation, collaboration and confidence building [6].

Apart from piracy there are other transnational maritime crimes that involve smuggling such as drug and arms, human trafficking and illegal migration in the region[7]. Given the foregoing maritime security problems, littoral states in Southeast Asia have individually adopted some counter measures which include reform and modernization of the navies and maritime enforcement agencies to enhance capabilities to combat illegal activities[8]. Regional bilateral and multilateral cooperation together with the involvement of other nations has improved maritime security capabilities in the region. The US in particular has been conducting a series of naval exercises with countries in the region such as the Cooperation Afloat Readiness And Training or CARAT and Southeast Asia Cooperation Against Terrorism or SEACAT. The involvement of UK, Australia and New Zealand under Five Power Defence Arrangement (FPDA) exercise has also focused on the importance of information exchange and coordination among maritime security forces in the region.

Nevertheless, even as Malaysia enjoyed the relatively calm situation in the Straits of Malacca and Singapore, the Gulf of Aden and the Somali Basin became the new hotspot for piracy which has taken a more sinister form – hijacking of ships and the holding of crews for ransom [9,10].

In August 2008, the shipping community in Southeast Asia was shocked by the successive hijacking of two Malaysian flagged vessels in the Gulf of Aden [11]. On New Year's Day, January 2010 a Singaporean flagged vessel was also hijacked [12], followed by another hijack in June 2010 [13]. Thailand was also not spared as from August 2008 to April 2010 five Thai fishing vessels and a cargo vessel was hijacked by Somali pirates [14]. Later, Thailand's hijacked fishing vessels were fired by a navy frigate resulting in the loss of lives among the crewmembers.

The hijacking of the vessels prompted the concerned governments to dispatch naval vessels to the Gulf of Aden to assist in the international effort to secure these vital Sea Lines of Communication (SLOC). Malaysia initially dispatched a frigate and 2 support ships in September 2008 and in December 2008 and another vessel in February 2009 [15].

In 2009, a Malaysian International Shipping Corporation (MISC) container ship was converted into a naval auxiliary vessel [16]. The vessel which is manned by an MISC crews with the complement of Malaysian defence forces personnel was deployed to the Gulf of Aden in June 2009. The vessel and its crew members were recently involved in the rescue of a Malaysian chartered vessel which was hijacked by pirates in the Gulf of Aden [17].

Singapore thus far has made two deployments so far to the Gulf of Aden. The first was the RSS PERSISTENCE from April to June of 2010 [18] and the second was the RSS ENDURANCE which was deployed on 18 June 2010 [19]. During its first deployment the Republic of Singapore Navy also took command of the multinational Combined Task Force 151 [20]. Thai government also dispatched two Royal Thai Ship (RTN) HTMS PATTANI and HTMS SIMILAN to the Gulf of Aden on 10 September 2010 for a three months mission [21].

The involvement of regional navies in ensuring SLOC security in near and far away seas illustrate ASEAN countries willingness to contribute towards international maritime security and points to possible areas of cooperation between countries in the region.

## TRADITIONAL SECURITY ISSUES

Efforts and success in combating non-traditional maritime security threats however is sometimes overshadowed by the perceived lack of success in addressing traditional maritime security issues. While Southeast Asian countries have been diligent in resolving their maritime territorial disputes, there remain a number of traditional maritime security hotspots in the region, namely the South China Sea and the Sulawesi (Celebes) Sea [22].

In the South China Sea for example, the focus has primarily been on traditional security issues. Geopolitics, SLOC security and competition over petroleum resources infused much of the discourse on the South China Sea. Indeed the importance of the South China Sea in traditional maritime security should not be understated. It is known that parts of the South China Sea are being contested by littoral States [23]. The South China Sea is rich in natural resources mainly hydrocarbon such as oil and natural gas, but ownership of the resources is in dispute. Asia's robust economic growth has boosted demand for energy in the region. According to Energy Information Administration (EIA) United States, estimates of oil consumption in developing Asian countries is expected to rise by 2.7 percent annually from about 14.8 million barrels per day (MMbbl/d) in 2004 to nearly 29.8 MMbbl/d by 2030[24]. China is expected to account for almost half the growth. As we are aware the United Nations Convention on the Law of the Sea (UNCLOS) has not yet resolved ownership disputes in the South China Sea. The 1982 convention created a number of guidelines concerning the status of islands, continental shelves, exclusive economic zones (EEZ), enclosed seas, and territorial limits. UNCLOS states that countries with overlapping claims must resolve them by good faith of negotiation.

The South China Sea provides vital sea lanes for transportation of goods and materials that has spurred the growth of the economies of East Asia [25]. Its role as a trading route dated back to as early as the fifth century when trade between India and China began while Arab and Iranian traders started using the South China Sea route by the eighth and ninth centuries [26]. Realising the significance of the South China Sea in regional maritime security, the claimants have undertaken steps to address the difficult problem of overlapping claims in the South China Sea. This includes signing the 2002 Declaration on the Conduct of Parties in the South China Sea [27]. South China Sea geopolitics however is complicated and situations sometimes do become tense.

In 2002, The Declaration on the Conduct of Parties in the South China Sea (DOC) as it is known was an interim instrument to manage conflicts between claimants in the South China Sea while the countries work towards “a peaceful and durable solution” to the problem [28,29]. This allowed the parties concerned to further promote peace and stability in the region and agree to work on the basis of the consensus. It is also important in creating environment for cooperation, confidence building and mutual understanding between ASEAN and China.

## **CONCLUSION**

The Declaration on the Conduct of Parties in South China Sea has contributed to a reduction in the intensity of the conflict and should be the cornerstone of future efforts towards peaceful co-existence in the South China Sea. However, it needs to be supported by actual activities that can promote confidence building among the claimants. In this instance, claimant countries in the South China Sea need to work together towards identifying and realizing actual confidence building measure (CBM) activities that would help alleviate some of the tension in the area. There are many CBM activities that can be explored which includes:

- a) Conference, workshop, seminars and symposia – presumably when we are busy talking, we will have less time for fighting.
- b) Training and exercises in non-contentious areas such as humanitarian assistance and disaster relief, anti-piracy and search and rescue; and
- c) Exchange of personnel and port visits.

The ASEAN Defence Minister’ Meeting (ADMM) in 2010 has proposed the setting-up of a working group to identify such activities [30,31]. This is indeed an important first step towards a journey of a thousand miles in ensuring maritime security in this region.

Such a situation is not only critical for traditional security reasons but also in ensuring that economic growth is not distracted by the need for more naval arms acquisition. Economic and social development should take precedence over military development especially in Southeast Asia region. This will lead to more negotiations,

rather than taking an aggressive stance, which can lead to regional instability if not handled properly.

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## POSSIBLE MECHANISMS ON MANAGING THE IMPACTS OF THE IMPECCABLE INCIDENT

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### ABSTRACT

*In March 2009, an incident occurred between China's vessels and the USNS Impeccable in China's exclusive economic zone (EEZ) in the South China Sea. Both China and the US have shown constraint to the extent of controlling the incident from escalation, though different interpretations have been put out from both sides. This paper intends to explain that the difference is not only due to the divergent interpretation of the international law of the sea but also due to different strategic concerns of both countries. To avoid such incidents from re-emerging and to effectively control when they occur, coordination mechanisms are needed between Coastal States and User States, in the case of the South China Sea, between China and the US.*

*Keywords: United Nations. Convention on the law of the sea (UNCLOS) Exclusive Economic Zone (EEZ), International waters, Freedom of Navigation, Corporate Partnership.*

### INTRODUCTION

Nearly eight years after the United States Navy EP-3E ARIES II Signals intelligence aircraft (EP3) Incident, China and the United States clashed again in the South China Sea in March 2009. This time, the *Impeccable* Incident happened in China's claimed exclusive economic zone (EEZ) in the South China Sea. Both China and the US invoked the international law in general and the United Nations Convention on the Law of Sea (UNCLOS) in particular to claim that what their flagged vessels had done are in line with the international law and both showed strong stance. However, the following high-level contacts prevented this maritime standstill from being further escalated. The clash is beyond the domain of international legal system. Many other factors affected the development of the incident. It seems highly possible for such similar clashes between the two countries to happen again in the future, meanwhile it is to both countries' interests to avoid such things to occur and to control them effectively if they happen.

This paper gives a briefing of the *Impeccable* Incident and relevant responses from China and the U.S. Analysis on relevant arguments by both countries is presented on the basis of the contemporary international maritime legal system, the United Nations Convention on the Law of the Sea (UNCLOS) in particular. The following section

argues that the clash between China and the U.S. in the South China Sea is far from their different interpretation over the provisions of UNCLOS. The incident has reflected the strategic concerns from both countries and the collision of their relevant strategic interests. Meanwhile in many areas, the interests of both countries are intertwined and any escalation of clashes may lead to high cost to both. Both governments have realized the necessity to minimize the impacts of such incidents. The next section lists the reasons behind for both countries to cooperate to manage the impacts of such incidents. Possible mechanisms are proposed followed by the conclusion.

## THE IMPECCABLE INCIDENT

On 9 March 2009, the US Pentagon broke the news of the *Impeccable* Incident. On the previous day, five Chinese boats approached the US surveillance ship, the *USNS Impeccable* (T-AGOS-23), when the latter was surveying the ocean floor of the South China Sea in about 120km (75 miles) south of China's Hainan Island. Chinese sailors reportedly waved Chinese flags and called the *Impeccable*'s operations illegal directing it to leave the area or "suffer the consequences". The *Impeccable* turned fire-hoses on one boat to stop her from getting too close. Facing the attack from the fire hoses, Chinese sailors stripped to their underwear as their boat closed in. Two of the Chinese boats forced the *Impeccable* to do an emergency stop, before she eventually withdrew [1]. The *Impeccable* is a surveillance ship. Her function is to serve in support of the U.S. Navy using passive and active low frequency sonar arrays to detect and track undersea threats [2]. One of her roles in the above-mentioned surveying is to detect Chinese submarines which are supposed to be based around Hainan [3]. The Chinese ships included a Chinese Navy intelligence collection ship, a Bureau of Maritime Fisheries Patrol Vessel, a State Oceanographic Administration patrol vessel, and two small Chinese-flagged trawlers [4].

In describing the incident, the Pentagon spokesperson stated that the *Impeccable* was "harassed" by Chinese vessels when "it was conducting routine operations in *international waters* (emphasis added) [2]." The spokesperson's statement also mentioned that, "*the unprofessional maneuvers by Chinese vessels violated the requirement under international law to operate with due regard for the rights and safety of other lawful users of the ocean*" [6]. Before the US Senate Armed Services Committee Admiral Timothy Keating, the commander of the US Pacific Command, commented on Chinese vessels' behaviours as being "aggressive", "troublesome", "unlawful" and "dangerous" and that China is "not willing to abide by acceptable standards of behavior" [5]. US National Intelligence Director Dennis Blair told Congress that China had taken a more aggressive military stance and the incident was the "most serious conflict since the EP3 incident in 2001[6]. He reminded the Congress that the recent naval incident was part of a plan by Beijing to expand its influence. US officials, including White House Press Secretary and Defence Department official, announced that the US Navy would continue to operate in the South China Sea to assert its freedom of navigation and "the U.S. will not continue to keep its strategic role as the guarantor of regional stability" [5]. Meanwhile the U.S. Military announced to send a destroyer, the USS *Chung-Hoon*, to escort the *Impeccable* to continue its survey work.

To respond to American's protests, Chinese Foreign Ministry spokesperson stated, "*regarding activities carried out by foreign vessels, there are clear provisions in UNCLOS, the Law of the People's Republic of China on its Exclusive Economic Zone and Continental Shelf and the Regulations of the People's Republic of China in Regard to Marine Scientific Research Carried out by Foreign Countries*" [7]. The Chinese Government has been dealing with such activities strictly following the above provisions. The USNS *Impeccable's* activities in China's EEZ in the South China Sea without China's permission are inconsistent with the international law and China's domestic law [8]." Accordingly, China demanded that the United States immediately stop related activities and take effective measures to prevent similar acts from happening [9].

Within China, comments also came from the military. Several days after the incident the spokesman from China's Defence Ministry echoed Chinese Foreign Ministry's stance. The Chinese side carrying out routine enforcement and safeguarding measures within its EEZ was entirely appropriate and legal and demanded that the United States respect China's legal interests and security concerns, and take effective measures to prevent a recurrence of such incidents [9]. A retired Chinese admiral described the American navy as a man "wandering just outside the gate of a family home" and accusing the homeowner when being questioned. He was further quoted, "All people with bright eyes can see and we in the navy are even more clearly aware of what the US vessel was doing [8]." A Navy political commissar commented that: "The US has put the cart before the horse. Our vessels were carrying out routine operations in China's EEZ while the U.S. surveillance ship was doing marine surveying *with military purposes* which in itself violate China's sovereignty [8]."

A Beijing scholar on military issues gave a background of this incident. The U.S. Navy vessels recently intensified surveying activities in the sea area near Hainan Island. Its aim was to detect and track the activities of China's submarines deployed in Sanya submarine base by using passive and active low frequency sonar arrays. To respond it is natural for China to prevent this kind of detection [10]. It was reported that 093 attack nuclear-powered submarine and 094 strategic nuclear-powered submarine were in service in the new Sanya submarine base [10].

What followed up shows that both countries took cool stance to deal with this incident which has timely prevented it from being escalated. Chinese Foreign Minister Yang Jiechi flew to the U.S. to meet his counterpart Hilary Clinton. Clinton told reporters after their meeting that "we both agreed that we should work to ensure that such incidents do not happen again [5]." During his meeting with Yang, the U.S. President Obama stressed the importance of raising the level and frequency of the US-China military-to-military dialogue in order to avoid future incidents [11]. Ten days after the incident US Secretary of Defense Robert Gates expressed his optimism towards the resolution of the crisis through diplomatic channel saying that he considered it unnecessary to send armed escorts [12]. China also expressed that no plans had been made to increase their military presence in the South China Sea. Hence the incident was closed to both sides [5].

While comments from both countries either within the government or from the military repeated the old stories that one country accuses the other of acting inconsistent with UNCLOS, there are some notable differences. China seemed to more emphasize on the illegality of the activities by the US surveillance ship. On the other hand, the US stressed more on the behaviors by the Chinese practitioners who failed to implement the “due regard” obligations, hence endanger their vessel. Both sides did touch the strategic concerns of both countries and have shown mistrust in each other’s relevant activities, the *Impeccable* incident has more skillfully been handled than eight years ago. As *Francais Internationale* reported, it seemed that the *Impeccable* incident did not affect China-US relations but rather had some positive effects [13].

## DIVERGENCE OF LEGAL INTERPRETATIONS: A PUZZLE?

After the incident, both China and the US invoke international law to prove the legality of their actions. As noted above, China claimed that the surveying of the *Impeccable* in its EEZ is inconsistent with the provisions of UNCLOS and what their vessels were doing is to stop the law infringer by enforcing their related domestic laws. The U.S. believe that their navy service ship was enjoying their legal right of surveying in international waters and that Chinese vessels ignored their obligation of “due regard” provided in UNCLOS. Their verbal row concerns their different interpretations of some basic concepts in the EEZ, which reflects the inherent problems of ambiguity in relation to the EEZ scheme. Each country tends to pick up the interpretation to suit its own interests.

### EEZ vs International Waters

EEZ is a new *sui generis* zone created under UNCLOS, in which it is laid down that the world water body consists of internal waters, territorial waters, the exclusive economic zone and the high seas. Each zone has its own regime regarding freedom of navigation. The EEZ is not the high seas but an area beyond and adjacent to the territorial waters of the coastal State [16], where the coastal State enjoys sovereign rights and exclusive jurisdiction for specific matters [15]. The U.S. Navy divides the ocean into two categories for operational and mobility purposes: national waters and international waters. The EEZ is categorized as “international waters” to indicate areas with unconstrained navigational freedom. According to Zou, the terminology of “international waters” is used only for operational purposes and does not affect the legal nature of the EEZ as a maritime zone within national jurisdiction under UNCLOS [16].

### Freedom of Navigation in the EEZ

Navigation, together with fishing, is two oldest traditional activities since human being started contacts with the ocean. As human activities grow, the commons of the ocean have gone through the zoning process by the coastal states. The most recent one

was brought in by UNCLOS with the creation of the EEZ concept. The two traditional rights, freedom of navigation and fishing, changes its content for the aim of better governance of the ocean, or balance of interests of different groups,---coastal states, flag states, users and protectors.

The U.S. believes that in the EEZ the user States enjoy unqualified freedom of navigation and overflight as in the high seas. They argue that by combining Articles 58 and 87 together, all States enjoy in the EEZ those preexisting navigational and overflight freedoms when the zone was previously part of the high seas. President Regan's 1983 Proclamation and Statement on Oceans Policy, and the White House Fact Sheet on United States Oceans Policy reinstated the U.S. position that the EEZ is a maritime area in which the coastal State may exercise certain limited powers and in this zone "the freedom of navigation and overflight and other internationally lawful uses of the sea will remain the same within the zone as they are beyond [17]." By further arguing that military activities is consistent with UNCLOS and the only two qualifications to freedom of navigation in the EEZ are "*internationally lawful*" and "*compatible with other provisions of this Convention*" [17], the U.S. Senate Committee on Foreign Relations stated in one report [18]:

*"All States enjoy high seas freedoms of navigation and overflight and all other internationally lawful uses of the sea related to these freedoms, including, inter alia, military activities, such as anchoring, launching and landing of aircraft and other military devices, launching and recovering waterborne craft, operating military devices, intelligence collection, surveillance and reconnaissance activities, exercises, operations, and conducting military surveys."*

Therefore exercising the above-mentioned military activities shall not derive the user-States of their freedom of navigation. Following this logic the U.S. believes that the *Impeccable* is entitled to enjoy the freedom of navigation in China's EEZ and this right should not be hampered even when it was surveying the Ocean floor to detect and track China's submarines.

For some Chinese scholars, the freedoms implied in Article 58 are no longer the freedoms enjoyed for the high seas. Qualifications accompanying this freedom of navigation include "*due regard*" [19] for the rights of all other States and the overarching principle of "for peaceful purpose/use" [20]. They argue that "military and reconnaissance activities in the EEZ encroach or infringe on the national security interests of the coastal state and can be considered a use of force or a threat to use force against the state, particularly with the advanced technologies in use by the vessels [21]. They further concluded that these activities are in contravention with the lofty spirit and goal of UNCLOS, that is, 'establishing through this convention, with due regard for the sovereignty of all States, a legal order for the seas and oceans which will facilitate international communication, and will promote the peaceful uses of the seas and oceans, the equitable and efficient utilization of their resources, the conservation of their living resources, and the study, protection and preservation of the marine environment [22].

Therefore “*freedoms of navigation and overflight*” in the EEZ shall not include the freedoms to conduct military and reconnaissance activities, to perform military deterrence or battlefield preparation, and intelligence gathering.

It is due to the precaution for national security, after 9/11 the U.S. requires other countries to abide by its procedures and designated routes when flying in its “Air Defense Identification Zone” (ADIZ), which extends 434 nautical miles off its coast [23]. Out of the same security concern, China’s two laws stipulate prior-authorisation to all foreign vessels before they enter China’s EEZ [24].

## **Marine Scientific Research vs Military Activities**

Part XIII of UNCLOS identifies the rights and obligations for all States to conduct marine scientific research (MSR), however no definition is given on what activities are included in MSR. From the process of discussions leading to the final version of UNCLOS, military activities were intentionally left unspecified. To interpret the unspecified, countries utilize different logic. It seems that the U.S. and other maritime powers carry out practices not explicitly prohibited in UNCLOS while China and other coastal countries intend to prevent activities not authorized [23].

The U.S. maintains that MSR is a different matter from hydrographic and military surveys in UNCLOS. While the former requires consent from the coastal states, the latter is an exercise of the freedom of navigation and “other internationally lawful uses of the sea”, for which consent is not necessary [5]. Invoking Article 19(2)(j) on non-innocent activities in the territorial sea, some U.S. scholar argues that “survey activities” and “research” are different matters in UNCLOS [17]. Furthermore, since hydrographic surveys are conducted to support safety of navigation and the data collected is normally used to produce nautical charts and similar products, marine survey should be considered as part of the right of freedom of navigation [23]. The U.S. government consider that military surveys which may include oceanographic, marinegeological, geophysical, chemical, biological, acoustic, and related data are for military purposes not relating to exploration of natural resources[25]. Accordingly, while resource-related research can be regulated by the laws of the coastal State, hydrographic surveys and military survey should not.

China has long sought to prevent other countries from carrying out surveillance or surveying operations including military surveys within its EEZ [5]. Some Chinese scholars argue that since survey and data gathering can be used for scientific purposes, they belong to MSR. In particular, MSR activities are very diverse and many expeditions collect data at sea and separate it later for different purposes and uses[22]. If some purposes are related to re-sources and environment in the EEZs, the survey and data collection fall into the category of MSR, and should be subject to the jurisdiction of the coastal states [23]. Taking this interpretation of UNCLOS, in 1998 China issued its EEZ Law, in which it states that China exercise its jurisdiction over MSR and marine environmental protection and preservation [26] and that for foreign organizations

or individuals to carry out MSR prior authorization is needed [27]. Furthermore, in 2002, China enacted the Law on Surveying and Mapping, which stipulates that foreign individuals and organisations are not allowed to undertake such activities in the waters under China's jurisdictions, with clear reference to China's EEZ, without its permission [28].

There are several reasons that American scholars argue that military uses of the seas are a recognized right under UNCLOS. First, Article 58(1) endows all States with freedoms "associated with the operation of ships, aircraft," and all military exercises, aerial reconnaissance, and all other activities of military aircraft are part of operation of naval ships. Therefore, these military activities are freedom of high seas if due regard is paid to the rights and interests of third states [29]. Second, within Article 58(1) "other internationally lawful uses of the sea relates to these freedoms" implies activities including, *inter alia*, military activities, such as anchoring, launching and landing of aircraft and other military devices, intelligence collection, surveillance and reconnaissance activities, exercises, operations, and conducting military surveys [29] because no provisions provides prohibitions of them. Third, limitation on military activities can only be found in articles relating to innocent passage, transit passage, and archipelagic-sea-lanes passage [30]. Therefore, the U.S. believes that prohibitions shall not be enforced in the EEZ and restrictions or requirements for prior consent or notification to operate military vessels or aircraft in the EEZ are inconsistent with UNCLOS [25]. It was stated in Reagan's 1983 Presidential Proclamation on establishing the U.S. EEZ [17]. Further added is that the U.S. holds the position that it is under its discretion to determine what activities it conducts at sea constitute "military activities" and it also exempt itself from the provisions concerning mandatory dispute resolution under UNCLOS [25]. This concept was stated in 2003 in the testimony before the Senate by the State Department [25]. In 2004, it was once again reinforced in one of the declarations and understandings of the Senate Advice and Consent Resolution before the U.S. Senate [31].

Chinese international legal scholars hold different views. According to Zou, other "internationally lawful uses of the sea" do not necessarily include military uses although historically, military activities have been allowed under customary international law. As stated earlier, UNCLOS fails to give clear provision on military activities and related issues [31]. Zou further argues that it is hardly the logic that MSR in the EEZ is subject to the consent of the coastal state, that military activities can be conducted freely without engagement with the coastal state. Therefore, he proposes that issues relating to military activities should take into account the national jurisdiction and a check-and-balance mechanism in the EEZ [31]. Meanwhile the U.S. stance on unilateral decision of the definition of "military activities" also call to question because a term in an international treaty concern many countries and the implementation of the treaty should be subject to the agreement and consensus of all states parties. For the least, a unilateral assertion cannot change the terms and conditions of a treaty [31].

## Due Regard in EEZ

“Due regard in the EEZ” obligation is mentioned in two Articles of UNCLOS, Article 56(2) and 58(3). Article 56(2) requires that the coastal State have due regard to the rights and duties of other user-States and act in a manner compatible with the provisions of UNCLOS while it exercises its rights and perform its duties in its EEZ. Under Article 58(3), all user-States have the same “due regard” obligation to the coastal State while they exercising their rights and duties in the EEZ of the coastal State. Therefore, “due regard” is a reciprocal obligation between coastal States and user-States to balance their interests [32].

Regarding the *Impeccable* incident, the U.S.’s argument against China is that China violated the “due regard” principle and China should have paid “due regard” to the navigational and operational rights of its naval vessel which has sovereign immunity [5]. Pedrozo states that the reciprocal “due regard” requirement is the only limitation on the user state’s rights and freedoms. He also points out a special case for a country’s immune vessels including, *inter alia*, naval auxiliary in relation to marine environmental protection. Article 236 reads [33]:

*“the provisions of this Convention regarding the protection and preservation of the marine environment do not apply to any warship, naval auxiliary, other vessels or aircraft owned or operated by a state and used, for the time being, only on government non-commercial service. However, each State shall ensure, by the adoption of appropriate measures not impairing operations or operational capabilities of such vessels or aircraft owned or operated by it, that such vessels or aircraft act in a manner consistent, so far as is reasonable and practicable, with the Convention.”*

Pedrozo’s interpretation of this Article is that the coastal States like China has no right under international law to force training restrictions or mitigation measures on foreign sovereign immune vessels operating in its EEZ. Rather it is under the discretion of sovereign-immune vessel to take or not any measures taking into consideration whether it is reasonable and practical and the coastal State’s domestic environmental regulations shall not apply to such vessels [32]. However, according to Pedrozo, the U.S. Navy vessels have voluntarily applied marine-mammal mitigation measures to protect the environment based on the best available science when operating low- and mid-frequency sonar systems. Pedrozo further states that no evidence found to prove that the Navy’s sonar use, while applying these scientific protective measures, have any negative impacts on either marine mammals or fish [32]. He further emphasizes that “the coastal State is entitled to have distant states operating in its EEZ to observe “due regard” only for its lawful resource-related rights (emphasis added)”, but this is not its right [25].

Commenting on the *Impeccable* incident, one Chinese scholar states that although the U.S. does enjoy the freedom of overflight and navigation in China’s EEZ, such freedom is not unrestricted and one duty for the US aircraft and vessels is their due-regard to the

relevant Chinese laws [23]. Although Article 236 gives the sovereign immune vessels the discretion concerning observation of the environmental regulations of the coastal State, it is also clear that such immunity is not unlimited. The creation of EEZ regime is an effort to balance the rights and duties of the coastal States and the user States. Ren and Cheng argue that although there are restrictions on the sovereign rights and exclusive jurisdiction enjoyed by the coastal States, this does not necessarily degrade the superiority of the rights of the coastal States [22]. Following the introduction of UNCLOS, long-term conservation and sustainable use of fishery resources, the straddling and highly migratory fish stocks in particular, has become one of the major concerns of humankind. In 1992, the UN passed its Agenda 21, in which Chapter 17 requires new approaches to marine and coastal area management and development, at the national, subregional, regional and global levels, approaches that are integrated in content and are precautionary and anticipatory in ambit [34]. In 1995, the UN passed another important document on conservation and management of straddling and highly migratory fish stocks, UNFSA [35]. According to “precautionary principle” stated in Article 5(c) and Article 6(2) of UNFSA [36], China takes a precautionary approach to regulate activities in its EEZ, including military activities. It seems that China invoke this principle while intending to stop the activities of the *Impeccable*. Furthermore, there are reports from the U.S. in relation to the impacts of sonar-use on marine living resources. It was reported that in 2008 the local court of Los Angeles issued a decision to set up a sonar-free zone of 12 nautical miles starting from the coast of California State to protect marine ecology. Another report is that the U.S. Navy’s environment assessment reports on its 14 military exercises along the California coast shows that sonar may disturb or damage 170,000 marine mammals in that sea area, among them over 8,000 whales came across temporary damage. To avoid lawsuit, the U.S. Navy has stopped anti-submarine exercises in the sea area of Hawaii. Therefore, China argues that its law enforcers is following China’s domestic law [37] on marine environmental protection by approaching and driving away the U.S. surveying (spy) ship [38].

Both China and the U.S. invoke “due regard” principle to argue against the other. Since due-regard duty is mutually applicable to both countries and there is no convincing evidence to prove which “due regard” is superior to the other, the settlement in this regard will go on looking as a slim chance at least in the near future [39].

## **Peaceful Uses of the Seas**

Under UNCLOS, “peaceful uses” is an over-arching principle and requirement to all activities concerning the ocean. China and the U.S. have different perspectives on the mission of the *Impeccable*, which is to use sonar arrays to detect and track China’s submarines.

The U.S. maintains that the principle of “peaceful uses/purposes of the seas” should not be inferred as new rights for any country or new obligations on naval powers [25]. It considers that peacetime military activities, including military surveys and intelligence, surveillance and reconnaissance, are not acts of aggression without

“additional indicia of hostile intent or commitment of a hostile act” [25] and the conduct of military activities for peaceful purposes was in full accord with the Charter of the United Nations and with the principles of international law [25]. By invoking Article 19 of UNCLOS, Pedraza seems to conclude that “any act aimed at collecting information to the prejudice of the defense or security of the coastal state” is not “threat or use of force against the sovereignty, territorial integrity or political independence of the coastal state” [32]. Therefore, the U.S. argues that the mission of data gathering is not a threat or use of force. Furthermore, data gathering is purely defensive [5]. The 2007 U.S. Senate Executive Report 110-9 makes it clear that the U.S. believe that the provisions regarding ‘peaceful uses’ or ‘peaceful purposes’ should not “impair the *inherent* right of individual or collective self-defense or rights during armed conflict (emphasis added) [25].” Therefore, it is allowed to conduct military exercises and related operations in response to “a hostile act or a demonstration of hostile intent by another power” [25]. When different interests crosses at the seas international governance is needed to keep the zones in stability [21].

The inference of Article 19 that “any act aimed at collecting information to the prejudice of the defense or security of the coastal state” is different from “threat or use of force against the sovereignty, territorial integrity or political independence of the coastal state”. It is only part of the story. It is safe to conclude that this Article in full means that the listed activities including “any act aimed at collecting information to the prejudice of the defense or security of the coastal State” in the territorial sea can be considered to be prejudicial to the peace, good order or security of the coastal State [40]. On the one hand, the U.S. argue that the provisions on innocent passage are applicable to the activities in the territorial sea is correct. On the other hand, it seems problematic to consider that an activity considered to be prejudicial to the peace, good order or security in the territorial sea will be recognized as a “peaceful activity” in the EEZ [23]. Tracking of military vessels is a necessary prelude to targeting [5]. China further argues that the collection of such data is a “preparation of the battle field” and thus a threat of use of force, which is in violation of the UN Charter and of the principle of “peaceful uses of the seas” under UNCLOS [5]. The “peaceful uses of the seas” does include normal navigation and overflight of naval vessels and military aircraft in and above the EEZ, meanwhile it requires all States Parties not to engage in “aggressive” activities or undertake activities contrary to the UN Charter [22]. With the rapid technological evolution of military equipment, it is necessary for the international community to regulate certain activities in the EEZ and its superjacent airspace [22]. China is not alone in such state practice. Bangladesh, Brazil, Cape Verde, India, Malaysia, Pakistan, and Uruguay, explicitly restrict unapproved foreign military exercises or activities in or over their EEZs [5].

From analysis of both countries’ stance on different basic issues regarding the EEZ, it seems that each country follows their own logic in explaining the ambiguous points in UNCLOS. For the US and other maritime powers, what is not explicitly prohibited in the Convention is permitted, while for China and other coastal countries, what is not authorized in the Convention is not permitted [23]. Which logic one country intends to choose depends on which can best protect their interests taking into consideration of

their relative power. The heightened tension in the Sino-US relations with respect to the South China Sea in 2010 is not a favorable atmosphere for both courtiers to settle their dispute concerning navigational rights of warships [39]. Meanwhile, the involvement of a third-party for resolution seems impossible in the near future. On 25 August 2006, China made a supplementary declaration to their ratification of UNCLOS, which excludes itself from compulsory procedures entailing binding decisions on “disputes concerning military activities, including military activities by government vessels and aircraft engaged in non-commercial service” [39]. The U.S. is not a party to UNCLOS. All its declaration and statements up till now make the presumption safe that it will exclude third-party dispute settlement even after the U.S. ratifies UNCLOS [41]. All these arguments from the two countries have not yet indicated any promising sign to lead to further clarification. The puzzle shows that each country used its own logic of interpretation of relevant provisions of UNCLOS to protect its own perceived strategic concerns in the related region.

## **COLLISION OF STRATEGIC CONCERNS: A CURDLE?**

With the fast economic development in Asia, the center of the globe is moving from the Atlantic to the Pacific. The U.S., bordering both oceans, remains the only superpower during this transition and its recent practice indicates its “return” to the Pacific Asia. According to Wang, the U.S. Asia-Pacific strategy does not target at any particular country but is to maintain its global leadership and deal with multi-challenges in the Asia-Pacific as a whole. However, its “return” to the region may overlap in time and space with that of China’s “rise” [42]. The collision of strategic interests seem to have become a curdle for them to overcome. The *Impeccable* incident shows their mutual distrust stemming from China’s military expansion and aggressive US actions to monitor this growing China “threat” in order to neutralize it [5].

In the U.S. there is still some ground for a China threat thinking and the *Impeccable* incident re-emphasizes such logic. In early 2009, the American Enterprise Institute published a report, warning that the minimal aim of American strategy must remain to preclude the domination of Asia by any single power or coalition of hostile powers. The report emphasized the necessity for the U.S. to prevent others from threatening its security and prosperity through any attempts to control the region’s resources, form exclusive economic blocs, or deny “our physical access to and through Asia”. A later report by Pentagon concluded that China is increasing its military power and developing new “disruptive” technologies that are shifting the military balance in the region [5]. Another research by RAND intensifies such a thought of insecurity for the region. It states that with the advancement of China’s ballistic missals and cruise missals, China strengthens its air-control capability over Taiwan and the U.S. military base in Okinawa [43]. One statement before the U.S.-China Economic and Strategic Committee is a typical example carrying some ideological bias towards China [44]:

*“The PRC today is a totalitarian country, seeking to become a totalitarian empire...The PLA Navy, for example, is in the process of fortifying Hainan*

*Island, constructing a large naval base at Sanya. This base will allow the Chinese surface vessels and attack submarines to project power and threaten its neighbours.”*

It is due to a deep-rooted mistrust and doubt on China's strategy that the U.S. intensifies its military activities including intelligence collection in China's nearby waters [45]. After the Mischief incident between China and the Philippines, the US Department of State issued a document. It stated that the U.S. considered the “unhindered navigation by all ships and aircraft in the South China Sea is essential for the peace and prosperity of the entire Asia-Pacific region, including the United States” and views “with serious concern any maritime claims, or restriction on maritime activity, in the South China Sea that was not consistent with international law, including the 1982 United Nations Convention on the Law of the Sea” [46]. For the U.S., Japan and other countries with major shipping and naval interests in the South China Sea, it is desirable to maintain freedom of navigation through all the sea lanes of communications (SLOCs) in the South China Sea for their oil and gas tankers, container ships, and naval vessels. The U.S. has sent its warships, including aircraft carriers from its Pacific Fleet, through the South China Sea in support of its military missions in the Arabian Sea and Persian Gulf. The South China Sea is Japan's “life line” for its energy supplies [47]. It is also believed that the US military surveying activities can enhance the US capability to use nearby waters like the South China Sea to monitor China's coastal regions [44]. With China's growth economically and militarily, the U.S. feels increasingly vulnerable. To retain its present military superiority, the U.S. need to consolidate its forward military bases, invest in missile defence and submarines and counter China's capacity in asymmetric electronic, cyber and space warfare [48]. Its armed forces have identified the threat in the Pacific and its economic diplomacy has become aggressive and unpredictable [48]. This inevitably adds to Chinese insecurity and increases China's feelings of being “hedging” by the U.S.

Having been in the leadership of the international system for a long time, the U.S. has never cultivated an attitude to adjust its policies to other countries. To develop such an attitude is very difficult. It is ever more difficult to turn this attitude into a policy [49]. For the past 15 years, the U.S. holds on a two-track China policy, engagement and hedging. The “hedging” policy is clearly indicated in the statement from Admiral Robert Willard, commander of Pacific Command early 2010 [48]:

*“It is determined that China's intent is indeed benign, it is critical that we maintain the readiness of our postured forces; continually reinforce our commitment to our allies and partners in the region; and meet each challenge by the PRC in a professional manner that is consistent with international law.”*

The “responsible stakeholder” saying by former US deputy secretary of state Robert Zoellick marks the emphasis of the U.S. engagement policy towards China. However, the shadow overhanging this policy is that both countries will not adapt enough to satisfy the other [48].

China claims that it has no intention to challenge the US hegemonic position in the Western Pacific. However, as stated above, the perceived U.S. frequent “aggressive” military activities in China’s sea area increase China’s insecurity. In October 2009 Admiral Xu Caihou, Vice Chairman of China’s Central Military Committee held a meeting with Gates. During the meeting, Xu emphasized that the U.S. navy’s frequent activities in China’s EEZ violated China’s interests. A couple of days earlier he was reported to say that China’s aim of developing these arms (ballistic missiles and cruise missiles) is for self-defence and project no threat to other countries [50]. Like China, other coastal countries of the South China Sea, Indonesia, Malaysia, the Philippines, and Vietnam, have a major stake in protecting their EEZs – fisheries, energy supplies, and natural resources- from outsiders [47]. Furthermore, according to Zheng, with the growth of its capacity and capability, China is able to require the U.S. to adjust to its core interests, including national security. Only when the two countries are willing to respect each other’s strategic interests—a curdle to overcome—can they develop a stable bilateral relations [51].

The increasing maritime security concerns have heightened international scrutiny of sea lanes, ports, and shipping containers. Coastal states are modernizing their naval and coast guard forces and patrols to secure their sea lanes as well as their maritime resources. For one reason or another, military and intelligence gathering activities in coastal States’ waters are getting more frequent and intrusive. Hence, increase the danger of clashes particularly when these passages become intrusive eavesdropping missions to overshadow the defenses of potential rivals. It seems that the U.S. and China will insist on their own position regarding naval surveillance in the South China Sea for the future. To manage such differences in a positive way it is important for both countries to avoid the situation that misinterpretation may lead to a far wider conflict [47].

## **COOPERATIVE PARTNERSHIP: MORE FRIENDS THAN FOES**

The scene is not promising for China and the U.S. to settle their principal theoretical questions in the near future. The collision of strategic interests further makes the chances of settlement gloomier. However, there lie several reasons for both countries to make efforts to reach some practical solutions, without necessarily having to resolve the underlying fundamental theoretical issues [52].

### **Obligations under International Laws**

China ratified UNCLOS in 1996. Although the U.S. is not yet a member of UNCLOS, it takes the principles in UNCLOS as customary law. Therefore both countries should be willing to be bound by related concepts reflected there, one of them is regarding settlement on “residual rights”. Article 59 states that in cases where UNCLOS does not attribute rights or jurisdictions to the coastal State or to other States within the EEZ, and a conflict arises between the interests of the coastal State and any other State or States, the conflict should be resolved on the basis of equity and in the light of all

the relevant circumstances, taking into account the respective importance of the interests involved to the parties as well as to the international community as a whole [53]. This rule of “residual rights” can be invoked to resolve disputes in the EEZ, including, *inter alia*, military and reconnaissance activities in the EEZ [54]. In UNCLOS, there is another provision which reads that when bilateral settlement fails, the dispute may be submitted to the compulsory procedures under Part XV, Section 2, of the Convention, subject to the exceptions allowed under Article 298. By its 2006 supplementary declaration to the UN, China exempt itself from the compulsory procedures with respect to “disputes concerning military activities, including military activities by government vessels and aircraft engaged in non-commercial service” (paragraph 1(b)) [55]. However, this exemption does not prevent China from seeking bilateral agreement.

## Mutual Consensus of Top Leaders

China and the US leaders have been continuously emphasizing the importance of their bilateral relations and expressed their readiness in handling their differences in a constructive way. China-US summit diplomacy has played an active role in bilateral relations.

In April 2009, at their first meeting in London, Chinese President Hu Jintao and President Obama agreed to build up more active bilateral relations to lay a solid foundation for developing military-to-military relations. Hu expressed that China attached importance to developing military relations between the two countries and urged the two sides to handle differences and sensitive issues on the basis of mutual respects and taking into consideration each other's core interest [56]. At the opening ceremony of the China-US Strategic and Economic Dialogue, which was held in Washington in July 2009, Obama stated that China-US bilateral relations will shape the 21<sup>st</sup> century and this required consolidating the bilateral partnership. Hu's letter to the Dialogue reads, “*both China and the U.S. shoulder important responsibilities in dealing with the series of important issues regarding peace and development of mankind....both countries should, through strategic and economic dialogue, widen consensus, reduce differences, strengthen trust and promote cooperation*” [57].

Two countries have issued two important statements since Obama took office. During Obama's state visit to China in November 2009, both countries issued a joint statement, which includes that the two countries believe that to nurture and deepen bilateral strategic trust is essential to U.S.-China relations in the new era. It further goes on to say that both countries have an increasingly broad base of cooperation and share increasingly important common responsibilities on many major issues concerning global stability and prosperity. The two countries should further strengthen coordination and cooperation, work together to tackle challenges, and promote world peace, security and prosperity. The two sides will actively implement various exchange and cooperation programs agreed between the two militaries, including by increasing the level and frequency of exchanges. The goal of these efforts is to improve their capabilities for practical cooperation and foster greater understanding of each other's intentions and of the international security environment

[58]. Obama made it clear during this trip that the U.S. would not seek to contain China's rise and also China's "growing economy should be joined by growing responsibilities" [48].

In February 2011, when President Hu paid a state visit to the US, both presidents again stressed the importance of a sustained and reliable relationship between their two militaries [59]. The summit set the direction for bilateral relations for the next ten years and proposed to deal with conflicts through strengthening crisis management with strong strategic restraint and patience [60]." Article 3 reads, "[t]he United States and China committed to work together to build a cooperative partnership based on mutual respect and mutual benefit in order to promote the common interests of both countries and to address the 21st century's opportunities and challenges [61]." This sets the feature of new China-US relations as "a cooperative partnership" and the principle as "mutual respect" with the aim of "promoting the common interests". Article 5 reads, "*[t]he United States reiterated that it welcomes a strong, prosperous, and successful China that plays a greater role in world affairs. China welcomes the United States as an Asia-Pacific nation that contributes to peace, stability and prosperity in the region. Working together, both leaders support efforts to build a more stable, peaceful, and prosperous Asia-Pacific region for the 21st century*". Article 5 shows that the U.S. will not see as a threat China's growth and success, meanwhile China accept the US as a country in the Asia-Pacific region. Meanwhile a "stable, peaceful, and prosperous Asia-Pacific region" is the test stone for both countries' activities in the region. Article 9 relates to bilateral military relations. It affirms that a healthy, stable, and reliable military-to-military relationship is an essential part of the two presidents' shared vision for a positive, cooperative, and comprehensive U.S.-China relationship. It also emphasizes the importance of dialogue and communications, "Both sides agreed on the need for enhanced and substantive dialogue and communication at all levels: to reduce misunderstanding, misperception, and miscalculation; to foster greater understanding and expand mutual interest; and to promote the healthy, stable, and reliable development of the military-to-military relationship." Both sides reaffirmed that the Defense Consultative Talks, the Defense Policy Coordination Talks, and the Military Maritime Consultative Agreement will remain important channels of communication in the future.

After Hu's visit to the U.S. one influential Chinese comment on the role of China-U.S. summit goes as follows[60]:

*"China and the U.S. top leaders judge and direct the development of bilateral relations from the strategic and overall height. The summit continuously adjusts the direction of this important bilateral relation in the world. It aims to smoothly handle conflicts and differences as well as enlarge consensus from the highest level. Such efforts not only provide new impetus but also build s strategic framework and guarantor for further developing bilateral relations."*

## **Interdependence in Trade and Financial Flows**

The United States and China are interdependent in trade and financial flows. The depth of this interdependence binds the two countries in the same destiny, at least in an economic sense. China is the biggest buyer of U.S. Treasury securities. By the end of 2010, China's holdings totaled \$1.16 trillion[62]. China is the U.S. biggest trade partner and the biggest export market. According to the statistics by China's customs, in 2010, China's export to the U.S. is worth \$283.3 billion and the import from the U.S \$102.34 billion, 28.3% and 31.7% up respectively than last year[63]. In investment area, for the first ten months of 2010, China actually utilized \$2.419 billion, 18.75% higher than the same period of last year. By the end of October 2010, the total figure of investment projects from the U.S. is over 59,000 with a total actual investment of \$64.63 billion. Meanwhile China has increased its investment in the U.S. with a total direct investment of \$4.22 billion by the end of October 2010 [63].

Facing the undergoing efforts on recovery from the current financial crisis, both countries need to work together to mitigate the burgeoning economic crisis. A stable bilateral relationship is beneficial to both countries.

## **Shared Security Concerns**

Among both countries' fundamental foreign policy goals of kickstarting economic growth and maintaining an open global economy, maintaining peace and stability in East Asia is their mutual concern. Though some US intelligence takes China, together with Russia, as its main challenges, the Pentagon welcomed the deployment of the Chinese navy for anti-piracy operations in the Gulf of Aden, where both the United States and China depend on the same shipping lanes[64]. China's views on its maritime interests have broadened to include concerns about international terrorist organizations, disruptions to the global economy, protection of the oceans as a "vehicle for mutual commerce," protection of China's overseas enterprises and citizens, and its dependence on distant supplies of raw materials. China and the United States now share many security considerations [65]. Admiral Keating kept a "cautious optimism" toward the future of China-U.S. relations taking into consideration of the renewed bilateral military exchanges and their cooperation against piracy in the Gulf of Aden [66]. This success of military cooperation has brought a light on the thorny bilateral military relations and was widely cited by scholars and officials from both countries as a confidence building measure. To further consolidate this confidence, some broad areas of cooperation are mentioned by Dutton, namely prevention of the expansion of ungoverned maritime space, and capacity-building in maritime Southeast Asia. The later will enable US-China cooperation in a broader sense [65]. The improved cooperation between China and the U.S. and together with countries around the South China Sea will raise the safety and security of SLOCs in the related sea area.

Observing Russia's experience in its perception of security in its waters, Franckx proposed another scenario. As one country's naval capabilities increase and its interest as

a blue water navy became more and more pronounced, it may change its position purely based on a coastal State's perspectives and adapt to a position to match its naval capacity. He further advice that China shall heed the remarks it made today at the stance of a coastal State to "avoid creating a legal straightjacket when its naval capacity grows strong enough to navigate in the EEZ of other countries" [52]. It echoes Dutton's comment that China's perspectives on international law of the sea have the collateral effect of limiting its own growing naval power to provide order and security when needed for its own interests [65].

## **Bilateral Interests to Crisis Management**

Hedging China can be seen a long term phenomenon in the U.S. strategy in Asia. However if the "hedging" track is out of control, it will bring more systematic and strategic risk to the bilateral relations [67]. The desire for crisis management has been shown from the high-level military official from both countries. Navy Admiral Keating told reporters during a three-day visit to Australia and New Zealand that he wanted to see progress in moving the China-US military relationship forward and the U.S. were anxious to engage with China. Keating believed that the engagement could help to promote understanding between the two countries, particularly in light of China's military buildup. "*We want to understand much better than we do now China's intention,*" he was later quoted [68]. Cooperation like the Gulf of Aden operation makes American scholars agree that China's aspirations to play a global role as a responsible major power and its willingness to undertake security operations should be welcomed. More contacts and work experience between China and the U.S. and like-minded states will enhance the chance that the essential factor of trust will begin to enter into the equation of U.S.-China relations in East Asia. Trust will benefit future cooperation in East Asia, such as humanitarian assistance or disaster relief [69].

As to China, it is not to its advantage to involve in any conflicts. According to Admiral Ma Xiaotian's judgment, during a long term in the future China will still remain in the preliminary stage of socialist development which requires China to reduce to the maximum the challenges and barriers from outside to create a more harmonious environment for China's development [70]. This urges China to adapt rather confront. When General Liang Guanglie met his counterpart Secretary of Defence Gates, he stressed the importance of a solid military-to-military ties for reducing the chances of miscommunication, misunderstanding, or miscalculation. Working group meetings under the Military Maritime Consultative Agreement (MMCA) were proposed to discuss future operational safety and to build cooperation in the maritime domain. Liang and Gates charted a number of areas for future military cooperation, which include joint military activities ranging from maritime search and rescue to humanitarian assistance and disaster relief, counter-piracy, counterterrorism. They agreed that joint exercises would not only improve certain key capabilities on both sides but also lead to safer practices for their sea and air forces. They expressed their agreement that contacts and exchanges will cultivate trust and lead to more opportunities for defense cooperation [71].

From the above analysis, echoed by a recent comment, the collision of China-US strategies has no historical evidence for three reasons. First, the differences between the two countries have not changed the basic feature that both countries enjoy wide common interests, the interdependence in economy in particular. Second, both countries share the same interests in strengthening cooperation against non-traditional security threats, which is growing more and more important with globalization. Third, the differences between the two countries have not affected China's relations with the international system. It should be considered as a benchmark for the development of their strategic concerns and the development of their bilateral relations whether it is beneficial for the people of both countries as well as for the stability and prosperity of the Asia-Pacific region and the world [72]. Such a common major strategic goal should lead both countries to re-consider their policies over military activities and counter-activities in the region. In this sense, the *Impeccable* incident can act more as an impetus to get the two countries closer to chart together the roadmap.

## POSSIBLE MECHANISMS: A WAY FORWARD

As commented above, the differences over theoretical issues should not prevent both countries from reaching some practical arrangements. Although strategic overlap in such particular region may draw China and the U.S. to a vicious circle of “hedging” and “counter-hedging”, the common interests and responsibilities in a broader sense lay strong basis for them to cooperate. Trust takes time to cultivate for all-round cooperation between both countries' militaries, and contacts and dialogues are the first step. Both militaries are moving in this direction and such mechanisms as the MMCA, the Defence Policy Consultative Talks (DPCT) and Defence Consultative Talks (DCT) have been established. However, efforts are needed to make the mechanisms work effectively. For the time being, although both countries realized the necessity to avoid such incidents, the existing arrangements still act as more responsive than preventive. One the one hand, China emphasizes that the U.S. should respect China's reasonable concerns over its national security while they perceive that the U.S. frequent intelligence collection activities may affect. On the other hand, the U.S. perceives that China has intertwined the political issues with the operational issues at sea [73]. With the intention to ease, if not solve, the dilemma, the aim of which is to provide a two-track mechanism to promote understanding and practical cooperation, taking into consideration of possible different military emphasis of both countries in Western Pacific region.

The first track can be dubbed as **bottom-to-top mechanism**. The ultimate goal is to **avoid** incidents at sea and the participants are limited to practitioners of the respective maritime and air forces of the two countries. The emphasis is placed on the communications and coordination at the lower level of officers to develop some operational rules for them to abide by. It is hoped that the confidence built among professionals from both countries can have a spill-over effect on the higher level of officials for short-term as well as long-term benefits. The 1998 MMCA is a start for inspection.

In January 1998, Chinese Minister of Defense Chi Haotian and US Secretary of Defense William S. Cohen signed the MMCA. It was the first bilateral military agreement between these two countries. Both sides saw the positive effects of such an arrangement. Cohen believed that “the agreement will reduce the chances of miscalculation” and General Chi added, “the pact contributes to peace and stability in the Asia-Pacific region [74].” There are three consultation arrangements in MMCA, annual meeting, working groups and special meetings, each with its own functions[75]. The aim is to promote common understanding regarding activities undertaken by their respective maritime and air forces and to establish a stable channel for consultations between them [76]. Some scholars considered that the MMCA is merely a consultative process and it would be more desirable that China and the U.S. come up with an Incidents-at-Sea Agreement because “it would supplement the security dialogue of the MMCA with formal rules of interaction” [74]. Eight years after the EP3 Incident, the *Impeccable* incident brought up a diplomatic row between the two countries. Meanwhile whenever China-US relations meet some thorny moment, e.g. the U.S. arms sale to Taiwan in January 2009, the MMCA is usually stopped as well. This leads Rahman and Tsamenyi to conclude that the MMCA is ineffective in preventing such at-sea incidents or even managing incidents or crises when they occur[9]. Even though the MMCA resumed in February 2009, the Chinese side was quoted as saying, “contacts will remain tenuous unless the United States removes remaining obstacles to improvement.” These consultations urgently need to be reinvigorated and expanded to include such incidents and ways to avoid them [5].

On the other hand, some observers conclude that the MMCA has played a positive role in smoothening the China-U.S. military relations. The MMCA is observed to have provided a venue for the US and China to expand discussions directed toward conducting safe operations at sea and in the air, as well as expanding bilateral military cooperation to other areas such as rescue at sea, humanitarian assistance and training [77]. Although no formal rules have been set in the Agreement, such implicit code of conduct and communication might have also evolved between these two navies who interact with each other frequently [74]. One of the reasons why annual meetings are necessary is that the rules of interaction and communication procedures are reserved as topics for these annual expert meetings with the purpose of making sure that such evolution should stay on the right track [74]. At the absence of formal rules, long-term interactions combined with annual meetings can serve the same purpose [74]. The characteristic of comparatively low rank dialogue and professionalism can make it less sensitive and function as a channel of communication immediately after crisis, if not during it.

Assessing the China-U.S. military interactions at sea, it is safe to conclude that the MMCA did function as a channel of communication to maintain the situation at sea reasonably calm. Meanwhile more efforts are needed to predict the future and prevent confrontation before it happens. First of all, both sides need to exercise certain restraints in the actions. Attempts should be made to try to reach some consensus on the military intelligence collection activities in the EEZ. The aim is not to prohibit freedom of navigation or overflight in the EEZ, but only to create a framework for the exercise of this freedom. China clarifies the extent of its jurisdiction in its management over the resources

and environment in its EEZ. The U.S. explains the extent of its application of the freedom of navigation in the China's EEZ [23]. Second, consultations are needed to establish a maritime code of conduct on the basis of everyday practice of the practitioners.

The second track can be dubbed as a **top-to-bottom mechanism**. The aim is to cultivate understanding of strategic concerns from each country and develop a basis of mutual respect for each other's strategic bottom-lines on issues of mutual concern. It could be considered to establish a routine coordinating mechanism at a much higher level of the military/defence sector. The ultimate goal is to effectively **control and management** of any occurred crisis. The emphasis is placed on regular contacts of officials at high level. The existing DPCT can be a channel to consider. Note should be given is the high level of participants. With consent from both Defence Department/Ministry, officials at equivalent ranks can be invited at some later stage.

It is observed that the balance between navigational freedom and other national interests continues to change, and navigational freedom appears to be becoming less absolute and robust as a result [5]. In view of the ambiguity of the provisions of UNCLOS regarding freedom of navigation in the EEZ, it is considered necessary to develop a common understanding or some guidelines—bilaterally, regionally, or internationally [78]. The EP-3 and the *Impeccable* incident might have been avoided if certain understanding has been reached between China and the United States because it could have provided for predictability, transparency of intent, and mutual agreement or procedures to prevent such incidents [79]. Asia needs rules to help prevent maritime disputes from escalating. The two countries have put a lot of work into their Strategic and Economic Dialogue, but this tends to be dominated by the news of the moment. It should focus on the future [48]. In fact, China's main strategic interests in the Asian-Pacific converge with those of the United States, and both countries need cooperation in many aspects such as safeguarding SLOCs, fighting against terrorism and dealing with the current international financial crisis [23]. Respect shall be given to each other's the bottom line in regard to certain important policies. According to Rear Admiral Yang, in China's perspectives there are three barriers to the exchanges of both militaries. They are arms sale to Taiwan, the constraints enforced on China-US military contacts by the U.S. Congress 2000 Defence law and the frequent intelligence collection activities in China's near shore waters [80]. In the case of the South China Sea, the U.S. keeps neutral to the territorial disputes while China guarantees non-interruption of freedom of navigation [81].

## CONCLUSION

Military and intelligence gathering activities in the EEZs are most likely to continue. In Asia, the maritime domain awareness increases countries' demands for technical intelligence, the robust weapons acquisition programs, and the widespread development of information warfare capabilities. Developing in parallel, the scale and scope of maritime and airborne intelligence collection activities are likely to expand rapidly

and become more intensive and intrusive. They may generate tensions and create more frequent crises. The *Impeccable* incident is an indicator of both danger of such incident and the importance of management [82].

All the above analysis indicates that military planning is framed differently from diplomacy. Diplomats are interested in the intention of other States, while military planners emphasize the capabilities of their rivalries [83]. So far, there are no signs that the *Impeccable* incident will disrupt negotiations between China and the US to deal with the global crisis. It will remain a minor irritant as long as the US, the world's biggest debtor, finds itself indebted to China, the world's biggest creditor, and as long as China depends on access to US technology and consumer markets for its continued economic growth [47]. The danger is there. It needs wisdom from both countries to handle such complex bilateral relations.

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## **CHINA'S ECONOMIC SECURITY INTERESTS IN 21<sup>ST</sup> CENTURY IN THE ASIA PACIFIC**

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### **ABSTRACT**

*The rise of China global influence and interests in the 21<sup>st</sup> Century has already been proven. Her economic dominance, military engagements and diplomatic presence have become more visible and active in the Asia Pacific region mostly with the developing nations. Undoubtedly, the People's Republic of China (PRC) has become an economic superpower and a modern military force as indicated by their continuous GDP growth and the increase in its military budgets. China is dramatically increasing its prominence in the world stage during the last three decades in its position as a producer, competitor, investment location, market and capital investor. Moving ahead on all fronts, expanding its position in low-end price-sensitive sector, while increasing its technology based sectors, and research and development. With the rise in economy and military right China will definitely protect its interest to achieve its objectives. Therefore, the continuing economic growth, the current modernization and the build-up of its military has become a source of open concern. In recent years, after continuous economic dominant China military capabilities are growing, raising fears of a more assertive China that is likely to upset the established security order of the Asia Pacific. The significance of this paper is to examine and explore the China economic security interests in 21<sup>st</sup> century in the Asia Pacific affairs.*

*Keywords: Economic Security, Economic and social reforms, Foreign direct investment, Asia Pacific.*

### **INTRODUCTION**

For a country crippled by the Cultural Revolution and other excesses in the era of Mao Tze Tung, China's incredible growth today would not have been possible if the economy had not been opened by Deng Xiaoping after he took over power in 1976. China's economic and social reforms policy was officially launched during Chinese Communist party (CCP) meeting in Beijing on 18 December 1978 [1]. Deng Xiaoping started to allow market forces into the agricultural sector in the late 1970s, and then permitted the creation of small, profit-oriented companies called "township and village enterprises". These township and village enterprises were formally owned by local

authorities but acted as if they were private. China economic growth can be clearly seen by the following comparison [2]: China's Gross Domestic Product (GDP) in 1978, expressed in the current prices, was just USD\$228 billion, and the GDP per head was USD\$240. However, by 2006, almost three decades later, the GDP had increased twelvefold to USD\$2.7 trillion and the GDP per head had risen tenfold.

Three decades have passed since China launched a policy of reform and its open-door economy in 1978. Over the ensuing years, that strategy has paid off by dramatically boosting China's comprehensive national power and by firmly establishing China's status as a major power among the international community. China's rapid rise in the Asia Pacific region in the aspect of economic and military power and political influence with growing global influence has significant implications. The rising power in the Asia Pacific as the twenty-first century approaches is China, whose leaders harbour a historical resentment of national humiliations inflicted on their weakened state by a rapacious west. [3] China's successful post-Cold War economic reforms have provided it with a historic opportunity to realise a sense of national destiny, which many regional states view with apprehension. As China's global interests and influence expanded in recent years, its diplomatic and military presence and engagement have become more visible and active to the world. Under Hu Jintao's leadership, China is working to strengthen its political, economic, and security relationship with the rest of the world, mostly with the developing nations. At the same time, China is seeking to expand its influence by bolstering its military strength through various means, including increased defence spending to enhancement of power projection capabilities [4].

## **ECONOMIC DEVELOPMENT**

The economic and social reforms led by the Communist Party's leader Deng Xiaoping are vital to help a country crippled by the Cultural Revolution to a new dynamic country. While the party would maintain its absolute control over all other aspects and institutions of the country, the economy is encouraged to evolve in ways antithetical to the founders of the People's Republic. Instead of confining the economy in a Maoist communal structure, Deng sought a new, more urban architecture, sometimes referred to as "capitalism with Chinese characteristics" or "market socialism" [4].

China's importance on the world stage has grown dramatically in the last three decades [5]. One industry after another, China is increasingly assuming a critical, if not dominant position as a producer, competitor, investment location, market and investor. China is becoming an essential producer, from garment to shoes, to house wares and the most popular being consumer electronics. In steel, copper, aluminium, cement, mobile phone and household appliances, China has become a world leading market. As a country that once exported only commodities, China is now exporting automobiles. China seems to be moving ahead on all fronts, expanding its position in low-end price-sensitive sector, while increasing its technology based sectors, and research and development.

Since the beginning of the 21st Century, nations that find themselves complementary to China on the production side find themselves competing with China for cheap labour, raw materials and other commodities in the world marketplace. Also, numerous companies from around the world have raced to enter China because they know that they cannot be or will not be number one or number two globally in their industry without an important production base or market position, or both in China. Equivalent to its domestic economic imperatives and encouraged by China's leadership, Chinese companies take on a more active role to "go global", competing in developing markets around the world. For the first time, Chinese companies are engaged in substantial competition and collaboration with foreign companies overseas, as well as in Mainland China markets [5]. China's industries are able to conquer the export, domestic and international market, one after another because of mass production and selling according to China's prices. According to Navarro [6], there are nine major "economic drivers" [7] that, brings China's competitive prices in the world market. China regards seven industries as critical to national security and economic prosperity and therefore places them under absolute state control. These "strategic industries" are armaments, power generation and distribution, oil and petrochemicals, telecommunications, coal, civil aviation, and shipping. China has also designated five 'heavyweight industries': machinery, automobiles, information technology, construction, and iron, steel, and nonferrous metals, in which enterprises can be owned jointly by private and government sectors, with the government retaining oversight [8] .

## **Gross Domestic Product**

China's economy has registered an impressive average growth rate of 9.5 percent from 1978 to 2004. In 1997, while most Asian countries such as Korea, Singapore and Malaysia were affected by the Asian Financial Crisis, the Chinese economy was hardly affected and continued to grow at 8.8 percent in 1997 and 7.8 percent in 1998. Subsequently, after 2003, China recorded a growth rate of 9.3 percent, the fastest in eight years and was the sixth largest world economy. In 2004, China's economy took a few steps forward in the ranking of world economy and was the second largest after the USA (United States of America) with USD\$1.65 trillion [9] . Subsequently, in the year 2005, China's GDP growth was recorded at 10.4 percent [2] .

## **Foreign Direct Investment**

As a result of the economic reform, China's FDI (Foreign Direct Investment) has become the world's most attractive and favoured destination in comparison with all other developing countries since 1993. Today, China is the largest recipient of FDI in both regional and developing world terms [10]. From 1989 to 2004, China's FDI recorded an average of 27.1 percent per annum and this has led to a total amount of FDI reaching USD\$60.6 billion in 2004 [9]. In 2002, FDI in China rose 13 percent to USD\$52.7 billion surpassing the USA as the top FDI recipient according to the United Nations Conference on Trade and Development [11] Furthermore, according to A.T. Kennedy's FDI Confidence Index Survey of 2002 finding, China is the most attractive investment

destination in the world surpassing the USA for the first time. China's FDI in 2003 has recorded USD\$53.5 billion which is almost nine times higher compared to Japan as the economic giant in Asia [9].

## Manufacturing and Export

China is now associated with having a very large trade surplus which has risen very recently. At the beginning of 2005, there was a big drop in imports as new Chinese factories began to replace foreign suppliers of steel, machinery and other goods [2]. In three years, from 2004 to 2007, the growth in net export accounted for about a third of China's overall GDP growth. Today, China enjoys one of the biggest export booms in modern history, with a global trade of goods surplus over USD\$316 billion in 2007, an increase of more than 20 percent year-on-year. In 2007, China edged out Germany to become the world's leading exporter of manufactured goods, and it is now the largest manufacturing exporter to the United States, the European Union and Japan. For example, China's export of manufactured goods to the USA rose from USD\$88.7 billion in 2001 to USD\$289.7 billion in 2007 [12]. The increasing growth of China USA trade in goods since 2000 to 2007 is shown in the Table 1.

**Table 1. China-United States Trade in Goods (USD\$ in billions) from 2000 to 2007**

Source: United States Economic and Security Review 2008

| Years                       | 2000       | 2001       | 2002       | 2003       | 2004       | 2005       | 2006       | 2007       |
|-----------------------------|------------|------------|------------|------------|------------|------------|------------|------------|
| <b>US Export to China</b>   | 16.14      | 19.11      | 22.04      | 28.29      | 34.64      | 41.80      | 55.04      | 65.07      |
| <b>Percent Change</b>       | 23.21<br>% | 18.38<br>% | 15.34<br>% | 28.34<br>% | 22.45<br>% | 20.68<br>% | 31.67<br>% | 18.23<br>% |
| <b>US Import from China</b> | 100.11     | 102.4      | 125.32     | 152.67     | 196.97     | 243.89     | 288.13     | 321.69     |
| <b>Balance</b>              | 83.97      | 83.30      | 103.28     | 124.38     | 162.34     | 202.09     | 233.09     | 256.61     |

Based on Table 1 in the year 2007, China's exports to the USA were five times the amount of its imports, with China exporting USD\$321.69 billion of goods to the USA and bringing USD\$65.07 billion of imports from the USA, leaving the USA with a bilateral trade deficit of USD\$256.61 billion. In the first eight months of 2008, Chinese goods exported to the USA were USD\$217.3 billion, while exports from the USA to China were USD\$49.6 billion, giving China a trade surplus standing at USD\$167.7 billion, an increase of 2.4 percent over the same period in 2007 [13].

## Automobile Industries

China's double-digit economic growth continued over a 30-year period during this time China's economy expanded, with the auto market booming and becoming the second largest in the world. Today, China's automobile production has been on a fast roll since 2001. China is expected to become the world's largest producer of automobiles in 2009

because of the huge demand in the domestic market. In 2008, half of the world's auto industry was expanded in China. Chinese manufacturers have increased both domestic and export sales. In 2007, China exported 600,000 vehicles abroad, compared to 78,000 vehicles in 2004. The main growth in vehicles exports has been directed primarily to developing countries or emerging markets such as Russia, South Africa, and Iran [8].

## **China: Energy Supply and the Quest for Energy Market**

In less than a generation, China has moved from being a minor and largely self-sufficient energy consumer to become the world's fastest-growing energy consumer and a major player on the global energy market. China will overtake the USA in energy consumption by 2010 if her economic growth stays on its current trajectory. On top of that, by 2030, China's projected energy consumption will surpass the USA by 20 percent and expected to increase at an annual growth rate of 3.2 percent. Manufacturing consumes 60 percent of the energy that China uses, with the bulk attributed to the production of aluminium, steel, chemicals, paper, and cement. Currently, China's energy supplies come from coal, approximately 63 percent and China is the largest coal consumer in the world. Coal-burning power plants supply 80 percent of China's electricity. Nearly 19 percent of China's energy demand is met with petroleum products, and China's consumption of 7.2 million barrels per day in 2006 ranks second in the world behind USA's consumption. In addition to consuming coal and oil, China uses natural gas, renewable energy, and nuclear energy. Collectively they supply the remaining 19 percent of China's energy demand [12].

In the last decade, multiple oil and gas exploration deals were signed by the China National Petroleum Corporation with foreign companies and energy production nations. In March 2007, Chinese and Burmese companies began construction of the China - Myanmar oil pipeline and in the same year, started work in the three deep-sea blocks off the Rakhine coast in Myanmar. In 2006, China and Kazakhstan built an oil pipeline from central Kazakhstan to the Xinjiang Province of China and a second pipeline is being constructed between China and Kazakhstan that will carry oil and gas from Turkmenistan [12].

As China seeks to diversify its energy supply and increase its use of clean energy technologies, it is increasing its search quest toward nuclear power to meet future energy needs. China's first civil nuclear reactor went on line in 1991. By 2008, China had 11 reactors with a total of nine gigawatt in capacity, approximately 2.4 percent of China's total power generation capacity. Sixty-four of China's civil reactors are located primarily in Guangdong and Zhejiang provinces, and six new reactors are under construction in Fujian, Guangdong, Zhejiang, and Liaoning provinces. In May 2007, the State Nuclear Power Technology Corporation was established by the State Council to manage the adoption of new nuclear reactor technologies, including the purchase of overseas technology. China plans to increase its nuclear power capacity to 60 gigawatt by 2020 [12].

## **Urbanization**

A Rapid growth since opening-up her economy market has succeeded in lifting millions of people out of poverty. Between 1978 and 2002, incomes in China have increased more than eightfold and poverty at USD per-day standard, has fallen by three-quarters, from 490 million to 88 million, a decline in poverty incidence from 29 percent to just 6.9 percent of the population [10]. Remarkable progress has also been made in the wider sense of human development as a result of rapid economic growth. According to the analysis from McKinsey Global Institute, in 2005, China had 191 million urban households, which could equate to 400 to 600 million people. Besides that, in 2007 China had 80 million people in the middle class, defined as being households with an annual income of between USD\$7,800 to USD\$66,000 [2]. China plans to urbanize 400 million people between 2000 to 2030. Besides that, the rapid urbanisation will increase energy quest in the near future. China is already building 2 billion square meters of floor space each year, half the world total. This will translate into significant growth in energy demand in the urban areas where the urban residents use 3.5 times more energy than the rural Chinese [12]. The huge increase in numbers of middle class, for sure, will enhance China in producing skilled labour that is vital for economic development. Thus, China in the present and future will have an advantage in buying power and control over the markets for its economic development.

## **CHINA'S ECONOMIC SECURITY INTERESTS IN 21<sup>ST</sup> CENTURY**

China cannot achieve sustained economic growth without strengthening its ties of trade and investment with other nations, and hence it must also build cooperative relations with major powers and contribute to the formation of a stable international environment [14]. Therefore, Chinese leaders now give prominence to the transition in economic power status and have taken economic construction as the central line, persisting in reforms and opening up in the 21<sup>st</sup> Century. Perhaps, China's security agenda has become increasingly economic driven. China understands the urgent need to seek a peaceful external environment in which it can pursue domestic reforms and expand trading and investment opportunities with as many states as possible. Furthermore, China's growing economic strength within the region will enhance its global significance and help it achieve global power status in the 21<sup>st</sup> Century that includes and incorporates both soft power[15] and hard power [16] of China in the Asia Pacific affairs [17]. Since the open-up policy, the leaders of PRC (People Republic of China) have expressed that the most important strategic goal of China is maintaining balance among competing priorities for national economic development and sustaining the type of security environment within which such development can occur. China's leaders describe the initial decades of the 21<sup>st</sup> Century as a 20-year period of opportunity, meaning that regional and international conditions will generally be peaceful and conducive to China's rise to regional pre-eminence as well as global influence [13].

China, under Hu Jintao, has reaffirmed and continued to support the “reforms and open-door policy,” which began in 1978 as the fundamental basis for China’s overall strategy and policy. But, reforms have increasingly propelled China into a global security environment where external events can no longer be isolated from their effects on China’s internal situation, and vice versa. The Chinese assessed that peace, development, and cooperation have become the trend of the contemporary era for making the external environment generally favourable to China’s economic development [13]. Chinese leaders also acknowledged that external challenges, including regional and great power relations, cross-strait relations, and non-traditional security threats have the potential to influence the mainland’s future. Therefore, the CCP (Chinese Communist Party) leaders concluded that, by the year 2020, they should focus on managing or exploiting external tensions, especially with the great powers, to maintain an environment conducive to China’s development.

To stay on track economically, China must secure a steadily growing stream of raw materials and must have customers for its products. Both depend on foreign relationships and thus, China has invested great effort in establishing international relationships that will enhance its influence in the world community and its control over world events. Therefore, for the time being, China’s external economic strategic goal is to ensure a stable external environment within which to continue economic development. As described in the 2006 and 2008 White Paper, the focus is on “fostering a security environment conducive to China’s peaceful development.” In practice, this goal is linked to the avoidance or deterrence of armed conflicts on China’s periphery, least they disrupt or potentially derail China’s domestic reform drive [18]. Therefore, the key aspect of China’s diplomatic strategy was creating opportunities to acquire access to natural resources. The government and Chinese companies have been “going out” to acquire resources abroad and to ensure that these resources can fuel the domestic growth industries and the overall economy. The turning point in this strategy came when China became a net oil importer in 1993, and Beijing realized that in the future it would be dependent upon foreign sources of oil and sometimes coal to meet its energy needs.

In the 21<sup>st</sup> Century, China investment in efforts to strengthen its relations with countries or regional organizations whose relations with the USA are faltering or weak and seeks to be viewed by them as a leader among developing nations. For example, China has stepped up its engagement with ASEAN in recent years, by agreeing in October 2003 to conclude a China-ASEAN Free Trade Agreement within 10 years. China has also created an array of opportunities to promote actions in the region that reinforce its development goals, integrate regional markets, and provide legitimacy for its authoritarian rule by the CCP [19]. Furthermore, by presenting itself as an acceptable alternative to the USA, China has created a network of countries, including Burma, that often are unwilling to criticize China’s actions in repressing domestic political dissent or violating international commitments. At the same time, China must maintain positive relations with the USA and, therefore, the PRC government generally avoids confrontation on issues of greatest sensitivity to the USA.

## **CHINA'S DRIVE INTO ASIA PACIFIC AFFAIRS IN 21<sup>ST</sup> CENTURY**

Russell [20] argues, by being the top in Asian hierarchy, no other country in Asia is able to challenge China in term of economy, military and political. Due to its supremacy in Asia and its sheer size, China, in general, did not face serious security threats from small neighbours. In fact, China was once at the centre of regional security systems and other states had to conduct their relations with Beijing in a deferential manner. Attaining the status of major power in Asia in the past, as well as in the international system today means that China will be supreme once again. Therefore, the drive to regional and global power status again raises the question on whether China will impinge on the security of other states, mainly in the Asia Pacific. Open-door economy policy has led to China being a major economic power today. Subsequently, the defence modernization in the 1990s until today has built up regional concern whether the PLA (People Liberation Army) might expose neighbouring states to various tensions and confrontations. Indeed, the early 21<sup>st</sup> Century can be seen as the take-off phase in the military build up that will enable China to challenge for undisputed leadership in Asia.

In the 21<sup>st</sup> Century, because of economic reasons, China is also working to establish cooperative relationships on the global stage. Chinese economy is highly dependent on foreign trade while also facing many internal problems. As argued above, the rise of China has raised questions in the international community about China's strategic orientation towards the rest of the world and the Chinese leadership is keen to address these. Since Hu Jintao came to power, the Chinese leadership has used a variety of slogans to drive home the message that the rise of China will not cause friction with the established international system. One year after Hu Jintao assumed the reins of government, the leadership began talking about China's peaceful rise, stressing that the rise of China is peaceful and will benefit the development, prosperity and stability of Asia, particularly the neighbouring nations.

However, by the first half of 2004, the slogan of a peaceful rise had disappeared from the pronouncements of the leadership and from official documents and had been replaced by peaceful development. This implies that it has not been easy to achieve a consensus within the leadership concerning the rise of China. Furthermore, both peaceful rise and peaceful development are concerned with how to characterize and bring about China's rise and neither represents a specific statement on the type of international order that China would like to see [14]. Sujian [21] argues that China's peaceful development policy seeks to reassure the USA and other countries that China's rise will not be a threat to peace and stability in the region and the world. Furthermore, the USA and other countries can benefit from China's peaceful development.

The new foreign policy of peaceful development stressed that China is peace-loving, people-based, cooperative, tolerant, confident and responsible. However, Sujian [21] argues that China also recognizes its soft power of 1.3 billion people with purchase

order when exercising international trade and cooperation. This soft power as discussed above can be used to enhance China's role as a rising power in regional and world affairs, mainly to facilitate China's economic development and modernization.

Another indication of the type of international order that China drives into Asia Pacific affairs came from the speech given by Hu Jintao in September 2005 at a meeting of the heads of government commemorating the 60th anniversary of the founding of the United Nations. In this speech, Hu referred to a "harmonious world" [22]. The harmonious world idea is understood among all as embodying the basic values and direction of China's foreign diplomacy, stressing that it expresses China's intentions with respect to the current international order in the context of cooperation and the existing framework. This is clearly an indication of China's integration into the existing international order [14]. With this framework and context of a harmonious world, China will push for a fair and rational international order and China's role on this issue is to balance the demands of economically advanced western developed countries with those of developing countries. However, the mainstream view among specialists in China concerning the global economic system is that China should be arguing for the formation of fair international rules and a decision-making mechanism that reflect the demands of developing countries, which make up almost 80 percent of the membership of the World Trade Organization. These specialists analysts favour diplomacy that is sympathetic to the needs of developing countries.

Taking the Realist approach, the rise of China in Asia Pacific in security and economy will definitely protect its interest to achieve its objectives. However, the use of force or threats if applied is more likely to be rational, calculated and limited in scope in the 21st Century [20]. Chinese military thinkers are still influenced by Chinese military thinkers such as Sun Tzu or China's paramount leader, Deng Xiaoping. In the early 1990s Deng Xiaoping stressed that China should: "observe calmly; secure our position; cope with affairs calmly; hide our capacities and bide our time; be good at maintaining a low profile; and never claim leadership." This guidance reflected Deng's belief that China's foreign policy and security strategy had to reinforce its core national interest of promoting domestic development by avoiding foreign risk, high-profile international engagements or provocations, or pretences of international leadership. However, when analyzing China's foreign and security policy, Deng's guidance prescribed deliberate efforts to conceal intentions and capabilities. Beijing's growing regional and, to a lesser extent, global economic stature partly drives a more active external posture in which it demonstrates a willingness to assert its interests while taking on a more active role in resolving disputes and promoting regional cooperation. However, Beijing continues to threaten the use of military force to compel settlement of the Taiwan dispute if force is deemed necessary.

## CONCLUSION

The rise of China global influence and interests in the 21<sup>st</sup> Century has already been proven. Her economic dominant, military engagement and diplomatic presence has become more visible and active in the Asia Pacific mostly with the developing nations. In order to ensure the development of her economic, China continues to ensure a stable external environment by avoiding of any armed conflict on China's periphery. At the same time the PRC leaders must ensure internal stability by avoiding the internal turmoil because it will invite threats from external forces or challenges that will disrupt the economic development.

China's drive in the Asia Pacific affairs in the beginning of the 21st Century, uses its economic, military, and diplomatic tools. The various slogans in the new approach of Chinese foreign policy include peaceful rise, peaceful development and harmonious world. These approaches stress that China is a peace-loving, people based, cooperative, tolerant, confident and responsible power. However, the actual conduct of Chinese relationships with other countries still focuses on the scope of its interest and objectives and at the same time enhancing China's strategic power projection as new great power status in the Asia Pacific region.

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## **EVOLUTION OF GUERILLA WARFARE STRATEGY FROM ANCIENT PERIOD TO CONTEMPORARY ERA: AN OVERVIEW**

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### **ABSTRACT**

*The definition and scope for guerilla warfare is considered a key issue to be expounded in any discourse pertaining to guerilla warfare. Thinkers, academician and professionals in the fields of political science, international relations, strategic and security have all articulated a multitude of definition in the subject matter. What is clear behind the various definitions is that a guerilla warfare involves a weaker party going against the stronger one irrespective of ideology by employing diverse techniques and tactics, free from the conventional warfare's standard practice. Even the duration takes much longer time to conclude when compared to a conventional warfare. Included in this paper is luminary thinker's material from ancient period through the Industrial Revolution and the First World War periods. Nevertheless, from the Second World War through the Cold War and until today guerilla warfare has become the strategy not only for the losers of the previous conventional wars but also as a means to further an ideology to overthrow the ruling government in power. The threat of guerilla war along with its strategies has contributed to the formation of the doctrine on counter insurgency warfare which was applied in dealing with the Malayan Communist Party where it gave emphasis on identifying the strengths and weaknesses of guerilla war strategies. The same strategies and tactics employed in guerilla warfare were used to counter the guerilla movement and the success has been undeniable. Over time, factors of consideration for guerilla war strategy include technological advancements where elements of communication, nuclear, biological and chemical warfare (NBC) have been incorporated along with traditional cross-border geo-demography factors in the age of international terrorism threats. The purpose of this article is to describe the evolution of guerilla warfare based on stages of development by various strategic thinkers.*

*Keywords: Guerilla warfare, Strategy, Anti-guerilla warfare, Insurgency, Post Cold War.*

### **INTRODUCTION**

Nuclear and conventional warfare have always been the topics of discussion along with security and strategic issues in terms of approach and its counter measures. There are strategic thinkers who focus their discussion on conventional warfare, its characteristics, employment of tactics and techniques, management of human resources

and also on how to avoid waging a war in contemporary period of international relations. The study of guerilla warfare is very much a concern for various strategic thinkers as an alternative strategy of war and making its presence felt even in the international global era of today. The unresolved theatre of conflicts in Iraq, Afghanistan and some other parts of the world, such as the separatist movements in Southeast Asian countries, are evidence of guerilla warfare being maintained by the weaker parties which happens to be an effective strategic tool against the stronger one such as the ruling government or foreign invaders.

Guerilla warfare, as deemed by most contemporary strategic thinkers, as unending fighting with lives being lost and is taking a dominant position in many parts of the world at present[1]. Scholars postulate the emergence of guerilla warfare as the influence of the post Cold War whose foggy conditions precipitate the use of it as an instrument of policy by certain interest groups. WM J. Olson described the future of international system in which guerilla warfare was taking place as *'how one must go about dealing with situations that are not necessarily amenable to the types of solutions that have characterized interstate relations and conflict resolution heretofore. This approach had more to recommend itself in the period of the Cold War. It is less understandable now. Part of the problem lies in trying to conceptualize or define small wars and just how they fit into the know patterns of interstate relations'* [2].

B.H. Liddell Hart in *'Strategy'* notes that *'guerilla warfare has become a much greater feature in the conflicts of this century than ever before, and only in this century has it come to receive more than slight attention in Western military theory – although armed action by irregular forces often occurred in earlier times'* [3]. John Baylis in *'Revolutionary Warfare'* categorized guerilla war and conflict in the present feature as; *'new form of war is in fact increasing in the contemporary world is true or not is difficult to determine with any precision. The trends in the 1970s suggested a continuing high level of major insurgent activity with an initial shift from rural guerilla warfare to urban terrorism and then back again in the later years of the decade'* [4].

## DEFINITIONS

Oxford Advanced Learner's Dictionary defines, *'conflict'* as *'fight, struggle or quarrel caused by difference in desires or opinions (ideology) and causing the opposition or disagreement condition between two or more parties/groups'* [5]. Based on this definition it could be said that *'internal conflict'* (or intrastate) refers to a narrow scope or limited to certain boundaries or part of movements, whereas *'external conflict'* involves interstate or borderless agenda including international terrorism. The above definitions however are not adequate to define the term guerilla warfare since in certain instances revolutionary war (especially French Revolution) took place involving different societies, values, desires and ideologies. WM. J. Olson in *'Small War'* defined the term guerilla warfare as: *'internal war', 'interventions', 'expeditions', 'limited war', 'little war, 'low intensity operations/conflicts', 'political warfare', 'revolutionary warfare' and 'surrogate*

war. He also categorized guerilla activities as having the same meaning and interaction with 'insurgency' or 'conflict' involving interstate, intrastate or international spheres. At international or interstate scenario, scholars call the movement as separatism, terrorism, or international terrorism.

However, the terms discussed above are still insufficient to illustrate the entire picture of guerilla war ideologies. It should be seen from various perspectives not limited to the duration of the war being waged and historical facts that surround it.

According to John Baylis, the term guerilla war was first coined by the Spaniards when Spain was involved in Peninsula War against Napoleon from 1808 to 1814. The Spanish regular army was defeated by the Napoleon's Armies and the forces broke up into smaller units to harass the Napoleon's Army. Baylis formulated a virtuous discussion when he defined and categorized the different meanings of guerilla war, conflict and insurgency: '*Guerilla warfare, on the other hand, has a narrower meaning. It refers to a particular kind of military or paramilitary operation performed by irregular, predominantly indigenous forces, which can, but need not necessarily, be used to achieve the revolutionary objective*'. Meanwhile the term insurgency as described by Baylis has brought a wider definition; '*... not as all embracing in their meaning as the term revolution nor as restricted in their meaning as the term guerilla warfare. The term refers to one of a number of techniques used to achieve revolutionary change, which is characterized by guerilla military tactics, which are employed in conjunction with other political, social, economic and psychological instruments*'. By this definition, Baylis made a clear distinction between guerilla war and insurgency and indirectly he pointed out the role of conflict where: '*Insurgency therefore, is a multifaceted activity in which conflict takes place on different planes, very often simultaneously between conventional military operations and revolutionary insurgent activity*'.

In terms of tactics and techniques, Baylis emphasized the main agenda or definition of guerilla warfare that is; '*harassing and hit-and-run tactics of guerilla warfare have been used throughout the history as the instrument of the weak against the strong. Such techniques were used, for example, by Emperor Hang of the Han (weak party) against the Miao Dynasty (strong party) under the leadership of Tsi Yao in about 3,600 B.C.*' This notion is supported by Liddell Hart's with his description of guerilla warfare's tactic as; '*Hit and run is a better term, being more comprehensive. For a multiplicity of minor coups and threats can have a greater effect in tipping the scales than a few major hits, by producing more cumulative destruction, disturbance and demoralization among the enemy, along with a more widespread impression among the population*'.

Both Baylis' and Hart's definitions are in agreement that guerilla war is a confrontation between the weak against the stronger party and this guerilla movement can be construed as the first stage pursuant to a revolutionary war. By contrast, it does not mean that all revolutionary war originated with guerilla movement as in the case of the French Revolution where the stronger party (people/society) overran the weaker monarch.

Hence this article postulates and describes the evolution of guerilla warfare based on stages of development, from ancient civilization up to the present period, and by the various strategic thinkers and scholars through the eras of Industrial Revolution, World War I, World War II, and post-World War II.

## ANCIENT PERIOD

Although the term guerilla war was first coined by the Spaniards during the country's involvement in Peninsula War against Napoleon's Armies in early 19<sup>th</sup> century, its pattern and modus operandi originated much earlier in articulations by Sun Tzu in *'The Art of War'*, Thucydides in *'The Peloponnesian Wars'* and Kautilya in *'The Arthashastra'*.

### Sun Tzu

In *'The Art of War'*, Sun Tzu describes in detail the pattern and movement of how guerilla warfare should be executed. According to S.B. Griffith's version of the translation the ideas, patterns and tactics of guerilla warfare are made available in certain chapters: Part III – Offensive Strategy, Part IV – Weaknesses and Strength, Part IX – Marches, Part X – Terrain and Part XIII – Employment of Secret Agents. The elements *'harassing and hit-and-run tactics'* of guerilla warfare have been used as the instrument of the weak against the stronger party where in 3,600 B.C. Sun Tzu assisted Emperor Hang against the Miao Dynasty through his design and emphasis on the pattern, techniques and tactics of movement and operations to harass the opponent's operations. Under the chapter *'Offensive Strategy'*, the enemy's strength is an important factor of consideration to be calculated rationally prior to launching an attack; *'When ten to the enemy's one, surround him; when five times his strength, attack him ... If double his strength, divide them ... If equally matched you may engage him ... If weaker numerically, be capable of withdrawing'* [6].

Another technique and tactic of guerilla operation emphasized by Sun Tzu in those chapters are attacking a place the enemy does not protect, defending a place (firm base) the enemy could attack, making use of the terrain which the enemy cannot afford to conduct operations with great strength and employing the five secret agents: the *'native, inside, doubled, expandable and living'*. Among the five secret agents, the inside (enemy officials) and native (the enemy's country people) are the most important for gathering significant information.

Sun Tzu's ideas in guerilla warfare contributed towards a crucial argument at grand strategic level. His ideas emphasized the involvement of the political sphere to initiate, conduct and determine the insurgency in regard to the formulation and decision of the strategy to be undertaken. To maintain the support of the masses and to avoid resistance, especially from the peasant class, an equivalent initiative needs to be made. The main idea promoted by Sun Tzu is the significance of close ties between political leaders (government), the army and the people if the war is to be won. Lionel Giles postulates the ideas of Sun Tzu in terms of distributing the function among them:

*'Poverty of the state exchequer causes an army to be maintained by contributions from a distance. Contributing to maintain an army at a distance causes the people to be impoverished ... On the other hand, the proximity of an army causes prices to go up; and high prices cause the people's substance to be drained away ... when their substance is drained away, the peasantry will be afflicted by heavy exactions [7].'*

## **Thucydides**

Guerilla warfare in ancient Europe according to Baylis was used in the Peloponnesian War between 431 and 404 B.C. when the Spartan (weak party) went against the Athenian (strong party). Prior to 410 B.C. the Athenians were able to control and contain the Spartan revolts in one of the territories under its empire, but the following years saw Spartan victories over the bigger parts of Greece. The importance of Thucydides' notion of attacking *'the centre of gravity'* when the Spartan defeated and captured the Athenians, who were then placed in a concentration camp [8]. Unfortunately, Thucydides did not give a clear account of the tactics and techniques used by the Spartans because his emphasis was more on historical description of the conventional warfare, states rivalries and Athens's international relations rather than the strategies.

## **Kautilya**

Kautilya was an adviser to the Mauryan Dynasty in the 5<sup>th</sup> century B.C. whose ideas in Arthashastra emphasized on *'state-craft'* and on how to build a good and excellent state including what a state system should have, the role of king/leaders and how to deal with other states. In Chapter XI.x of *'The Siege'*, references pointing towards guerilla and psychological warfare considerations can be identified. The propaganda instrument is possible to maintain and to enhance the power such as using clandestine agents under the bigger scope of empire expansion which related to the *Mandala Theory* [9].

Based on the discussion above, it can be said that the strategic thinkers of old have already known the significance and employment of guerilla war movements and strategies by the weaker party against the stronger ones to sustain their survivability and maintain the entity's sovereignty as well as safeguarding their interests. The use of topographical, geo-demographical and psychological aspects were have been uphold as the main characters to gain the war.

## **INDUSTRIAL REVOLUTION PERIOD**

As mentioned earlier, the Spanish regular forces were using guerilla tactics to harass the Napoleon Army during the Peninsula War from 1808 to 1814. Clausewitz and Jomini

are well known strategic thinkers of the time who made significant contributions towards understanding guerilla warfare.

## Clausewitz

Clausewitz ideas on guerilla war which was slightly different compared to Sun Tzu's thoughts was defensive and responsive to the continuation of warfare to support the states' entire war strategy. His analysis on guerilla war in *'On War'* under *'the people in arms'* (people's army) and *'defence'* by emphasizing that; *'when defeated, under occupation by a foreign power or in desperate straits, the entire population can be mobilized to resist the invading force. A guerilla war will not necessarily be directed by the government at first, but will most often be the outgrowth of a spontaneous uprising'* [10]. He outlined certain conditions and characteristics that could make guerillas warfare more effective:

- a. The war must be fought in the interior of the country.
- b. It must not be decided by a single stroke.
- c. The theater of operations must be fairly large.
- d. The national character must be suited to that type of war.
- e. The country must be rough and inaccessible, because of mountains, or forests, marshes or the local methods of cultivation.

Sun Tzu emphasized a good relationship must be established and achieved between the army and popular support from the masses. Sun Tzu was particularly sensitive to the problem of losing popular support in a protracted war. Clausewitz on the other hand, believes that to be effective a guerilla war must be directed and supported by a core group within the regular army. The difference in approaches between Sun Tzu's and Clausewitz's condition for a successful employment of guerilla tactics and techniques lies in deception, surprise and intelligence. Handel postulated that Clausewitz did not emphasize these aspects because his thinking was profoundly influenced by conventional warfare where his main concern was winning the battle through concentration of superior force at a decisive point. The new scenario in warfare, which includes guerilla and conventional strategies, became a growing concern to those who have a lot at stake by partaking in the war. This is especially so when one characteristic of the strategy in guerilla warfare is the emphasis on offensive action targeting the enemy's center of gravity. Lawrence Freedman depicted the center of gravity as:

*'for Alexander, Gustavus Adolphus, Charles XII, and Frederick the Great, the center of gravity was their army. If the army had been destroyed, they would all have gone down in history as failures. In countries subject to domestic strife, the center of gravity is generally the capital. In small countries that rely on large ones, it is usually the army of their protector. Among alliances, it lies in the community of interest, and in popular uprisings it is the personalities of the leaders and public opinion. It is against these that our energies should be directed'* [11].

## **Jomini**

Jomini's thinking was primarily influenced by the Spaniard's allowed him to characterize guerilla warfare. His essential contribution is his idea on national wars and the significant role of intelligence. His emphasis on intelligence, deception and surprise is quite similar to Sun Tzu's philosophy, aspects underestimated by Clausewitz. Handel stipulated that Jomini's characterization gave rise to three elements vital in determining the success of a guerilla war, namely; *geographical, topographical and other conditions* (i.e. mountainous areas, extensive forests and so on to break down the accumulation of enemy's strength). Generally Sun Tzu, Kautilya, Clausewitz and Jomini acknowledged that guerilla strategy as one of the dimensions in an overall war strategy to resist invasion or being overrun by the stronger party by defeating them through conventional or unconventional warfare either by regular or irregular forces.

The movement and strategy of guerilla warfare have long been developed since early 19<sup>th</sup> century during and after the Peninsula War predominantly in European and American continent, irregular tactics were used by the Greeks against the Ottoman Empire (1821 – 27), during the Mexican City campaign (1847), the American Civil War (1861 – 60) and the Boer War (1898 – 1902) as well as in numerous other campaigns.

## **WORLD WAR 1 PERIOD**

According to Baylis analysis, the next milestone in the evolution of guerilla warfare came with T.E. Lawrence's campaign against the Turks during the First World War where he assisted the Arab Revolts led by King Faizal against the Turks. His statement could be based on the Hart ideas by emphasizing the significance of the campaign saw Lawrence's Seven Pillars of Wisdom which focused on the value of offensive through indirect approach to recapture Aqaba, a city in the Arab Peninsula, by using the terrain and geographical features to their advantage to infiltrate the territory and obtain the element of surprise. Baylis added that Lawrence specified three elements in the guerilla war, which were '*the algebraically elements of things, biological elements of lives, and psychological elements of ideas*'.

Unfortunately during WW I, guerilla war movement and strategy were generally not practiced in any of the conventional warfare's operations or campaigns except in Middle East by the British to assist the Arab Revolts. The sphere of interest in WW I predominantly saw the exploits of competition in technology where the theatres of operation are used as testing ground for new weapon technology.

## **WORLD WAR II AND COLD WAR PERIOD**

WW II saw a widespread application of guerilla warfare strategy through which the allied powers were able to contain invasions by the Germans and Japanese in Europe

and Far Eastern Asian countries. In these theatres the guerilla warfare owes its entire development and has come to be a prominent alternative strategy, an almost universal feature. The most effective strategies and movements took place in Yugoslavia, Russia, China and Southeast Asian countries, where Communist movements played significant role.

## YUGOSLAV AND RUSSIAN STRATEGIES

After the defeat of the Germans by the Yugoslav Army, the guerilla movement was divided into two, one led by Mihailovitch who was the Chief of Staff of Yugoslav Army and the other by Tito who was the Secretary-General of the Yugoslav Communist Party. Mihailovitch guerilla strategy could be described as:

*‘movement by direct recruiting among the Chetniks, by sending his officers to take over command of local peasant resistance groups which had sprung up all over the country, by establishing liaison with other officers who had formed their own guerilla detachments, and by bringing under his command’ [12].*

Tito, on the other hand, emphasized on the formation of political organization first, followed by military organization and movement which subsequently were to be under political or party control. The difference in methods and approaches between Mihailovitch’s and Tito’s strategies and movements has led to different achievements and results as Heilbrunn later puts it; *‘Mihailovitch’s forces were all assigned to fixed geographical areas, while Tito had his Proletarian Brigades at all times, and others frequently, available for employment in the country’*. As a result, Mihailovitch gained little support from the people and later broke down largely because of its weak structure, Tito, on the other hand, his charismatic leadership had brought him the popular support that would make his organization stronger. The objectives of Tito’s strategic organization did not stop at resisting the German occupation, but went on to overrun the Yugoslavs and change it entirely into a new form of Communist State.

In the meantime, the situation in the Soviet Russia was different compared to those in Yugoslavia and China. In Soviet Russia the Communist organization was the legitimate ruler with its origin dated back in the 1917 Russian Revolution. Its regular army was directly involved in guerilla war where liaison was established with partisan parties and their encounter-actions were well-coordinated since the beginning of war to support the interests of the Russian Communist Party.

## MAO TZE TUNG’S STRATEGY

In China, the guerilla war movement had begun extensively and increasingly becoming a dominant feature of the country since early 1920’s by the struggle of the Chinese Communist Party led by Mao Tse Tung. Samuel B. Griffith describes the ideas

of Mao Tse Tung to be mostly influenced by Sun Tzu's, *'Mao apparently observed that Sun Tzu's precepts are readily adaptable to the conduct of war of either the hot or cold variety, and although it was to be many years before he had the opportunity to apply them in the cold war against foreign ' imperialists, he had not long to wait for a change to use them with startling effect against Chiang Kai Shek in a hot one'*. Baylis argued that T.E. Lawrence's strategic actions was influenced Mao Tze Tung's thinking; *'These ideas of Lawrence were developed in a great deal more depth and sophistication by Mao Tse Tung on the basis of his experience against Chiang Kai Shek and the invading Japanese armies'*.

It is not a big argument either the thinking of Mao Tze Tung was influenced by Sun Tzu or T.E. Lawrence, but the pride most probably is closer related to the oldest Chinese faith for Mao to expand his credibility. Main ideas of Mao Tze Tung strategic thinking can be divided into two domains; first, he focused on the reliability and integrity of the philosophical, society, people and state craft which were deeply influenced by the Marxist–Leninist ideology and, the second domain involved the sustaining elements to keep up the guerilla war operational basis such as psychological, techniques and tactics to spread the operations and to support the ideology which were strongly influenced by Sun Tzu.

Derived from ideology and political ends, Mao's guerillas were revolutionaries by origin and fought in the name of the revolutionary and national war spirits (guerilla war) even during the Japanese invasion 1937-1945. Compared to the Yugoslavs' guerilla movement, the CCP also has adopted the same ideology and techniques. The guerilla movement in China achieved more success compared to the Nationalist Armies' which was led by Chiang Kai Shek in their struggle against the Japanese invasion. Mao's guerilla emphasized the re-organization of old guerilla pattern into a new form and afterwards influenced the other organizations of guerilla movement universally. The main issue here, how did the Mao's guerillas has achieved more success which was founded in its new organization? Otto Heilbrunn formulated arguments:

*'In the battle for support the guerillas usually start with an advantage: they are natives and know the population; they can exploit real or imaginary grievances, and they can always count on the loyalty at a sizeable part of the population ... The pattern is always the same: indoctrinate or subjugate the population. It is too familiar to require further description. The guerillas have another advantage: they can get in first with their propaganda and practically have the field to themselves until they begin military operation ... and they in turn are subjected to ceaseless political instruction with the object of improving both individual and collective morale of securing a proper attitude towards the population'*.

In accordance with Mao's ideas, Heilbrunn concluded that the guerillas relied vastly on their base areas for carrying out their strategic, operational and tactical roles and attaining the war objectives in four ways:

- a. The base of guerillas has the similar task as the rear base of regular army to maintain the logistic role including recruiting and training.
- b. The bases mould the masses into organizations to coordinate the operations systematically.
- c. From the core base they will expand their own areas and deny the enemy influence, and;
- d. To hold the area/territory in conjunction with the other bases expanded.

In addition to the above objectives, the guerilla warfare also conducts operations to strengthen the impact of propaganda and indoctrination. Derived from the above strategic role, it is obvious that Mao's thoughts on guerillas warfare strategy by nature were more offensive than Chiang Kai Shek's Nationalist after taking into account flexibility, initiative, offensive and defensive operations, coordination with regular warfare, establishment of base areas, undertaking strategic defense, mobile warfare and relationship of commands.

Again, Heilbrunn clarified the significance of bases in Mao's strategic considerations, *'How then are base areas chosen? Not according to economic conditions because base areas are established where the enemy is, and where he can sustain himself, the guerillas can too; where the enemy can go, there must be for a long been Chinese inhabitants as well as an economic basis for making a living ... whether the base areas can form part of an encirclement line does not seem to influence the choice; they have in fact to be established 'wherever possible'.*

## HO CHI MINH'S STRATEGY

The influence of Mao's thoughts radically has influenced the Vietnamese independence movement against the French Colonialist and the United State of America during Vietnam War. The movement originally was led by Ho Chi Minh to influence the masses who have deep nationalism spirit and anti-imperialist to serve as power core using Mao's strategy and to establish strong bases to expand the guerilla movements and operations. Though, methods and techniques were slightly different since Ho Chi Minh doctrines emphasized five stages to win the war against French;

- a. The guerillas must first conquer the population smoothly (non-violent phase). From the base they should expand the propaganda to create future/new bases in order to spread discontent.
- b. Opposition movement against the government using various means of propaganda throughout the country: propagandist, agitators (public campaign), ideologists, politicians to conduct strikes and incite riots.

- c. Increase small scale actions and sabotage activities (violent phase).
- d. Create liberated zone after the government withdrawal and the formation of regular army. Simultaneous ‘terrorizing’ [13] and raids extended to the government core (center of gravity).
- e. Military and psychologically offensive.

The pinnacle of Mao’s and Ho Chi Minh’s thoughts is when Vietnamese guerillas adopted the ideas of the French Revolution during the first stage of the revolution, while the other stages were derived from Mao’s doctrines. According to Mao’s doctrine, the first stage should be aggressive when forming new bases where they would take the population by force during recruitment, and later drastically reform and indoctrinate them in communist ideology. Both Mao and Ho Chi Minh differ from Tito in operational strategy because Tito had already had popular support by the masses and most parts of the country provided bases for the revolutionary movements. The fifth stage of Ho Chi Minh’s strategy is similar to Mao’s idea where Heilbrunn viewed, *‘the army’s measures must therefore be guided as much by political and psychological as by military ones perhaps more so. The government must resist the temptation to rely exclusively on its security forces and to believe that it could annihilate the rebels by military means’*.

## **COUNTER STRATEGY AND STRATEGY ANTI- GUERILLA WARFARE AFTER WW II PERIODS: THE MALAYSIAN EXPERIENCE**

In the aftermath of World War II, fears of communist triumph in ideology in China and Vietnam influenced strategic views in most countries in the South East Asian region, particularly Malaya (Malaysia) and Thailand. The glorious victory of Ho Chi Minh and General Nguyen Giap who overran the French colonialist in Vietnam in 1954 and the CCP gained the support of masses in China in 1949 gave rise to the idea that techniques and tactics of guerilla warfare are effective strategies against the stronger governments. In contrast, the British and Malaya were aware that the Malayan People Anti Japanese Army (MPAJA) movement was strongly influenced by the Communist Party of Malaya (CPM) and they became internal threat in the struggle to gain Malayan independence. The British came up with various means to weaken the influence of the guerilla movement and ideology expansion especially after Gurney’s death in 1951. An anti-guerilla warfare strategy involving two main domains *to win hearts and minds* of the people was introduced to the public by the British administration. On the military side, a manual of anti-guerilla operations was produced by General Templer that give emphasis on appropriate operational, tactics and techniques.

In line with the General Templer’s ideas, there are three strategic missions in anti-guerilla warfare in Malaya requiring a simultaneous and joint effort by the security forces and the government:

- a. The force or security organization of the state must defend and deny the guerilla movements of certain vital installations such as land and sea communications with any foreign country or sympathizers.

- b. Security forces must attack the guerillas, in particular their bases.
- c. Finally, security forces and the government must win the support of the populace.

These strategic missions essentially were made to interdict or to counter the communist guerilla war principles (Mao's thoughts) in which the Malayan security forces have listed down seven important operational methods, they:

- a. Make a feint attack on one point but real attack somewhere else so that the enemy cannot protect themselves effectively.
- b. Make yourselves seen and unseen alternately so that the enemy does not know where you are and therefore difficult to mount an attack.
- c. Avoid the enemy's strong points and attack only their weak points.
- d. Know when to advance and when to retreat.
- e. Attack, destroy and withdraw in such a way that the enemy is not able to react.
- f. Do not fight unless is certain, otherwise withdraw.
- g. Do not use the same tactic more than once.

The third strategic mission in the anti-guerilla warfare is the government '*must win the support of population*' because guerilla's movement cannot prevail or even survive without the support from the population. In order to deny support from the people, the British implemented resettlement program (especially to the Chinese Community) under the Brigg's Plan. Along with the program, Templer also transformed the civil service [14] into a new form with better condition to keep them away from communist exploitation and propaganda. Templer's ideas in conducting the counter-guerilla or anti-guerilla campaign came in from two folds:

- a. We cannot divorce them (peace time government activities and emergency activities) unless we admit that the military side is the main thing which matters in the Emergency and that must be wrong – absolutely wrong. The answer to defeat the communist guerilla lays in cultural, political, economic, and spiritual factors.
- b. According to Stubb analysis, the communists could win the Emergency if only they can get two-third of the people on their side and to achieve this they need to persuade the people '*that there is customer and far preferable way of life and system of beliefs than that expressed in the rule of force and the law of the jungle*'.

On the question of what makes General Templer's counter-guerilla warfare strategies successful in Malaya, there are three main points that can be attributed to:

- a. The communist guerilla's base of support was effectively confined to the Chinese community where it constituted less than 40 percent of the total population of Malaya.

- b. The British colonial administration has already had within its ranks a number of people with knowledge and understanding of the different racial communities in Malaya.
- c. The positive growth of economic achievement is parallel with the security awareness to win the popular support.

## **THE CHARACTERISTIC OF GUERILLA WARFARE AND THE POST COLD WAR PERIOD**

From the detailed description of the characteristics of guerilla warfare above, Liddell Hart's analysis of guerilla war in the contemporary periods categorizes them into seven elements:

- a. The combination of guerilla and subversive movement can only take advantage of social discontent, racial ferment, and nationalist fervour – such as in Vietnam War.
- b. Intensified with the magnification of nuclear weapons, the massive retaliation as different to all kinds of aggression did not make sense to guerilla war and the natural effect was to stimulate and encourage the forms of aggression by erosion to which nuclear weapons were an inapplicable counter.
- c. Guerilla warfare is always dynamic and therefore needs to maintain the momentum. Static defense is not part of guerilla action and fixed defense is not employed except momentarily in laying an ambush.
- d. Guerilla action reverses the normal practice of conventional warfare, strategically seeking to avoid battle and tactically by evading any engagement where it is likely to suffer losses.
- e. Guerilla war, inverts one of the main principles of orthodox war in the principle of '*concentration*'. Dispersion is an essential condition of survival and success on the guerilla side.
- f. The enemy must be kept '*in the dark*' while the guerillas operate in light of superior local knowledge combined with reliable news and information about the enemy's dispositions and movements.
- h. Guerilla war is waged by the few but relies on the support of the masses.

Michael Handel analyzed the guerilla warfare based on five elements and Walter Laquer justified them by considering twelve elements. Except for Laquer, both Hart and Handel categorized the elements of guerilla movement and strategy into 3 divisions (geographical, topographical and others; in line with Jomini's ideas). Lacquer emphasized

on the element of ideology where it is guiding them towards a radical nationalism especially when their country is occupied by foreigners or the opposition party which takes control of the central government. *'Propaganda is of particular importance in civil war when the majority of the population as is often the case, tasks a neutral, passive attitude in the strength between incumbents and insurgents'*. He added the etiology (assignment of cause) very often occurs in areas in which such wars have taken place especially in the third world countries such as Vietnam, Latin America, South Asia, South East Asia and North Africa where they are caused by imperialism, colonialism and invasion in which certain groups began to claim their political rights after independence. Hence guerilla warfare of contemporary era could be further divided into three types:

- a. Directed against foreign occupations (i.e. during colonial period),
- b. Minority movements fighting the central government (i.e. Irish Republican Army (IRA) against the British government, the Karen guerillas against Myanmar government and the Southern Thais against the Thai government, and
- c. Guerillas against native incumbents (official duty) in Latin America.

Lacquer also emphasized on the important role of the leadership in the conduct a guerilla operation. It is usually in the hands of a certain man such as the tribal chief of the Karen tribe, General Khun Sa of Myanmar, the preserve of young intellectuals or semi-intellectuals from the middle class of society stratum, the likes of Mao Tze Tung of China, Ho Chin Min of Vietnam, Nur Misuari of The Philippines and Probhakaran of Sri Lanka.

## CONCLUSION

At this juncture, based on the above discussion, a simple conclusion could be drawn that a guerilla warfare would mostly be successful when it is operating in a particular region surrounded by support from the majority of the masses for example in China, Vietnam, Cuba, and The Philippines (Nur Misuari had, for a brief moment at one time, won the right to govern the Mindanao province when it was declared as an autonomous territory). Even though the operation theaters were native to the guerilla movements, the guerilla strategy failed to work because the movement was not able to garner and sustain enough support from the populace. Some of the failures can even be attributed to illegal activities carried out by certain guerilla factions such as drug trafficking (as is the case for Karen tribe in Myanmar and various groups in Latin America). Guerilla movements in Malaya met with failure due to the composition of sympathizers who did not come from the majority of the people.

For revolutionists, the guerilla warfare plays an important strategic tool to wrest the political power of states or to defend the land against threat by external aggressors. The weaker group would be very keen to adopt the guerilla approach as an essential strategy to gain political power at the initial stage, and subsequently expanded into revolutionary war (i.e. in China, Vietnam, Cuba and Yugoslavia). The Malaysian

government has its share of carrying out counter insurgency warfare against guerilla movements and it was not an easy task since it involved a wide scope of constitutional practice and the need to abide by the internal law, while at the same time working very hard *to win the hearts and minds* of the people with multi-racial composition and diverse background.

The evolution and development of guerilla warfare has come to a new height in the new millennium where the movement begins to transcend beyond geographical boundaries, ideologies and organization. The cause for movement is no longer limited to the traditional internal affairs of one particular country as mentioned above but have expanded in a systematic manner through elusive, charismatic and strongly financed leaders, supported by a better technology of weaponry to challenge major power states the likes of some western countries and their interest around the world. With the present international scenario, this kind of movement is known as '*international terrorist organisations*' in which the pattern of movements, ideologies, leaders, objectives of the movement, requiring a more specific and precise definition and further studies in order to comprehend the '*new war on terror order*' and to understand the root causes of them taking part in international terrorism. The total destruction of the World Trade Center on September 11<sup>th</sup>, 2001 and the various bombings particularly in certain western countries afterwards give horrific perspectives on how serious the threat of terrorism is. The pattern of movement is a part of guerilla war strategy that is '*to win the battle by the destruction of the center of gravity*', an effective tool by the weaker party adopting dominant ideologies striving to achieve their strategic missions in '*the world of anarchical system*' to counter the super power dominations.

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## **JAPAN'S SECURITY ROLES IN EAST ASIA: KEY DETERMINANTS AND CHALLENGES**

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### **ABSTRACT**

*Japan is not like any other major power where the application of hard power becomes the predominant consideration in ensuring its security outlook. Its outlook will be heavily dependent upon a number of non-traditional factors of which its Constitution and national character would be the key determinants. The aim of this paper is to identify and analyse the key determinants that influence Japan's security roles. Both internal and external determinants which dictate Japan's security interests and its role will be the basis of the analysis. By analysing available variables, it is evident that Japan subscribes to non-traditional security roles through the application of soft power. This not only augurs well to the demands of its citizens but also affords the preservation of its interests and ensuring balance in the region. That notwithstanding, it is the ability of Japan to balance these applications effectively in a challenging and fluid situation that has provided the conducive environment which is critical for the nation. Hence, it would continue to apply non-traditional approach through multilateral engagements whilst reasserting its alliance with the US.*

*Keywords: Foreign Policy, Security rules, Confidence building measures, Official Development Assistance (ODA).*

### **INTRODUCTION**

Japan is a major global power in which economies would be dependent upon, for all intent and purposes, it must continuously seek to protect its national interests as the failure to do so would not only effect its population but create instability to global economics. The dynamics and uncertainties as the aftermath of the Cold War has bred instability especially within East Asia where developing economies such as China, Taiwan and South Korea incessantly asserts their national interest in order to tap from the growing world market and enhance their competitive edge. The reassertion of China as a regional power and the proliferation of nuclear armaments by North Korea has further aggravated the situation and posed a challenge to the security of the region [1]. Despite its status as a major power, Japan realises that to ignore the dynamics would be perilous,

whilst attempting to dictate the security environment would mean possibly the rearming of the Self Defense Forces (SDF).

Unlike the traditional formulation of policies, Japan is heavily influenced by a number of external and internal determinants. Primary amongst these would be its national character which has disavowed military force as a means of achieving national interests. This is ratified by Article 9 of its Constitution which delegitimises the use of SDF other than for defensive purposes [2]. Needless to say, the formulation of any policy, especially those related to its role in regional security must take into consideration the interests of its main ally, the US. These constraints would prevent Japan from taking the traditional approach of exerting force or the threat of force in order to maintain security as constantly exercised by other powers [3]. Despite the bleak outlook, Japan has perfected its ability to influence through the use of indirect means. Its soft approach, applied with great success since the end of World War II (WW II), has served the country well and diffused many potentially grave situations, especially during the Cold War. Its vast networking and spirit of goodwill invested worldwide has further enhanced its prestige amongst the international system. Furthermore, Japan is continuously playing a more prominent role in multilateral forums which provides the portal to engage in security issues and capitalise on its soft power. It is therefore apt that Japan adopts non-traditional security roles in ensuring the stability of the region by harnessing its prominence in the international system and the application of soft power that has benefitted it. In this sense, it would provide a means of security to its population, the assurance of normalcy despite regional dynamics and afford effective influence over the regional geo-strategic environment.

## **JAPANESE INTEREST IN EAST ASIA**

“No Man is an Island onto Itself” echoes the popular dictum which would relate to the interdependent nature of nation states especially in a borderless world structure. Japan is not immune to that phenomenon and it realises this. In fact, pressures are mounting on Japan especially from its main ally the US, to take a more pragmatic role in ensuring the security of the region. The recent shift in geo-strategic environment experienced in East Asia could cause concerns in Tokyo, especially when it may have adverse effects on Japan’s interests. These concerns are valid and justifiable considering the fact that China is reasserting itself as a power whilst reaffirming its sovereignty over Taiwan. Similarly, North Korea’s unruly stand over its nuclear development has compelled Japan to review its defense, especially in view of continuing development in Pyongyang’s [4]. Despite remaining silent, the Putin administration in Moscow may have long term plans to reassert Russia’s prominence in their Asian territories. The possibilities are endless, granted the interests of the respective players in the region but what remains constant is that any abnormal shift would have repercussions on Japanese national interests, and it cannot wholly depend on the US to stabilise the situation at every incident. What would be of significance to Japan would be consistency in the geo-strategic environment which would not induce major changes in existing policies. Japan realises that this would be wishful thinking, given that national interests of the respective states are continuously

being enhanced through intense means. It is aware that its economic development would very much depend upon stability in the region, especially regarding mercantile trading.

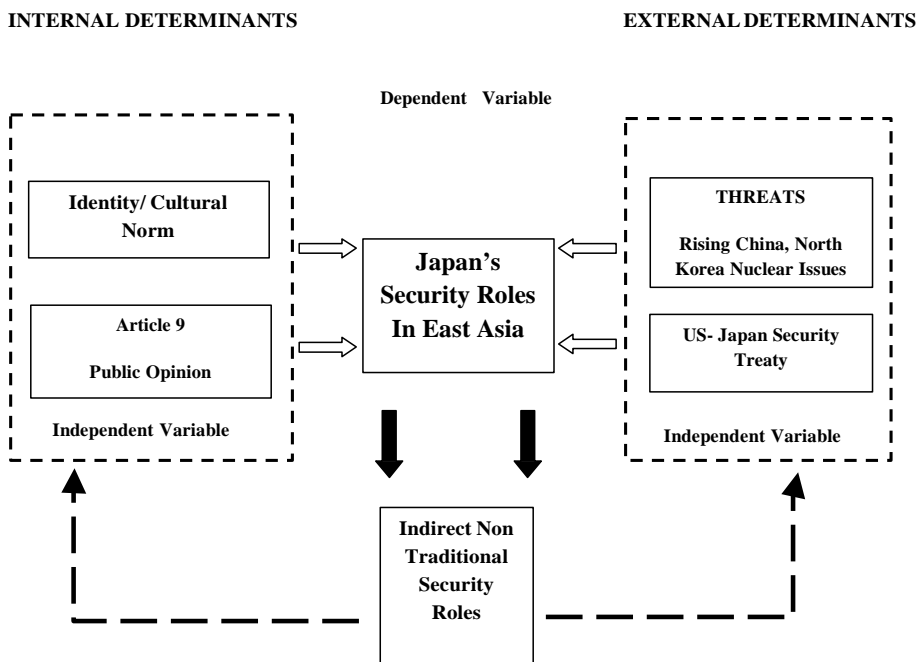
Without doubt, vulnerability, uncertainty, complexity and ambiguity in East Asia have caused grave concerns to Japan to the extent of amending its Constitution to afford measures to be taken. Japan's concerns would be to ensure the free passage of trade along the Sea Lines of Communication (SLOC) on which its very survival is dependent upon. It realises that instability would cause a constriction in mercantile trade, especially those dependent on the SLOC. Similarly, Japan realises that whatever instability in the region may not be resolved through the sidelines as it must play a pragmatic role to determine that its interests is protected [5]. Hence, its traditional 'cheque book diplomacy' may not be the best resolution for this purpose. The limitation is that if Japan decides to play a more pragmatic role in ensuring stability, it would have to divert much of its efforts into developing means to achieve the end. This would signify militarising itself through drastic reallocation of funds and indirectly, rekindling memories amongst its neighbours' of WW II. The other concern would stem around the contagion effect consistent to the nature of the region. Instability may not affect Japanese well being directly but the contagion effect would inevitably drag Japan into the crisis. This is evident to the impact of the China-Taiwan standoff and the possibility of the US using Japanese territory as a firm base for any eventual military actions. One, only needs to observe the amount of trade passing through the region to realise the gravity of such a scenario. Needless to say Japan must be prepared for these eventualities in order to protect its interests, should it be dragged into unpreparedness.

Japan realises that it cannot isolate itself and affect stability from the sidelines. Furthermore it is evident that the volume of trade which determines the nation's survivability would plunge in the event of instability in East Asia [6]. Hence, the only viable option open to Japan would be to assert its role in ensuring stability existed by becoming an active player in the security environment of the region. This would come with a price, namely, the amendment to its Constitution and re-engineering international perception on Japan's anti-war stand. It must also exert a more assertive influence over the region whether politically, economically or eventually militarily. For the militarisation to occur, it must be done without compromising its economic development. The decision to take this landmark leap would be affected and crafted by a number of factors that would include internal and external influences. The necessity to address internal parameters would need to be synergised with external concerns in order to ensure that whilst measures are taken, these would be accepted by the international community without suspicion.

## **INTERNAL AND EXTERNAL DETERMINANTS THAT INFLUENCE JAPAN'S SECURITY ROLES**

It is the norm to take into cognisance internal and external imperatives which determine the national security policy of any state. However, in the case of Japan, the

character of its people plays a decisive role in formulating any policy related to the state especially its security policy [7]. To amplify this factor, Figure 1 reflects the internal and external determinants which dictate Japan's security roles. The shift in the regional geo-strategic environment has caused much concern to its population with the realisation that any deterioration would severely affect their economic strength and lifestyle. The unstable nature of Pyongyang and the rise of China as a regional power would have a major effect on the character of the population thus compelling it to review its 'peace constitution' and simultaneously its policies. The concerns are however more aimed towards North Korea as Japan maintains a complex interdependence with China thus acting as a deterrent against any militaristic policy. As such, the overwhelming support of its population over the initiation of the Ballistic Missile Defense (BMD) programme and the reassertion of the US-Japan alliance could be seen as a more pacifist move as opposed to re-arming the SDF [8].



**Figure 1: Correlation between internal and external determinants that dictate Japan's security roles**

Despite providing Japan the security it needs, the US-Japan alliance has lately come under Washington's scrutiny, especially in its demand for international support in the Global War on Terrorism (GWOT). Japan has been the earliest to side with the US on this issue but was reluctant to deploy combat forces in Afghanistan and Iraq, citing restrictions imposed by the 'peace constitution'. It must be realised that in actuality, there were no major changes in Article 9 and likewise in the subsequent policies. The review just allowed a re-interpretation of the restriction and did not rescind it. This was

undertaken with much care to satisfy its key ally, the US and to provide assurance to its population that Japan does not intend to depart from its cultural norm. It must be noted that Tokyo withdrew its forces in Iraq at the very moment it felt that the coalition was in control of the situation. This was to fulfil the requirement of its security policy as the development in Iraq did not pose a threat to Japanese security and to reassure its allies that Japan was to some extent committed to the GWOT [9].

Although preserving the spirit of pacifism in its 'peace constitution', Japan realises the impact of the geo-strategic environment would have devastating effects if not addressed effectively. It would not have the luxury of being on the sidelines again nor would any extra-territorial deployment of the SDF achieve the required end state. It is in this sense that Japan has espoused the application of comprehensive security, proactively engaging security issues through political, diplomatic and economic avenues. The ability of Tokyo to influence regional environment utilising these avenues with the support provided by Washington would be the cornerstone of its security policy [10]. The notion of a militarised Japan would not only cause undue suspicion towards its neighbours but could possibly trigger an unnecessary arms race in the already unstable region. The fundamental consideration however would lie upon the insistence of its population in preserving its pacifist character and affording only sufficient military capabilities for self-defence. The option of employing the SDF on a broader security spectrum which may include deployment outside Japanese territory could be seen only as a last option.

Japan realises that its strength lies in its political, economic and diplomatic capabilities to influence the security of the region rather than military might. Its alliance with the US is a useful tool, whilst enhancing its prestige in multilateral forums would provide Tokyo the upper hand in influencing the security sphere in the region. This would inevitably be the bedrock of any security policy that would be formulated by Tokyo.

Japan is definitely rethinking and altering its security roles. There are now new dimensions in its security alliance with the US. The US-Japan alliance will be an important determinant of whether interdependence or instability prevails in East Asia. Imperatives of the alliance demand Japan to loosen its shackles, and participate effectively and take measures in tandem with the requirements of its ally. The enhancement and up-gradation of the SDF, including its roles also flows from this new thinking. Japan's slow but irreversible normalisation process coincides with the changing sentiments of the Japanese society: it has become more accepting of Japan assuming a larger security role [11]. However, this process will require lengthy discussions, debates and the political will to be able to succeed unless the security environment drastically deteriorates in the future. On the same note, owing to the high degree of suspicion and fear, Japan has a big task in enhancing the confidence level and improving relations with its neighbours. The most important task for Japanese leaders is to reassure countries in the region that militarism does not dominate Japan's political discourse. Japan would have to express greater willingness in participating in collective defence and security measures in order to show its commitment to preserve peace and stability in the international

environment. What remains to be seen would be the role that Japan, and more specifically SDF, would play in conjunction with the implied changes. It would also be pertinent to assess the reactions from neighbouring states on these measures.

## **SECURITY ROLES AND CHALLENGES**

The gravity of the state of affairs in East Asia has compelled Japan to play a more prominent role in influencing the environment in order to protect its national interests. It realises that the days when it could occupy the sidelines whilst the US ensures the balance is all but gone. For Japan to undertake this role, it has to contend with an emerging China and a recalcitrant North Korea, both of which are the sources of instability [12]. Despite the review of Article 9, Japan is still restrained from taking a more coercive stand, whilst its national character remains steadfastly anti-militarist despite being aware of the instability. Furthermore, it remains the US's desire to see Japan play a more prominent role in ensuring the stability of the region in spite of continued interest by Washington to ensure that the balance is maintained. The rearming of the SDF to provide Tokyo with the coercive option would be at the very least counter-productive, if not unprecedentedly aggressive. Such a move, as reflected by the views of its population, would go against the very grain of its pacifist nature and drag Japan into the gutter of regional imbalance. It would open Japan to potential military threats, thus inevitably generating more insecurity amongst its population. Any move towards this direction would require not only a review, but also rescinding its Constitution which the Japanese population holds as sacred. The militarisation of Japan would signal yet another major restructuring of social psyche as experienced during the inception of the 'peace constitution'. The unprecedented rearming of the SDF would flush away years of establishing goodwill and bring about unwanted suspicion especially amongst its neighbours. Similarly, the rearming of Japan would trigger an arms race and cause a jolt to the balance which the US has endeavoured to preserve. This would not be to the interest of Washington especially with more trying issues in its GWOT [13].

Alternatively, Japan can further extend what it has so painstakingly established and perfected for the past sixty years: soft power. The network fortified through years of providing assistance and goodwill enhanced through its 'check book' diplomacy would be a fitting portal to reassert itself indirectly in influencing regional security [14]. Rather than a direct confrontation, Japan sees itself more effective in engaging in multilateral forums which would enhance collective security. Its increasingly prominent role in the international system has provided Tokyo the esteem it requires to forward its security agenda without causing unnecessary ripples. Financial assistance and technology transfers which Japan could provide could reduce the already hectic pace of intra-regional competition. Japan's emphasis on human security would further augment its need for stability and security for the region based on a common platform.

Despite its limitations, Japan realises that it must work to influence the regional geo-strategic environment. The application of hard power will be limited to the defence of

its population within its territory. This is very much in line with its Constitution and the spirit of pacifism. That notwithstanding, Japan could also depend on its alliance with the US to provide the hard power required without compromising Tokyo's non-traditional role [15]. Japan also realises that security issues would need to be proactively engaged before it escalates to unmanageable proportion. Hence, the establishment of regional multilateral forum and subtle negotiations would provide it with the platform to influence the situation.

Japan's approach will be on the concept of comprehensive security as it has interpreted as having multidimensional nature of contemporary threat, which can come in the form of economic problems, the disruption of trade or natural disasters, as well as from an armed enemy [16]. Due to the multidimensional nature of its threat, the Japanese believe that military power alone is not able to safeguard its security. It encompasses a variety of non-military policy responses that include full use of political, diplomatic, economic and military resources. In such a context, in order for Japan to maintain its territorial integrity, protect the lives and properties of Japanese nationals and ensure prosperity and development, it is necessary for Japan to have a multi-faceted security policy to address not only traditional threats but also non-traditional threats. To achieve this, Japan has to appropriately develop its defence capabilities while maintaining and reinforcing the US-Japan Security Arrangements. It is also important to continue to actively enhance diplomatic efforts in international relations to foster peace and stability in the international community.

It is evident that the 'soft power' approach applied has thus far been effective in influencing the geo-strategic environment. However, the dynamics of the region may compel Japan to apply limited 'hard power' agreed by its citizens and endorsed by the US. Given the uncertain environment in East Asia, it is imperative that Japan effectively synchronises both the application of soft and hard powers to arrive at a favourable end state without generating any suspicion amongst its neighbours. Similarly, the role that it adopts must address the need of its national interest vis-à-vis regional stability. Whilst embarking into this, Japan realises that this should not signal the end of its reliance on the US to provide some degree of security in the region. The notion of proactive military posture by Japan would inevitably draw protest, however the effectiveness of its Confidence Building Measures through the Official Development Assistance (ODA), 'cheque book' diplomacy would dispel or limit any mistrust. In this sense, Japan could well play the non-traditional security role through multilateral engagements and the application of soft power.

## **CONCLUSION**

Many academicians concur to the fact that the global security environment has undergone a number of landmark shifts since the end of WWII. The shift from the Cold War to the intra-state conflicts of the 1990s, and the advent of non-traditional security threats, especially terrorism, has changed the strategic nature of the world and

crafted responses towards it. Unlike other nations, Japan has managed to isolate itself effectively and relegate its role as an observer on the sidelines whilst allowing her key ally, the US to influence these events. Be that as it may, Japan's role in exerting soft power, especially its 'cheque book' diplomacy has helped significantly in these changes. As vulnerability, uncertainty, complexity and ambiguity develop in a more fluid and complex global environment, it would seem impractical for Japan to retain its sidelines seat.

The dynamics prevailing in Asia especially the East Asian region has provided Japan a challenge in ensuring that its interests continue to be preserved. This recent phenomenon has produced three other emerging economies, namely China, Taiwan and South Korea, in East Asia. Similarly, it has created two regional pseudo-powers in the likes of China and India. These changes have upped the stakes in the region with each nation vying to enhance their interests over and above Japan's [17]. It is inherent that the competition is getting more intense and this is further exacerbated by North Korea's insistence in acquiring nuclear power which has caused ripples not only in the region but globally too. These circumstances would affect Japan's desire to ensure a conducive regional environment to enable the preservation of its interests.

As discussed earlier, Japan has been struck by non-traditional threats in the form of terrorist attacks on its cities. To date no evidence points to external involvement in the attacks. However, the possibility that future terrorist attacks may target Japan or US interests in the country and seek support or sanctuary from rogue states such as North Korea cannot be overlooked. These are but a few security concerns, which would haunt Japan in the near future. On the other hand, many nations in East Asia remain suspicious of Japan despite its continuous assurances. The spectral of a militarised Japan, especially with a recently reviewed Article 9 may not augur well for its neighbours despite themselves having its fair share of post WW II generation. The notion that Japan, may be acting as proxy to the US in pursuance of its national interest has not helped to dispel any of these suspicions. This was evident when being invited to police the Straits of Malacca even without objections from littoral states, Japan graciously declined the role. The recent deployments of the SDF under the auspices of the UN could be seen its assertion as a key international player. In addition, the deployment of the SDF in Iraq and the Gulf of Aden could be seen as an effort to garner support from the US. Likewise, its deployment in the region would provide leverage in their attempt to secure oil for Japan's consumption. In a nutshell, it would be unthinkable to imagine of an SDF-led initiative in the region due to the prevailing suspicion. It is evident that the complex strategic environment in the region cannot afford Japan to take a pacifist and isolationist posture. What is evident would be the continuous need to remain close to the US to counter traditional and non-traditional threat with the SDF playing an indirect role.

Analysis of the popular outlook has revealed that the insecurity of Japan's population is centred towards the proliferation of nuclear capabilities by North Korea [18]. This is due to the proximity of North Korea with Japan exacerbated by the capabilities of its delivery platforms which could easily reach Japanese territories.

Similarly, the unstable nature of North Korea's government coupled with its recalcitrant nature has further aggravated the situation. The Japanese population is however less insecure with China, as it realises that the complex interdependence between the two nations would act to deter any acts of aggression from Beijing. This brings to fore the interest of the Japanese population towards any policies with regards to North Korea and the development of capabilities planned for the SDF in order to meet the threat. To further assure its population, Tokyo views a more active US policy on North Korea as vital in protecting Tokyo's interest and maintaining security in the region.

Despite being involved globally in its war on terrorism, the US maintains a close interest on East Asia. It is to the interest of the US and its allies to ensure that the balance in the region remains manageable. The US has been supportive of Japan's interest in taking the leadership role at regional multilateral forums and assisted in developing SDF's capabilities. Furthermore, US policies need to ensure that the balance in the region is maintained in line with Japan's policies in the region [19]. What would be in Washington's wish list would be a more robust support for its GWOT despite Tokyo's deployment (and later withdrawal) of the SDF from Iraq and Afghanistan. That said however, the willingness of Japan to review its 'peace constitution' has indicated its support of the GWOT. All in all, Japan requires US presence in the region to ensure that the security policy formulated would provide the security necessary to protect its interests and assure the population of its pacifist outlook.

This study has ascertained that the cultural norm or identity of the Japanese population is a key determinant in the formulation of its security policy. It further reveals that despite shifts in the region, the Japanese population would rather maintain its pacifist nature than to react to the changes which could possibly mean rearming itself. As such, the inception of the BMD programs has received overwhelming support but there were cautious views towards reviewing Article 9. Studies also brought to light the awareness amongst its population on the impact of regional geo-strategy over its interest. Despite this, Japan is more apt in using other non-militaristic avenues such as politics, diplomatic and economic channels in influencing regional affairs. This has been Tokyo's forte and would continue to be included in any future security role. In addition, its alliance remains an important facet in its security policy granted continued US interest and the need to support its allies in the region. In this sense, it could be concluded that Tokyo views multi-dimensional security engagements at multilateral regional forums would concur the indirect approach propagated in comprehensive security model [20]. This includes multi-tiered engagement at multilateral, bilateral and nation to nation levels with the use of military force as the last option.

Japan has played an indirect role in ensuring security in the region thus far. Its effort in bringing North Korea to the negotiation table with China playing a lead role would provide an insight on the non-traditional role it would be playing in the future. Japan provided the financial assistance to pacify Pyongyang from pursuing its nuclear programme more aggressively thus allowing a more conducive environment for negotiations to be conducted. It must be noted that Japan did not play a direct role but

rather became a broker in the negotiations. Similarly, its enormous investments in China and North Korea have created a sense of complex interdependence which both countries would like to preserve. Other than that, Japan continues to engage China even in extra-regional forums such as Group 8 (G8), the Asian Regional Forum (ARF) and Asia Pacific Economic Caucus (APEC). In such a case, it may be observed that Tokyo endeavours to continuously engage China in order to reduce any fiction and suspicion by the emerging regional power.

In conclusion, whatever security roles that Japan intends to adopt would need much compromise and necessitate effective confidence building. What is pertinent would be that the Japanese national interests are preserved through a proactive security posture coupled with pragmatic engagements. It is evident through the changes made thus far that Japan realises the opportunity to be self-reliant in ensuring its national interest. The most important factor would be the acceptance of these changes by the Japanese population, which has acknowledged Article 9 since its inception. The awareness of the geo-strategic changes occurring in the region would be the impetus of the local population to accept Japan's involvement in influencing its regional environment. Similarly, such alterations would act to increase awareness among its population on the extended spectrum of national interest, which would not merely centre around economic security alone, but also its inter-dependence with security. Despite indications that the population is in agreement with this state of affairs, it is pertinent for Tokyo to embed confidence building measures to ensure the acknowledgement of its new role and acceptance by her neighbours.

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## THE AUSTRALIA-INDONESIA SECURITY RELATIONS

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### ABSTRACT

*Australia and Indonesia have gone through many difficult periods and a somewhat complex relationship in their history. The perception of threat shaped the manner in which the defence policies of both nations were formulated. Over time, the perceived threat have been reduced remarkably and both nations signed the watershed Agreement of Maintaining Security (AMS) in 1995. This development marked a turning point in security cooperation between both nations although the AMS was abrogated soon after the Timor crisis in 1999. The positive improvement and expansion of security cooperation post-Timor indicates that both Australia and Indonesia are now bonded by a series of agreements and treaty. Australia and Indonesia do not see each other as a threat now and unless there is a dramatic change in future relations, this situation will remain. This is because of common security threats in the form of terrorism, trans-national crime, human trafficking and drugs that have clearly threatened the national security of both nations. Australia and Indonesia thus have interdependency on security matters that will determine the stability of both nations. Although security relations in the past have oscillated, the progress made in the last decade clearly indicates a more structured and solid security cooperation between the two nations. This marks a stark improvement in security relations which could only get better and reduce any potential friction between these two most 'unlike neighbours' in the world.*

*Keywords: International relations, Bilateral security relations, Defence and security cooperation, Post Cold War.*

### INTRODUCTION

Australia can be described as a 'misfit' in an Asian region due to its location near Asia but yet having Anglo Saxon roots and features in its population. It is in a unique position where all her neighbouring countries (except New Zealand) are within the Asia Pacific region yet it also relies on longstanding alliances with the US and Britain on defence and security matters. As highlighted in the Australian Defence White Paper 2009, a secure and stable SEA is in Australia's strategic interest and SEA should remain largely stable, and reform-minded enough to sustain reasonable rates of development [1]. Due to this factor, her relationship with Indonesia, the largest Muslim democracy will have an impact on the security in the region. For more than half a century, relations between both countries have experienced several difficult periods. When Australia led the intervention

in East Timor in 1999, relations between the two countries reached one of their lowest points. This intervention also received mixed responses from ASEAN even though it was after a unanimous UN Security Council vote. Some ASEAN leaders accused the then Howard government of undermining the influence of ASEAN and the ability of its members to discuss the problems affecting Indonesia. ASEAN members have always prided themselves on the main principle of 'non interference' in the domestic affairs of its members.

Despite the many incidents, there were also certain periods when relations between both countries were good such as during the Prime Minister Paul Keating / President Suharto era. In 1994, Keating was even quoted as saying "... *No country is more important to Australia than Indonesia. If we fail to get this relationship right and nurture and develop it, the whole web of our foreign relations is incomplete*" [2]. The four day visit to Australia by President Susilo Bambang Yudohono from 9 to 13 March 2010 also reflected the importance both nations emphasised on maintaining good bilateral relations. The visit covered a number of matters, such as trade, cooperation on asylum seekers and regional security [3]. This visit is of a very significant value from Australia's perspective; it has the respect and friendship of one of the most influential nations in SEA. Adding to that, it portrays Australia as putting emphasis on consultation with the region's key states rather than acting alone in its influence on SEA matters.

Relations between the two nations can be studied from various angles but this essay will focus on security because the Australia - Indonesia security relations for several decades have been full of incidents. This essay will attempt to unravel why, despite all the hiccups in diplomatic relations, both nations will depend on each other on security matters. This is because of common security threats threatening the security of both nations.

## **POST-COLD WAR DEFENCE AND SECURITY COOPERATION**

Australia's security relationship with Indonesia emerged as one of the most important agenda in Australia's foreign policy after the Cold War particularly between the period of 1991-1995 [4]. Then Prime Minister Keating was at the forefront of all its diplomatic efforts, seeing it as essential to the success of Canberra's wider Southeast Asian engagement efforts. The most prominent feature during this period which reflected the closeness of the Keating-Suharto relationship was the unprecedented Agreement of Maintaining Security (AMS) signed between both governments in 1995. The AMS in a way surprised many in the region as there had never been any discussions and it was reported that Keating only informed the US President only a day before whilst Suharto discussed with no one else [5].

Indonesia's willingness to conclude with the AMS also surprised many observers. The agreement was nonetheless an important milestone for both countries. For Indonesia, it was a step forward in its response to the uncertainties of the Post-Cold

War environment. For Australia, it symbolised the progress it had made in developing a vital bilateral relationship albeit a sensitive one with its immediate neighbour. With the AMS, Australia raised her profile of being a respected player in the East Asian region. Indonesia's willingness to depart from its traditional foreign policy approach and sign a bilateral agreement with Australia can be seen as a significant achievement for Australian diplomacy.

East Timor had always been a persistent problem affecting the Australia-Indonesian relationship. When President Suharto's 32-year rule ended on 21 May 1998 [6], he left a legacy of unrest and ethnic violence that was further exacerbated by the economic downturn. This led to his successor, President Habibie's offer of autonomy for East Timor. It must be stressed here that relations between Indonesia and Australia at this stage were not as cordial as those enjoyed during the Keating-Suharto era. Relationships began to strain even before the Timor operation when then Prime Minister Howard wrote to Habibie on 19 December 1998 pushing for change and autonomy on Indonesian's most sensitive issue [7]. This was being demanded by Habibie, a leader who lacked support among the power elites, particularly the military. When Habibie announced a vote for self-determination, pro militia groups intensified their terror campaign against the Timorese, which led to the intervention by Australia through INTERFET. Relations suffered and were further aggravated when the AMS was abrogated on 16 September 1999 in view of Indonesia's accusation of Australia's hostility [8].

Despite these injured feelings, diplomatic relations remained open. In 2005, during a welcoming speech at a parliamentary lunch, then Australian Prime Minister John Howard described visiting Indonesian President Susilo as “*a man I respect and like a great deal*” [9] suggesting that he felt comfortable dealing with President Susilo. For the first time since 1996, Indonesia seemed to offer Australia more opportunities than problems. This was partly due to President Susilo who portrayed that he could easily connect to Australians unlike his predecessors. The Australian and Indonesian governments have long recognised the potential value of a bilateral security agreement aimed at enhancing both countries' capabilities in combating traditional and non-traditional security threats. During a visit to Australia in October 2003, Susilo, who was then Indonesian Coordinating Minister for Political and Security Affairs, had spoken publicly about the value of a bilateral security treaty in combating such threats [10].

Following President Susilo's inauguration as President in 2004, Australia and Indonesia held discussions about the possibility of negotiating a modern bilateral security agreement. At the Seventh Australia-Indonesia Ministerial Forum held in Canberra on 17 and 18 March 2005, then Foreign Ministers Downer and Wirajuda reaffirmed their commitment to negotiating a modern security agreement [11]. The Joint Declaration on Comprehensive Partnership between Indonesia and Australia signed in Canberra on 4 April 2005 by the Prime Minister Howard and President Susilo stated that both countries saw “*value in concluding a security agreement which would provide a framework for new directions in our security relationship*” [12]. In the Joint Ministerial Statement from the Eighth Australia-Indonesia Ministerial Forum held in Bali on 29 June 2006, Australia and Indonesia “*reaffirmed support for the conclusion of a bilateral agreement for security*

*cooperation by the end of 2006 which would provide a framework for the existing and future development of the security relationship”* [13] Formal negotiation rounds on the text of the Treaty were held in Jakarta in August 2006 and in Canberra in September 2006. The Treaty was finally signed by the Minister for Foreign Affairs, The Hon Alexander Downer MP, and the Indonesian Minister of Foreign Affairs, HE Dr N Hassan Wirajuda, in Lombok, Indonesia, on 13 November 2006.

The Lombok Treaty is a balanced, forward-looking instrument which provides a framework for deepening and expanding bilateral cooperation and exchanges on matters affecting the security of both countries. The agreement provides a strong legal framework for encouraging dialogue, exchanges and implementation of cooperative activities. It strengthens commitments to cooperate on defence, law enforcement, counter-terrorism, maritime security, and on emergency management and response. The treaty also contains a clear undertaking of support for each other's territorial integrity. Overall, the agreement is Australia's first security treaty with a regional country to cover comprehensively traditional and non-traditional security threats.

After the September 11 terrorist attacks in the United States, many nations are now facing a different kind of threat which can be described as asymmetrical in nature. It is not surprising though that Australia has focussed its anti-terrorism measures in Indonesia, the largest Muslim population since 2003. The 2003 Australian Government published “Counter-Terrorism and Australian Aid” highlighted the importance of the Australian aid programme within broader government and international efforts to combat terrorism. For building counter-terrorism capacity in Indonesia, Australia implemented a \$ 10 million four-year initiative in 2003 to help Indonesia build its counter-terrorism capacity in three priority areas [14]. They include providing financial support to the Indonesian Police force to combat terrorism, support Indonesia's efforts in anti-money-laundering to prevent Terrorism Financing and establishing capacity-building links related to travel security. Australia's continued aid to Indonesia progressed with the setting of the Jakarta Centre for Law Enforcement Cooperation (JCLEC) which is a police training facility that has trained some 5000 regional law enforcement personnel through over 200 programmes [15]. Underlining the long-term nature of counter-terrorism cooperation in February 2008, Foreign Ministers Smith and Wirajuda extended the Counter Terrorism MOU for a further three years [16]. This extension reflects the strengthening and deepening of security cooperation between Indonesia and Australia envisaged under the Lombok Treaty. Australia and Indonesia also held inaugural bilateral counter-terrorism consultations at an official level in Jakarta in May 2008.

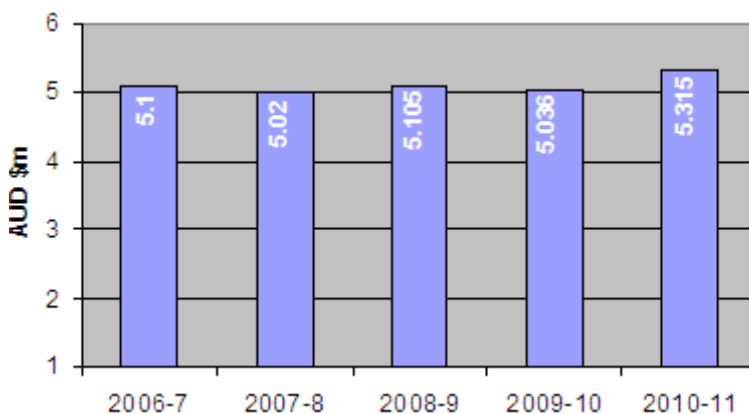
## **STRENGTHS AND ACHIEVEMENTS IN SECURITY COOPERATION**

When President Susilo visited Indonesia on March 2010 and made the historic parliamentary address at the Australian parliament, he won the hearts of many Australians who described it as one of the very best ever by a foreign leader [17]. His acknowledgement of the nine Australian air crew who died in the air crash at Nias in April 2005 was unprecedented. The Sea King helicopter had crashed whilst providing

aid to Indonesians affected by the earthquake and their names were read aloud by the President in a poignant and pensive manner. Such gestures reflect a sign of genuine respect and gratitude to the Australian Defence Forces (ADF) which was much appreciated by Australia.

Australia's defence cooperation with Indonesia commenced in 1968 [18]. Since then, it has grown from its humble beginnings of sporadic exchanges of military personnel for training and visits, to a diverse mixture of exercises, dialogues and bilateral engagements. For a start, Australia's Indonesian Defence Cooperation Budget is one of the highest extended amongst its ASEAN members averaging AUD 5 million since 2002 [19]. This is a remarkable increase compared to the amount in the early 1990s where it only averaged some AUD 1.776 million [20]. It must be said though that Australia's Defence Cooperation activities with other nations will differ given the differing strategic interests and concerns both from that of Australia and the particular countries.

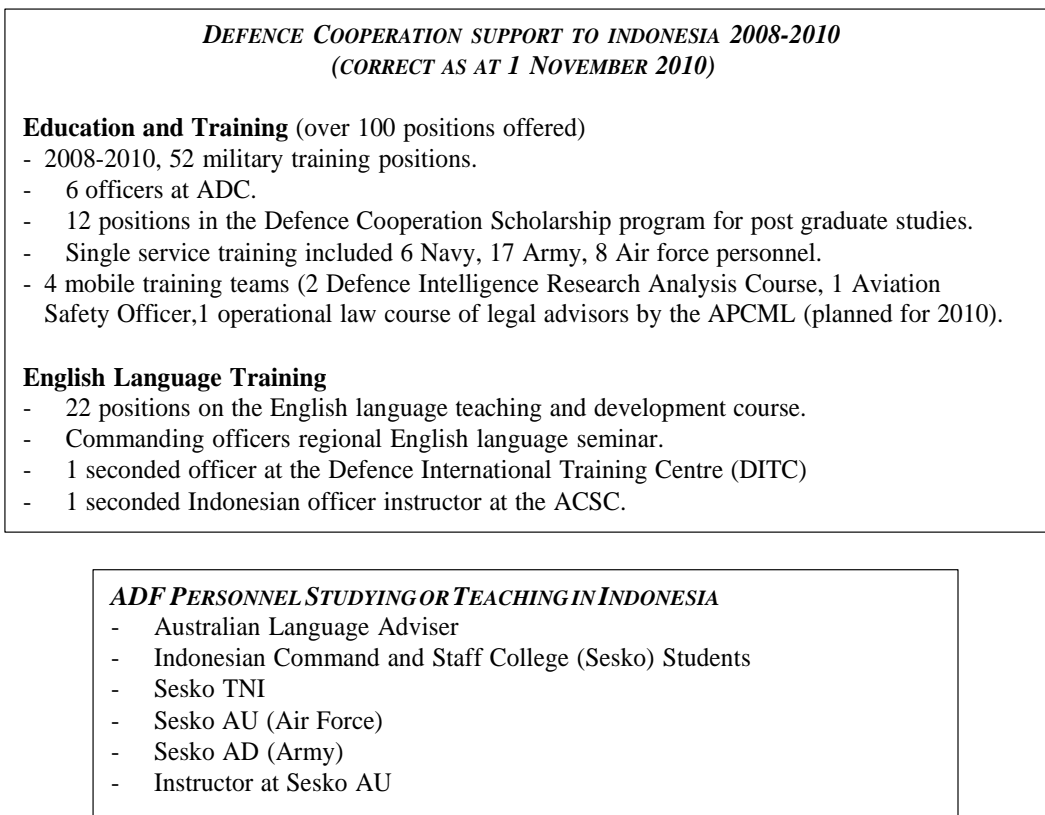
In Indonesia's case, its geographical locality and proximity with Australia therefore will ensure that it is constantly at the top priority in Australia Defence thinking. Australia is also concerned with incidents taking place in Indonesia and as had occurred in the Bali bombings and Jakarta embassy bombings which clearly targeted Australian nationals. As correctly highlighted by His Excellency Mr Miles Kupa, *"it is remarkable that two neighbouring countries most unlike than any other in the world, have achieved good level of defence and security cooperation. In Indonesia's case the threat is now 'through' rather than 'from'"* [21] (indicating that it is highly unlikely now that Australia would receive a direct traditional threat from Indonesia but rather than non-traditional threats coming through Indonesia). Mr Kupa also acknowledged the importance of the Defence Cooperation programmes extended to Indonesia as one of the useful means in building trust and network to address security issues affecting both nations. The Indonesian Defence Cooperation budget is shown in the Figure 1.



**Figure 1: Australian defence cooperation budget provided to Indonesia from 2006-2011 (not including equipment/purchases).**

(Source: Australian Defence International Policy Division: made available through office of Lt Col W. Stothart (wade.stothart@defence.gov.au) (12 November 2010))

Another aspect of security cooperation that has been enhanced between the two nations is the exchange of military personnel on training from both nations. The exchange of military personnel for training in military institutions in both countries has increased remarkably from the average of 2-5 personnel in the 1980s [22]. Although these bilateral exchanges were halted in the short period when tensions between the two nations mounted such as the 'Jenkins issue' in 1986 as well as the Timor crisis in 1999, there have been tremendous increase in the numbers since then. As of 28 October 2010, over 100 positions have been offered by the ADF to Indonesian military personnel, which include training as well as assuming key instructional positions in Australian defence higher learning institutions. Similarly, ADF personnel now take up teaching positions in Indonesian military schools where they even speak Bahasa Indonesia [23]. Such engagements are of equal importance in future for possible situations where the background and intimate knowledge of these personnel may be needed to solve common security issues shared by both nations. The key statistics of this cooperation is highlighted in Figure 2.



**Figure 2: Defence cooperation support provided to Indonesia, and ADF personnel in Indonesia.**

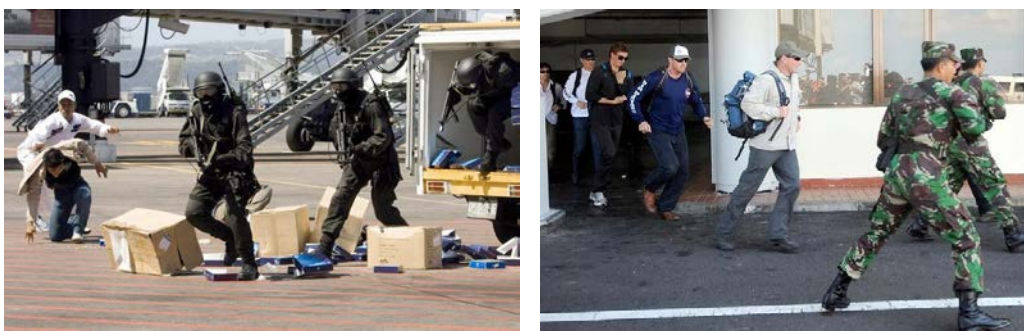
(Source: Headquarters Forces Command Australia: wade.stothart@defence.gov.au (12 November 2010))

The Minister Councillor Political Affairs to Malaysia, Mr Djoko Hardjanto, gave an acute understanding of the security relations between both nations [24]. He described the security relations between Australia and Indonesia as '*pasang-surut*' ('high and low' as in the tide) but stressed the importance of both nations having a secure region for the stability of both countries. He predicted that it is without doubt that both nations now faced common non-traditional security threats that will affect both nations. Similarly, this sentiment was echoed by Col. Afini Boer [25], the Indonesian Defence Attache in Malaysia. Both these gentlemen asserted that Indonesia "*tidak ada musuh dan adalah bangsa 'Serumpun' dengan majoriti negara serantau*" indicating that Indonesia do not have a known enemy and have good relations with countries in the region due to similar roots and traditions. However they stressed that since both countries now are facing common security threats, it was imperative to work closely to address these issues in a holistic manner. The best apparatus for this is the Lombok Treaty in 2006 with mechanisms to address non-traditional security issues such as terrorism, human-trafficking, maritime security, transnational-crime and drug trafficking. In concert with these new found threats, major exercises between security forces of the two nations have also been adjusted to meet these challenges. The series of bilateral exercises conducted between both nations are as shown in the Table 1.

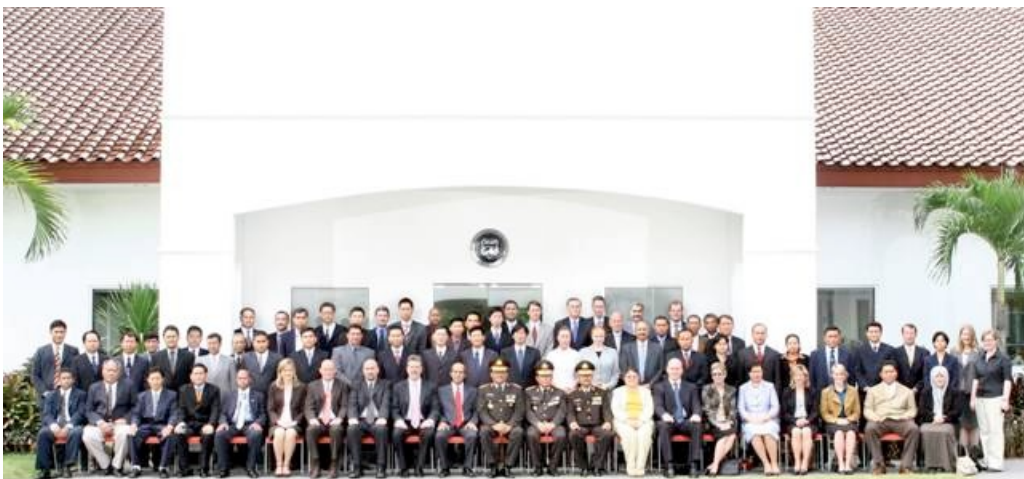
**Table 1: Current major security exercises Australia-Indonesia.**  
(Source: Headquarters Forces Command Australia)

| Exercise                       | Type                                 | Frequency                            | Participants | Last Held                    | Location | Cost (AUD) |
|--------------------------------|--------------------------------------|--------------------------------------|--------------|------------------------------|----------|------------|
| AUSINDO CORPAT                 | Maritime Coordinated Patrols         | Inaugural (working towards Biannual) | AS/ID        | April 2010                   | AS/ID    | 80,000     |
| ALBATROS AUSINDO               | Maritime Air Surveillance            | Biennial                             | AS/ID        | November 2010                | ID       | 2,000      |
| ELANG AUSINDO                  | Fighter                              | Biennial                             | AS/ID        | 2009                         | AS       | 1000       |
| CASSOWARY                      | Maritime Surface Surveillance        | Biennial                             | AS/ID        | May 2010                     | AS       | 16,000     |
| DAWN KOOKABURR A / DAWN KOMODO | CT (counter-hijack/hostage recovery) | Biannual                             | AS/ID        | March 2010<br>September 2010 | AS       | 125,000    |
| KAKADU                         | Maritime                             | Biennial                             | Multilateral | 2008                         | AS       | 12,000     |
| RAJAWALI AUSINDO               | Airlift - C-130                      | Annual                               | AS/ID        | August 2010                  | AS       | 2,500      |
| NEW HORIZON                    | Major Fleet Exercise                 | Biennial                             | AS/ID        | 2009                         | ID       | 8,000      |
| PIRAP JABIRU                   | Peacekeeping Exercise                | Biennial                             | Multilateral | 2008                         |          | 6,200      |
| JOCCIT                         | Junior Officer Training              | Annual                               | AS/ID        | 2009                         | AS       | 62,128     |
| KARTIKABU RRA                  | Junior Officer Exchange              | Annual                               | AS/ID        | February 2010                | AS       | 25,000     |

The major security exercises conducted between both nations now clearly indicate that they do not see each other as a threat but instead work together in facing common threats. Although conventional military exercises are still being carried out, both nations now engage each other frequently in other exercises to address non-traditional security issues. As highlighted by former Police General of Indonesia, Da'i Bakhtiar, since the 2002 Bali bombings, both Australia and Indonesia have worked closely together in addressing common security threats facing both nations Figure 3 [26]. The establishment of the Jakarta Centre of Law Enforcement Cooperation (JCLEC) Figure 4 in Jakarta in 2004, despite initial disagreement from Malaysia [27], is a fine example and reflects the “*phenomenal achievement*” initiated by Indonesia and Australia as noted by Da'I Bakhtiar [28].



**Figure 3: The re-engagement of SAS and Kopassus to combat terrorism**



**Figure 4: The Jakarta Centre for Law Enforcement Cooperation (JCLEC), a bilateral Australia-Indonesia.**

Australia have been embroiled in controversies on military cooperation with Indonesia since the 1990s under the Keating premiership. However, one of the most contentious has been the engagement with Indonesia's Special Forces or known as *Komando Pasukan Khusus-Kopassus*. This is because of the well documented involvement of this elite force in human rights abuses [31] According to Tony Burke, the Australian military has been closest to the Army's Strategic Reserve (Kostrad) and the Special Forces (Kopassus). Concerns about the utility and morality of developing close links with Kopassus was temporarily put to rest in the wake of the Timor crisis in 1999. However, the Bali bombing in 2002 and the heightened security focus on terrorism in Australia invited calls for the resumption of ties with Kopassus as the principal agency in Indonesia vested with responsibility for counter terrorism [32]

Then Defence Minister Robert Hill cautiously endorsed renewed ties, subjected to the significant understanding that Australia would only deal with Kopassus's counter terrorist unit [33]. Since then, Australia's Special Air Service (SAS) Regiment have continued to conduct several series of the '*Komodo*' exercises with Kopassus and with counter-terrorism as the main theme of these exercises. In the latest '*Dawn Komodo 2010*' series held in September 2010 at the Ngurai Airport in Bali, Indonesian troops from both units rescued detained passengers in an aircraft in a simulated exercise [34]. In view of the threats posed by terrorists, leaders of both nations realised the importance of continued engagement between these two elite units with capabilities to address the threats.

Indonesia also benefits from Australia's counter-terrorism (CT) assistance programmes provided on a regional basis. Australian and Indonesian authorities have cooperated closely to investigate several terrorist incidents, including the 12 October 2002 Bali bombings, the 9 September 2004 bombing of the Australian Embassy in Jakarta, and the 1 October 2005 Bali bombings. Since 2000, Indonesian authorities have successfully convicted almost 200 terrorists and their accomplices, and made over 400 arrests [35]. The Australia-Indonesia security initiatives now involve wide-ranging capacity-building assistance to Indonesian agencies, including in the areas of law enforcement, counter-terrorist financing, border control, transport security and intelligence [36].

Australia's close alliance with the US has often brought about a mixture of negative views from Indonesia. This is in view of Australia's support to US foreign policy particularly in the deployment of her troops in US led military campaigns such as OP Iraqi Freedom in Baghdad (2003) and Enduring Freedom in Afghanistan (2002) which is still ongoing. This has resulted in Australia facing a dilemma in certain periods of time as it has to gain acceptance in her foreign policy orientations particularly from Indonesia but at the same time maintain its long standing close alliance with the US. As highlighted by Edward Masters, the former US ambassador to Indonesia, US-Indonesia relationship was at its lowest ebb in 2003 after the invasion of Iraq [37] where Australia contributed troops to support this campaign. Indirectly, as a result of such actions by Australia, Indonesia will certainly see this as Australia being a mere puppet to US foreign policy orientations. This is where Australia's political leaders must constantly seek to inform Indonesia that its policies are made with the main objective of safeguarding Australian interests and not

at the command of the US. Hence, Australia needs to deftly balance herself as a major US ally and at the same time be favourably accepted as a middle power and partner in the region. Only by doing this will she be able to overcome future possible conflict of interests with Indonesia and nurture this relationship with her closest neighbour. Australia also realise that constant engagement and dialogues between her political, military and security agency leaders with their Indonesian counterparts will help dispel any doubts and negative perceptions which could erupt anytime in future.

## **FUTURE TRENDS IN BILATERAL SECURITY RELATIONS**

The year 2010 marks some interesting facets in the Australia-Indonesia relations. In March 2010, President Susilo was awarded Australia's highest civilian honour-*The Honorary Companion of the Order of Australia* [38] when he visited Australia. This award was in recognition of President Susilo's work after the Bali bombings in 2002 and his dedication to improving ties between the two nations. What was most significant was that President Susilo was given the honour of addressing the Australian Parliament-the first Indonesian President to be given this privilege [39].

Then Australian Prime Minister Kevin Rudd acknowledged the importance of Presidents Susilo's contribution and address when he noted that in his speech to parliament during the visit. In echoing Prime Minister's Rudd's comments, foreign minister Stephen Smith acknowledged that "*because we are such close neighbours, there will always be issues but the strength of the relationship these days is that we can have issues which may well be difficult, whether its issues of capital punishment, people smuggling or the 'Balibo Five'*" [40]. The remarks from both Prime Minister Rudd and Foreign Minister Smith signify great prospects and maturity in the Australia-Indonesia relationship. As pointed out, the progress made meant that despite having issues which may hinder the sound relationship, the ability of the leaders of both nations to remain calm and solve them amicably bodes well in the future of this relationship.

In July 2010, Julia Gillard ousted fellow party member, Kevin Rudd who was then the Prime Minister to become Australia's first woman Prime Minister. Just a few days in office, she was accused of not consulting neighbouring countries widely enough despite her pledge of closer engagement with Asia if returned to power in the election in August 2010 [41]. Gillard's brief stint had been marked by problems over the new refugee centre which she proposed to build in Timor Leste. This was being proposed without prior discussion with Indonesia, a major transit point for asylum seekers. Although the proposal has yet to materialise, it will indeed have some significant interests from Indonesia.

When Australian Foreign Minister Stephen Smith met his counterpart Marty Natalegwa in Jakarta on 15 July 2010 to discuss the proposal after it was rejected by the Timor Leste parliament, it received a cautious response from Indonesia [42]. The Jakarta Post even rejected the proposal questioning why Australia had picked a foreign country instead of within Australia itself. Prime Minister Gillard was eventually sworn

in on 14 Sept 2010 leading to a fragile coalition after what observers had described as a cliff hanger election which produced Australia's first minority government since World War Two [43]. She has yet to state Australia's long term commitment to Indonesia but observers' believe she will continue to nurture existing arrangements and agreements with Indonesia particularly with aspects on trade, education, defence and security.

A surge of boats carrying more than 5,000 asylum seekers to Australia since January 2010 [44] has made people smuggling a main concern for Australia. The current administration under Labour-led PM Gillard insists that off-shore deterrent will be a useful mechanism to check this serious problem. Nevertheless, whilst President Susilo is open to this suggestion, he remains cautious preferring to have further discussions to ensure that this is a solution to deal with regional problems. He further reiterated that this issue should be dealt on existing framework such as the Bali Process [44]. When PM Gillard made her maiden visit to Indonesia in November 2010, she acknowledged the shared strategic interests of both countries and praised Indonesia's efforts in the fight against home-grown extremism. Both leaders saw the value of the excellent relations enjoyed now between both nations that had been built over the past decade since the Timor crisis. As a result, it is envisaged that sound security relations in particular, will be the central theme of priority of both nations to address the increasing number of activities affecting the security situation of both nations.

Australia and Indonesia have realised how vital it is for both nations to work together in addressing the security threats globally and the region they share. In this instance, the role of the US in the stability of the region will have a significant bearing in the Australia-Indonesia Security relations. In the eyes of most ASEAN nations particularly Indonesia, they see Australia as the extended arm of US foreign policy orientations. The 'deputy sheriff' tag and then Prime Minister Howard's 'pre-emptive strike' statement or 'Howard Doctrine' bears much resemblance to the US method in dealing with security threats it faces. Australia will have to dispel this notion and portray its longstanding alliance with the US as being a positive impact on the stability of the region and its relations with ASEAN members. In this aspect, in the eyes of Indonesia, Australia will remain always reliant on US support and loyal in all spectres of security. This factor will override any issues it has with its immediate neighbours should there be a dilemma of interests on security matters.

## **CONCLUSION**

Relations between both nations at this moment are probably at its highest ebb than they have been at any time since diplomatic relations were forged after Indonesia's independence in 1945. Instead of keeping a watchful eye over each other with varying levels of concern as in the past, both nations are now bonded by mutual trust and cooperation particularly on security matters. Both Australia and Indonesia's defence and security policies have evolved to meet the security challenges in the Asia-Pacific region. The changing Asia-Pacific strategic environment will require all nations in the region

to continually review the implications. After the September 11, 2001 incident, security concerns have gone beyond the shores of their homeland but have included asymmetric threats in the form of terrorism activities which could strike almost anywhere. As such, while the Pacific region is undergoing dramatic changes, the countries in the region have no choice but to review their strategies based on international cooperation and interdependence.

Australia and Indonesia have gone through many difficult periods of time and a somewhat complex relationship in their history. The difficult periods in relations were caused by a combination of many factors including strategic interests and public perceptions influenced by the free reporting by the mass media of both nations. The perception of threat shaped the manner in which the defence policies of both nations were formulated. Over time though, the perceived threat had reduced remarkably to the extent that both nations signed the watershed AMS in 1995. This development marked a turning point in security cooperation between both nations. The AMS provided the avenues for consultations on security issues deemed sensitive beforehand and expanded then existing defence cooperation. Although the AMS was later criticised by former Australian Prime Minister John Howard as more of a hastily arranged agreement, it was a significant agreement because it minimise the potential for friction between the two neighbours. However, despite this both nations were engaged in heated exchanges over the East Timor issue in 1999 which led to the eventual abrogation of the AMS. A key factor to note here remains the fact that this incident took place after the fall of Suharto in 1998, and the changeover of the premiership in Australia where John Howard replaced Keating.

Relations between the two nations after the Timor crisis however stabilised and recovered faster than many political analysts had predicted. A distinct factor was the emergence of new security threats affecting both nations. The positive improvement and expansion of security cooperation post-Timor and the past decade indicates that both Australia and Indonesia are now bonded by a series of agreements and treaty. These not only provide avenues to further strengthen bilateral and security cooperation but indicated that changes in the regional and global security landscape will continue to influence the Australia-Indonesia security relations. In the political arena, both nations have similar national objectives which provide the basis of their national policies. In this case, it is possible for Australia to use the respected position of Indonesia in ASEAN, OIC and NAM forums to approach regional and non-align countries. Similar approaches could be used on security matters as both nations prepare to address the non-traditional threats facing them. On the same note, Indonesia could benefit from strong bilateral security cooperation with Australia and use Australia's close alliance with her 'western' allies to pursue Indonesia's strategic interests. As an example, the US intention to restore military ties with Kopassus in September 2010 marks a significant development in Indonesia and Australia's fight against the terrorism threat. Further on to this, the establishment in 2010 of what has been termed as an 'Annual Leaders Retreat' and the '2 plus 2' annual meeting between the foreign and defence ministers of both nations further complement the comprehensive partnership that will flourish even more in the future. It is important for leaders at all levels in both nations to continuously engage each other to form a bond that

will be important to strengthen and further improve the multi-faceted security cooperation already in place now.

Australia and Indonesia do not see each other as a threat now. Unless there is a dramatic change in relations in future, this situation will likely remain. This is because of common security threats in the form of terrorism, trans-national crime, human trafficking and drugs that have clearly threatened the national security of both nations. Australia and Indonesia thus have interdependency on security matters that will determine the stability of both nations. Although security relations in the past have oscillated, the progress made in the last decade clearly indicates a more structured and solid security cooperation between the two nations. The establishment of the JCLEC in Jakarta in 2004, the re-engagement of the SAS and Kopassus in 2005, Lombok Treaty of 2006 and Joint Statement of Defence Cooperation in 2009 all marked a stark improvement in security relations which could only get better and reduce any potential friction between these two most 'unlike neighbours' in the world Figure 5.



**Figure 5: Australia and Indonesia law enforcement agencies worked closely together to address non-traditional security threats affecting both countries.**

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## **THE SYMBIOTIC BILATERAL RELATIONSHIP BETWEEN MALAYSIA AND INDONESIA. AN ANALYTICAL PERSPECTIVE ON ISSUES AND REMEDY FOR THE WAY FORWARD**

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### **ABSTRACT**

*This article will address this win win bilateral relationship employing the concepts of nationalism to understand the historical basis to the way forward for Malaysia-Indonesia. This paper will also look at the symbiotic relations shared in harmony with remedies and actions taken to resolve all issues amongst both states .The special relationships enjoyed by both countries can be described as very close as well as rivals. Within the idea of “serumpun,” this relationship has been characterised “abang-adik” in which Malaysia is seen by ordinary Indonesians as a little “brother” and a place to find a good job that pays better than those back home. Despite, all the challenges occurred, the relationship network and continuity of the region, regional politics was profoundly defined by rivalry and conflict. Both have similar cultures, history and shared borders but their relationship should not be taken for granted. To do so will require patience, will power and coordination, understanding, and even synchronisation between politicians and the media of both nations. Both need each other in terms of four factors ie politics, economy, security and socio-cultural. These variables are perceived very significant in shaping Malaysia-Indonesia relations. Both states require each other besides being the strong pillars of ASEAN and this symbiotic relationship often have challenges and differences but the end state requires remedies and diplomacy to push the way forward.*

*Keywords: Bilateral relations, ASEAN, International relations, Regional organisation.*

### **INTRODUCTION**

*“Both governments are determined to ensure that there are no ups and downs in our ties but that it is maintained at the best level.”Although there have been problems, some are trivial and hyped by a small group of people and this should not overshadow all the benefits of good ties brought by both governments.” [1]*

*Dato’ Sri Najib Tun Razak  
Prime Minister Malaysia (2010)*

The relationship between Indonesia and Malaysia has often been acknowledged along the corridors of power in ASEAN as the cornerstone of the organization. The Asian financial crisis in 1990s has put Indonesia into the worst economic crisis since independence. The crisis led to the downfall of Suharto and the collapse of the authoritarian government in Indonesia. From then on, domestic issues in Indonesia emerged one after another and indirectly affected the surrounding neighbouring countries. Corruption, collusion and nepotism have become the main issues that had led to street demonstrations and social unrest against the previous ruling government. Given the centrality of the Indonesia-Malaysia relationship to regional security and order in Southeast Asia, it is unfortunate that it has yet to be subjected to detailed scholarly investigation. Except for the period 1963-1966, when Indonesia launched its policy of Confrontation (*Konfrontasi*) in response to the formation of Malaysia, no attempt has been made in the fields of either international relations or Southeast Asian studies to explore the dynamics that frame harmony and conflict in this bilateral relationship. Both countries are economically dependent on each other, Malaysia on Indonesia largely for migrant labour, Indonesia on Malaysia for capital investment. Both states require each other besides being the strong pillars of ASEAN and this symbiotic relationship often have challenges and differences but the end state requires remedies and diplomacy to push the way forward.

The relationship between Malaysia and Indonesia is founded on history. Within the idea of *serumpun*, this relationship has been characterised “*abang-adik*” in which Malaysia is seen by ordinary Indonesians as a little “brother” and a place to find a good job that pays better than those back home. Given this, both nations know that not all incidents between the countries may end happily. Malaysia should be more organised and predetermined to neutralise or counter any negative publicity with positive statements that are filled with the hope of resolving the issue through diplomacy and play down any possibility of conflict. To do so will require patience, will power and coordination, understanding, and even synchronisation between Malaysian politicians and the media of both states.

This article will attempt to address this win win bilateral relationship employing the concepts of nationalism to understand the historical basis to the way forward for Malaysia- Indonesia. Also this paper will also look at the symbiotic relations shared in harmony with remedies and actions taken to resolve all issues amongst both states .

## **HISTORICAL BACKGROUND MALAYSIA AND INDONESIA RELATIONSHIP**

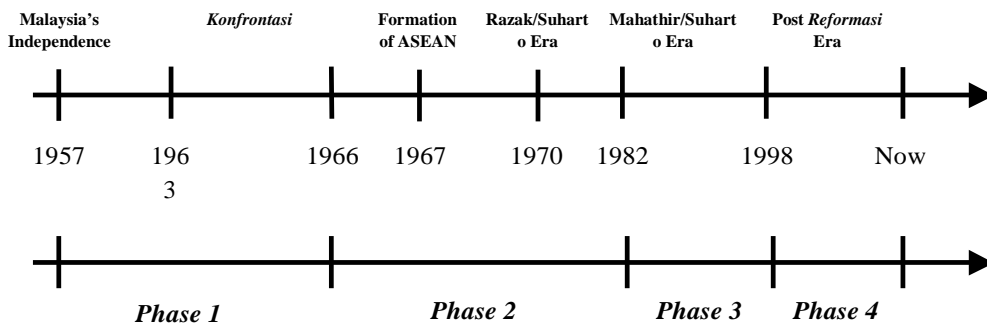
*“The relationship between Indonesia and Malaysia is an important pillar in the ASEAN family. ASEAN can grow rapidly during the last four decades, partly because of the strong foundation of bilateral relations between Indonesia – Malaysia”*

*President Susilo Bambang Yudhoyono  
President Indonesia (2010)*

Traditionally, the relationship between the two countries has a very long history and mainly based on these historical facts. Historians have uncovered the world of the *Hikayat* (tales), which provide insight into the interconnectedness of the pre-colonial Indo-Malay world, where a regional system of trade, intermarriages and politics was already thriving before the arrival of colonial powers. Anthropologists and linguists have also subjected Indo-Malay culture to extensive investigation, and have flagged cultural commonalities and differences that define the identity of an Indo-Malay world independent of the influence of Western colonialism. Essentially, it was geographical proximity that facilitated this socio-cultural exchange. Although the Indo-Malay Archipelago was not closed to the outside world, communications, trade, and intermarriages were largely contained within the region, to the extent that avenues of congruence took shape alongside the evolving history of the Indo-Malay world; a common language was increasingly shared among the people of the archipelago, as were religion and certain practices of culture and statecraft. It is on the back of these intimate historical ties between the people and cultures of present-day Indonesia and Malaysia that both states can be considered 'kin states'. Be that as it may, this sense of affinity and kinship also had its ambiguities, and the relationship was in no way a perfect representation of harmonious kinship.

The special relationships enjoyed by both countries can be described as very close as well as rivals. Despite, all the challenges occurring, the relationship network and continuity of the region, regional politics was profoundly defined by rivalry and conflict. As the two countries developed and progress politically and economically, the relationships of the two countries conducted are based on the basis of 'states acting as states', where both pursue their respective interests based on material calculations [2]. However, it also appears that tensions have much to do with conflicts of identity as they do with conflicts of interests. On the onset, particularly in Indonesia, the emergence of 'people's power' to resort for better prospect and livelihood in pursuit of true democracy is a clear evidence after the demise of Suharto and the collapse of the authoritarian rule. Based on the analysis, all these factors significantly play very important roles in shaping Malaysia-Indonesia relations.

In discussing factors shaping Malaysia-Indonesia relations there are four factors i.e politics, economy, security and socio-cultural. These variables are perceived very significant in shaping Malaysia-Indonesia relations. In reviewing the relationship between Malaysia and Indonesia, the phases of relationship is divided into four phases. Phase One is the independence of Malaysia and Konfrontasi, which covers from the year 1957 to 1965. Phase Two is the consolidating the relationship, which covers from the year 1966 to 1981, Phase Three is maturing the political collaboration from the year 1982 to 1997 and Phase Four, the reformasi era from 1998 onward. The timeline of the phases is as shown in Figure 1.



**Figure 1: Timeline and Phases of Relationship**

## **MALAYSIA INDONESIA BILATERAL RELATIONS**

Malaysia/Indonesia bilateral relation has gone through many phases with its own ups and downs. Today it cannot be taken for granted. Previously Malaysia/Indonesia resilient relationship was grounded on nusantara and ‘*serumpun*’ sentiment. This is only true when the bilateral relation is not in crisis mode, like the confrontation in 1963, the spat on Ambalat/Sulawesi Sea, and when there are cases of mistreatment of Indonesian maids. Malaysia needs to make the necessary adjustments when confronted with such situations. The Indonesian media when this happens has the tendency to sensationalize whatever issues that surfaced which could generate a strong anti Malaysian sentiment. The internal and external dynamics of both countries over the past 53 years have influenced the relations in many ways. It is thus pertinent that the relation be approached by utilizing informal networking as well as conventional diplomacy.

Over time there is no denying that perceptions and attitudes of citizens on both sides have changed due to political, economic and socio-cultural development. Even on the issue of culture which undoubtedly contains many common traits and values can raise sensitivities. The government to government relationship even though cordial and good cannot be viewed on a standalone basis. The people to people relation can be a significant defining factor in determining the strength and state of the relationship. Indonesia is a major player at the regional and global level because of its size and population. It makes sense for Malaysia to preserve good relationship as a close neighbor and the fact we share common history and heritage. After all Indonesia’s economic growth and development will also have beneficial impact on Malaysia. Trade and economic cooperation between Malaysia and Indonesia had progressed since the last 10 years after the Asian financial crisis. Table 1 [3] shows the export growth rate between the two countries, which increased from 13% in 1997 to 19% in 2007 while the import growth rate increased from 15% in 1997 to 17.7% in 2007.

Believed in the concept of “prosper-thy-neighbour”, the policy adopted by Malaysia with the objective is to share the economic pie with the neighbour for the reason that the prosperity gained by the neighbour will also benefit Malaysia. Ever since, the establishment of bilateral economic cooperation between Malaysia and Indonesia has benefited both countries. Indonesians contribution towards Malaysian economy cannot be ignored. For example, the total trade value from 1997 and 2007 has increased by more than five folds, from RM 7.6 billion to RM 39.1 billion, making Indonesia Malaysia’s tenth largest trading partner. In the same period, Malaysian investments in Indonesia surged from RM 11.2 billion to RM 54.1 billion, leaving Malaysia, Indonesia’s fourth largest investor [4]. In general, it can be argued that although the bilateral relation of these two states is rosy but far from golden [5]. This positive trade balance is expected to continuously grow in the near future as long as leadership from both countries play good role in this aspect.

**Table 1: Bilateral Trade Between Malaysia and Indonesia**

| <b>Year</b> | <b>Export Value (RM) Bil</b> | <b>Export Growth Rate (%)</b> | <b>Import Value (RM) Bil</b> | <b>Import Growth Rate (%)</b> | <b>Total Trade Value (RM) Bil</b> | <b>Total Trade Growth Rate (%)</b> | <b>Trade Balance Value (RM) Bil</b> |
|-------------|------------------------------|-------------------------------|------------------------------|-------------------------------|-----------------------------------|------------------------------------|-------------------------------------|
| <b>1997</b> | <b>3.4</b>                   | <b>13.07</b>                  | <b>4.1</b>                   | <b>15.18</b>                  | <b>7.6</b>                        | <b>14.21</b>                       | <b>-0.7</b>                         |
| <b>1998</b> | <b>3.9</b>                   | <b>13.51</b>                  | <b>5.8</b>                   | <b>39.59</b>                  | <b>9.7</b>                        | <b>27.69</b>                       | <b>-1.8</b>                         |
| <b>1999</b> | <b>4.7</b>                   | <b>18.95</b>                  | <b>6.7</b>                   | <b>16.02</b>                  | <b>11.4</b>                       | <b>17.21</b>                       | <b>-2.0</b>                         |
| <b>2000</b> | <b>6.5</b>                   | <b>38.64</b>                  | <b>8.6</b>                   | <b>28.94</b>                  | <b>15.1</b>                       | <b>32.93</b>                       | <b>-2.1</b>                         |
| <b>2001</b> | <b>5.9</b>                   | <b>-8.55</b>                  | <b>8.5</b>                   | <b>-1.01</b>                  | <b>14.5</b>                       | <b>-4.25</b>                       | <b>-2.6</b>                         |
| <b>2002</b> | <b>6.8</b>                   | <b>14.73</b>                  | <b>9.7</b>                   | <b>13.44</b>                  | <b>16.5</b>                       | <b>13.97</b>                       | <b>-2.9</b>                         |
| <b>2003</b> | <b>8.1</b>                   | <b>18.86</b>                  | <b>11.2</b>                  | <b>15.41</b>                  | <b>19.3</b>                       | <b>16.83</b>                       | <b>-3.1</b>                         |
| <b>2004</b> | <b>11.6</b>                  | <b>43.93</b>                  | <b>16.0</b>                  | <b>42.86</b>                  | <b>27.6</b>                       | <b>43.31</b>                       | <b>-4.3</b>                         |
| <b>2005</b> | <b>12.6</b>                  | <b>8.08</b>                   | <b>16.6</b>                  | <b>3.77</b>                   | <b>29.1</b>                       | <b>5.59</b>                        | <b>-4.0</b>                         |
| <b>2006</b> | <b>15.0</b>                  | <b>18.57</b>                  | <b>18.2</b>                  | <b>9.66</b>                   | <b>33.1</b>                       | <b>13.51</b>                       | <b>-3.2</b>                         |
| <b>2007</b> | <b>17.7</b>                  | <b>19</b>                     | <b>21.4</b>                  | <b>17.69</b>                  | <b>39.1</b>                       | <b>18.28</b>                       | <b>-3.6</b>                         |

Source from The Ministry of International Trade and Industry (MITI), Malaysia

Currently our management of bilateral relation with Indonesia tends to be reactive. No doubt there are mechanisms to handle on the long term basis. Some observers and diplomats would say whatever is happening between Indonesia and Malaysia today is a result of the maturity of their relationship. Some may speak out this state of affair comes about due to Indonesia being envious of Malaysia’s progress and development which had surpassed Indonesia’s. Although for certain it cannot be left to sort itself or be taken for

granted. It is important that the warm and cordial relation between the two countries is sustained, as it is beneficial for both countries and ASEAN [5].

Malaysia-Indonesia relation has gone through various phases of development since the two countries established diplomatic ties five decades ago. Ruhanas Harun in her article “*Kerjasama dan Konflik Dalam Hubungan Malaysia-Indonesia*” [6] explained about the cooperation and conflict that affected the relationship of these two countries, which has undergone various phases of development and challenges. At the early period of relationship, between both countries was marked by differences in terms of politics and ideology. However after the end of Konfrontasi, the relationship has improved with both countries working hand-in-hand towards improving bilateral relations for mutual benefits. The formation of ASEAN was another milestone that could create synergy effect with both countries proved capable to cooperate and work together for the stability of the Southeast Asia (SEA) region.

## **ISSUES IN BILATERAL RELATIONSHIP**

The relationships between Malaysia and Indonesia have encountered series of crisis and furore since the demise of Suharto and the collapse of the authoritarian rule in Indonesia. The Asian financial crisis in 1990s has put Indonesia into the worst economic crisis since independence. Corruption, collusion and nepotism have become the main issues that led to social unrest and protest against the previous ruling government. New government under the pretext of “democracy” have introduced various policies to the country as part of its *reformasi* agenda in stabilising the domestic turmoil in Indonesia. This era known as *reformasi* (reformation) has chartered a new development in Indonesia’s politics and security environment.

Domestic issues emerged in Indonesia after the financial crisis that lead to social unrest demanding the government for reforms. The political instability and economic downturn led to ethnic clashes in Ambon, autonomy rules in Aceh, and independence of Timor Leste. The effect of crisis had caused hardship to the people and widespread to the other part of Indonesia’s archipelago. In seeking for better living, the people migrate to the other countries and the influx of huge number of Indonesians had caused security and social issues to other neighbouring countries, in particular Malaysia. The emergence of democratic government in Indonesia has transformed the country towards democracy and the openness policy introduced by the government provides opportunity for the people to raise their views and freedom of press in the country.

The domestic issues in Indonesia have also affected other country in the SEA region especially Malaysia. Slow economic development, which has resulted lack of jobs opportunity and increase of poverty caused the people to leave the country seeking for better living abroad. The influx of illegal Indonesian migrant labour into Malaysia continues to be a source of bilateral friction for Malaysia- Indonesia relations. Tensions have been exaggerated by the securitisation of the illegal Indonesian migrant workers

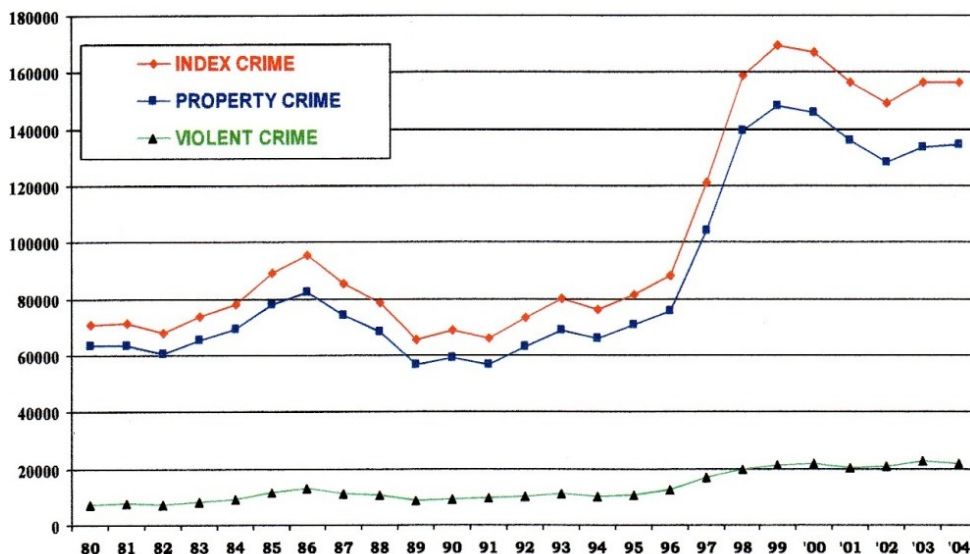
by both Malaysian media and certain government official. Due to the large number of Indonesian labourers in Malaysia and the crucial role played in the Malaysian economy, unless the root cause of this problem is acknowledged and addressed coherently by both governments. The issue of illegal Indonesian migrant labour will continue to be an obstacle to better bilateral ties [7]. Malaysia decided after the crisis to focus its economy and industry to technology and knowledge based sector which should reduce its dependent on workers. With this it is expected Malaysia could reduce the number of foreign workers. As is always the case Indonesian workers generally are recruited for the dirty, dangerous and demeaning jobs that locals themselves are not willing to take up. As a consequence these foreign workers are lowly regarded in Malaysian society.

As close neighbour and many similarities such as ethnic diversity, cultures, language and religion make Malaysia as the most preferred destination among Indonesians. The influx of Indonesian immigrants to Malaysia has become major issue in Malaysia. The issues of Indonesian workers and illegal immigrants had caused social and security issues to Malaysia, even though these foreign workers have contributed significantly to Malaysia's economy. Even though in principle both countries are in good terms but there are factors that are affecting their relationship. Indonesians, by virtue of their larger presence have committed the most number of crimes, averaging about 62% of the total crimes committed by foreigners as shown in Table 2.

**Table 2: Statistics of Immigrants Detained at Detention Depot in Malaysia ( Immigration Report 2008)**

| Country      | 2008 (Jan – June) |      | 2007  |      |
|--------------|-------------------|------|-------|------|
|              | Total             | %    | Total | %    |
| INDONESIA    | 17193             | 44.5 | 30397 | 51.6 |
| *PHILLIPINES | 6921              | 17.9 | 5798  | 9.8  |
| BANGLADESH   | 4614              | 11.9 | 5247  | 8.9  |
| *MYANMAR     | 3436              | 8.9  | 6659  | 11.3 |
| INDIA        | 1470              | 3.8  | 2077  | 3.6  |
| *THAILAND    | 1220              | 3.2  | 2357  | 4.0  |
| OTHERS       | 3809              | 9.9  | 6347  | 10.8 |
| TOTAL        | 38663             | 100  | 58882 | 100  |

For example in Figure 2 [8] shows that the number of crimes committed by migrants has increased three-fold from 1,333 in 1992 to 3,113 in 2002. Indonesians, by virtue of their larger presence committed the most number of crimes, about 62% of the total crimes committed by foreigners.



**Figure 2: Crime Statistic in Malaysia 1980 - 2004**

However, the most recent argument is over the right of oil fields explorations in an area within *Ambalat* Block of the Sulawesi Sea. The war of words, the dispatching of warships and military aircraft by both countries to the disputed area have worsened the situation that threatens the bilateral relation. Both countries have locked horns over the region before but this time both countries' leaders give assurance that settlement would be made through diplomatic channels. Clearly, this kind of decision demonstrates a positive posture for closer relationships of both countries. As for the land border dispute, the General Border Committee (GBC) that was formed in 1972 is currently active coupled with well and coordinated activities in securing the land border areas. Bilateral meetings and joint military operations have greatly contributed to much more closer relations for both countries.

Under Indonesia's transformation to democracy, one of the beneficiaries of the new regime is the media. With press freedom's euphoria, a myriad of new print and electronic media sprung up. With the available space for freedom in Indonesia their presses sometimes choose to undermine Malaysia/Indonesia relation by discrediting and humiliating Malaysia. When Malaysia complained about it, their Indonesian counterparts just said nothing can be done as they also suffer the same fate.

## REMEDIES AND THE WAY FORWARD TO FOSTER CLOSER RELATIONSHIP FOR BOTH NATIONS

The concept of “*bangsa serumpun*” remains as the backdrop in enhancing bilateral relations for both countries whether it is security, politics, economics or social dimensions. In line with the concept, both the country’s leaders are still in agreeable for mutual respect in protecting each other country’s interest and dignity. As a result, it can be assumed that Malaysia-Indonesia relationship is generally good. However, this close relationship cannot be taken lightly but in reality it should always be cautious. The more frequent ups and downs between the two can be attributed to countless factors. At times we can put the blame on the slant of the Indonesian media but there are other factors that Malaysia needs to understand which can influence public perception on us. In my view Malaysia has to weigh all the factors holistically. It has to pay attention to improving media relation, not necessarily to respond to every story published by them. Malaysia should build on the positive government to government relationship and the existing linkages in term of people to people. It is essential that adverse reporting which can affect the good relation be tackled early before it becomes a problem.

The question is whether common heritage and history can still be the binding force in the relation, should be reviewed. New parameters should be taken into account. Malaysia did not think at that time the differences between Indonesia and Malaysia on the formation of Malaysia would lead to confrontation and military interference by Indonesia on Malaysian territory. Learning from this experience Malaysia cannot look at the bilateral as it was by mere expectation and assumption. It is in Malaysia’s interest to review and revisit old paradigms and create new parameters to avoid such an incident from repeating. In this regard Malaysia has to pay more attention to the role of various groups including the mainstream and social media as well as civil society and opinion makers. The connectivity of these factors must be taken into account for the long term bilateral relation. The Malaysian press cautious and non reactive posture to Indonesia media sensationalisation does not change their perceptions. Harsh criticisms are made against Malaysia every time these are a spat by the Indonesian media or differences between the two countries. Thus Malaysia needs to develop a new kind of matrix that acknowledges the differences rather than purely playing on the similarities of people and history. In general, the truth is the contacts at the government and personal level had been warm and constructive. Unquestionably it is a contributory factor in minimizing possible misunderstandings and conflicts.

Tourism and education opportunities is another area of cooperation where both countries could cooperate to further promote places of interest and to win the confidence of both states. A consolidated effort is required from both countries to cooperate jointly in making Malaysia-Indonesia as the hub for the region tourism spot. In the area of education, Malaysia is becoming a popular choice for students from Indonesia besides Africa and countries of Central Asia. Meanwhile, about 13,000 students Indonesian are studying in Malaysia, and 6,000 Malaysian students studying in Indonesia. This is a national asset that must continue the joint development, and also capital partnerships

in the future. Malaysian tourists visiting Indonesia is the third largest with a total 1.18 million people, of a total 6.3 million foreign tourists [9]. The large number of students studying in Malaysia is due to similarity in cultures, appropriate environment and quality education at affordable price. We should go back to the basics and re-establish old ties in the form of students and academic exchanges which can contribute to improving bilateral relations. Networking and cooperation in multifaceted areas between Indonesia and Malaysia will be essential to sustain positive and good bilateral relation. The educational intellectual and social linkages should be re-established for deeper political and economic ties between the two countries. Relying on purely conventional diplomacy is not suffice.



**Figure 3: Anti Terrorism Exercise between Malaysian Armed Forces & Indonesian National Armed Forces in 2010**

Malaysia and Indonesia have also built very close bilateral defence cooperation, engaging in regular joint military operations and exercises as depicted in Figure 3. The defence cooperation was formalised in 1967 when the General Border Agreement (GBA) was signed between the two countries. The main objective of the GBA was to deal with the communist threats along the Malaysia-Indonesian border. However, in 1972 a General Border Committee (GBC) was formed in order to broaden the scope of security for both countries. Currently, security issues are not confined itself merely on security and peace but also to include aspect on socio-economic matters. Since GBC is the highest level of committee, it is co-chaired by the Malaysian Minister of Defence and Chief of Defence Forces of Indonesia. This committee meets annually on a rotational basis between Malaysia and Indonesia. The activities conducted under the auspicious of GBC includes; military exercises, military joint operations, exchange of personnel and intelligence reports, socio-economic activities at the border and search and rescue activities. Clearly, the current defence arrangement and cooperation between Malaysia and Indonesia significantly shows remarkable results. The establishment of GBC in 1972 has offered tremendous avenues of approaches in dealing with all defence matters between both countries defence forces. This is also taking into consideration that the current President of Indonesia is Ex General Susilo

Bambang Yudhoyono who inevitably has a soft spot for military diplomacy and this can be used as a platform to close ties between both nations [10].

The NGOs and individuals play an equally significant role in highlighting the plight of the workers and to a lesser extend the employers. Unless Malaysia is able to tackle the issues raised by them in a responsive, fair and equitable manner, it would be another source of problem between Malaysia and Indonesia. The physical abuse and non payment of wages are some of the issues that are argued on fundamental human rights. This can cause the building up of anger and prejudice against Malaysian employers. Here again what is needed is the intervention of the government to provide the umbrella for the protection of workers' rights. Even the operations to rid Malaysia of illegal migrant workers have become contentious as they saw the handling by the police, immigration and RELA against illegal's as humiliating.

## **THE WAY FORWARD**

The main concern facing the Malaysian and Indonesian today is the attitude of their leaders towards each other as shown in Figure 4. Both Malaysian Prime Minister and President of Indonesia are focussing on diplomacy and restoring confidence amongst the people on the peace and tranquillity both states share. Disputed issues may not be able to be solved in a peaceful means if both country's leaders show an intolerable mind-set. Without a doubt, being neighbours there will be geographical hiccup, socio-economic setback and difference in opinions that exist between both countries. Consequently, issues like overlapping territorial claims, illegal immigrants and trans-border terrorism activities will always be the main topics for conflict. What is crucial in this context is not about the issues but how best it can be resolved and deal with by both countries without resorting to the use of force. Any deviation in the information and discrimination will create an hateful atmosphere for both countries. In essence, Malaysia and Indonesia must have an optimistic mindset in developing its relationship particularly in crisis management. A balance must be struck between achieving a peaceful environment without compromising security interests and persuasion to compel other states to abide by our national policy objectives.



**Figure 4: Malaysia Prime Minister  
Datuk Seri Najib Tun Razak & President  
Susilo Bambang Yudhoyono**

In today's globalised world, mobility of people from country to country has been a source of strength for development as well as the cause of strained relations between countries. Amongst ASEAN countries, Malaysia is one of the biggest recipients of migrant workers brought by its rapid economic development [11]. In order to sustain this growth she had relied heavily on labours from ASEAN and other countries. The largest number is from Indonesia whether legally or illegally. On the other hand Malaysian public felt, for this reason alone, Indonesia should show gratitude as their citizens earn their livelihood in this country. Therefore, Malaysia contributed a large amount of Indonesia's foreign exchange revenue. There is a feeling in Malaysia that Indonesia takes the view that Malaysia is duty bound to accept their workers. There is no denying that the workers have contributed to the growth of the Malaysian economy. However unless both Malaysia and Indonesia are able to tackle and manage this issue in a very balanced manner it can affect the existing warm and cordial bilateral ties.

The Indonesian Government should be focusing more on nourishing its people rather than having a thought of having a war or confrontation with its neighbor. It is certainly too costly to have a war with someone nowadays. Especially taking into consideration of current Indonesian economy, Indonesia is rich in every respect compared to neighbors, more people, natural resources, big country and so on. But why it is so poor in many respects too. Currently, millions of Indonesians are illegally entering the soil of Malaysia and yet Malaysian can still tolerate. Malaysian give them work and shelter, and they send back money to Indonesia to feed their families. But Malaysia should also compromise and seek avenues in closing relationship. The media is always the culprit in branding a bad image on Indonesians they must cooperate with insights on soft diplomacy and paint a secular picture to ensure the public is aware of the efforts by both governments to remain in peace and harmony for the betterment of the people.

## CONCLUSION

Relations between Malaysia and Indonesia are not only based on the "*bangsa serumpun*" concept but also coupled with the international norms of inter-state relation. Any kind of occurrences that could tear the relationship apart may not reach the height like confrontation. By the look of its culture, tradition, trade, defence industry and political dimension, it is impracticable that bilateral tension will end up like the past darkest history. In addressing the security issues at hand, Malaysia has embarked on a pragmatic mechanism that is agreeable to Indonesia. Cooperation are made through various channels, be it in defence, political or economic matters, all seem to have been successful. The relations between both countries have been enhanced and tensions are minimized through constructive engagement via diplomatic channels.

However, there are also disputes that can only be resolved to meet long term goals but the current mechanisms are still workable and relevant in enhancing bilateral relations. Being close neighbours, Malaysia and Indonesia are keeping up their pace to discuss security issues at the intermediate level before it is brought up to the political

leaders. In this way, the problems are being rectified and solved as they arise. Hence, it has certainly reduced such tensions, as those security issues are not being politicised by political masters of both countries. In summary, Malaysia and Indonesia, with similarity culture, history and shared borders have enjoyed close relations from time immemorial. Both countries relationship is strategically important. However, it is obvious that the relationship should not be taken for granted and the end state is for both countries to support each other in times of harmony and crisis.

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## **HUMAN TRAFFICKING IN MALAYSIAN WATERS: TACKLING ITS MENACE THROUGH MIGRATION REFORMS**

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### **ABSTRACT**

*This paper examines cross border human trafficking that occurs in the Malaysian Maritime Zone. It will show the involvement of transnational organised crime syndicates in the illicit trade with Malaysia being the destination and transit country. This is amid fears that extremists could use trafficking syndicates to penetrate national borders and transport weapons to destabilise the nation. In fact, terrorists are often engaged in organised crime to financially support their activities. Socio-economic and political disparities among countries in the region underpin trafficking which is aided by porous borders and corrupt law enforcement officials. As trafficking is imbedded in irregular migration flows to meet labour demand, the paper will zero in on how regularising initiatives such as amnesty for illegals in the immediate future and introducing a reformed and flexible migration framework in the medium term can provide a tenable solution to this modern day slavery.*

*Keywords: Human trafficking, Cross-border, Malaysian maritime zone, Non-traditional security, Maritime security.*

### **INTRODUCTION**

Human trafficking or trafficking in persons has been in Malaysia's spotlight for the last ten years since the US State Department released and published for the first time its *Annual Trafficking in Persons Report (TIP)* in 2001. Nations covered in the report are placed in three categories according to their anti trafficking performance. The 2001, 2007 and 2009 US TIP Reports placed Malaysia at the lowest category - Tier 3 - though in June 2010 Malaysia was upgraded to the Tier 2 Watch List, after it "made significant efforts" to comply with US-dictated anti trafficking standards. In Tier 3 are countries whose governments do not fully comply with the minimum standards of the 2000 US Trafficking Victims Protection Act (TVPA) [1] and are not making significant efforts to do so while Tier 1 countries are those complying with the minimum standards of the TVPA. Tier 3 countries are subjected to sanctions such as termination of non humanitarian aid, non trade-related assistance and US opposition to assistance from international financial bodies.

Seaborne trafficking in particular is a worrying phenomenon for Malaysia and is aggravated by the expansion of and dependency on increasing maritime trade and economic globalisation which fuels labour demand and supply but is not accompanied by border liberalisation policy. This is augmented by fears that trafficking groups or transboundary organised groups are taking advantage of the traditional movements of people from the region aided by the permeability of Malaysia's maritime borders. Malaysia's long coastline and the archipelagic features of the region offer inconspicuous movement especially along areas which are loosely monitored and less habited. There are growing fears that terrorists groups may use maritime criminals for political purposes, corroborating the strong nexus between trafficking syndicates and extremists.

Trafficking in persons or people is a lucrative business with maritime means a key method of transport. It is estimated that trafficking syndicates worldwide can earn up to US\$32billion a year from this illicit trade [2]. Human trafficking or trafficking in persons became an official term in the 1990s and refers to the illegal trade in humans.. Literature review reveals organised crime syndicates are at the centre of this illegal human trade but family members or friends are often involved by introducing the victim to the perpetrator. The flourishing and profitable crime is aided and abetted by corrupt and indifferent state officials. In addition, transnational crimes such as this has been recognised as the defining issue of the 21st century and the syndicates resort to money laundering to hide the profit from these illicit industries. Human trafficking is now the third biggest revenue earner after drugs and arms trafficking as far as the underground economy is concerned.

Part 1 of the article begins with the definition of human trafficking and what it constitutes, its prevalence in Malaysia's Maritime Zone, an overview of the human trafficking phenomenon in Malaysia and the inherent deficiencies in the domestic anti trafficking act to tackle the problem. This article employs the definition of human trafficking found in the 2006 United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children. Part II briefly considers the underlying causes of trafficking, namely the pull and push factors and domestic and regional laws created to criminalise and address trafficking. Part III will analyse how Malaysia can effectively tackle transborder crime in its waters by exploring the nexus between trafficking and migration, and introducing reforms. This can offer a solution to human trafficking by restoring rights and dignity to the victims, encourage legal migration of cheap labour that will benefit certain economic sectors while protecting and safeguarding Malaysia's sovereign borders. The conclusion summarises the main points

## **Definition, prevalence and background of human trafficking in Malaysia's Maritime Zone**

### **a. Definition**

The United Nations Crime Commission's Convention Against Transnational Crime (2000) and the Trafficking Protocol (2003) which Malaysia ratified in December 2009 defines trafficking in humans as:

*an action consisting of recruitment, transportation, transfer, harbouring, or receipt of persons by means of threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or position of vulnerability, giving or receiving payments or benefits to achieve consent of a person having control over another for the purpose of exploitation including, at a minimum, the exploitation of the prostitution of others, or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude, or the removal of organs [3]*

The United Nations Convention on Transnational Organized Crime (Convention) through the United Nations Office on Drugs and Crime (UNODC) combats human trafficking and human smuggling by dealing with their criminal justice element. The work that UNODC does to address human trafficking and the smuggling of migrants is underpinned by this Convention and its protocols on trafficking in persons and migrant smuggling. Three elements are present in the trafficking of human beings: the act, the method, and the purpose, and it involves three stages: recruitment, transportation, and exploitation. Traffickers are from both sexes, male victims are primarily for forced labour and women for sexual exploitation and domestic work [4]. Recent interdictions of vessels in Malaysian waters revealed many trafficked victims are males mostly from Afghanistan, Sri Lanka and Iraq involving transnational enterprises.

The Convention which Malaysia ratified in 2004, provides a unified definition for identifying transnational criminal organisations. Organised criminal group "shall mean a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit. "Serious crime" shall mean a conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty. "Structured group" shall mean a group that is not randomly formed for the immediate commission of an offence and that does not need to have formally defined roles for its members, continuity of its membership or a developed structure.... [A]n offence is transnational in nature if: (a) It is committed in more than one state; (b) It is committed in one state but a substantial part of its preparation, planning, direction or control takes place in another state; (c) It is committed in one state but involves an organized criminal group that engages in criminal activities in more than one state; or (d) It is committed in one state but has substantial effects in another state. Malaysia enforced

the ATIP Act in 2008 as evidence of its commitment to tackle the trafficking problem. The Act defines trafficking in persons or human trafficking:

*‘as victim or object of an act involving acquiring/maintaining labour or services through coercion that includes act of recruiting, conveying, transferring, harbouring, providing or receiving a person for the purposes of exploitation’.*

Malaysia’s definition of human trafficking that appears in the Anti Trafficking in Persons Act (2007) is slightly different from the one endorsed by the United Nations Crime Commission though it has the same basic characteristics and trafficking elements. Malaysia recognises sex trafficking and other “severe forms of trafficking.” Sex trafficking is defined as “the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act,” which includes both voluntary and involuntary movement on the part of the person being trafficked. The term “severe forms of trafficking” refers to involuntary movement on the part of the person being trafficked and includes “sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age,” or in which there is “the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.”

Malaysia’s ranking in the TIP Report for 2011 remained unchanged; Malaysia is still in the category of Tier 2 Watch List. According to The TIP Report 2011 “the government made minimal efforts to prevent human trafficking and did not coordinate anti-trafficking public awareness campaigns during the reporting period. It did not complete a national plan of action, the drafting of which started during the previous reporting period. Three inter-agency groups have responsibility – and possible overlapping jurisdiction – for trafficking issues: the Inter-Ministerial Task Force on Human Trafficking, led by the Ministry of Gender, Child Development and Community Development; the National Steering Committee on Orphans and Vulnerable Children; and the National Steering Committee on Child Labor. These committees did not organise any awareness campaigns or training activities, though they reportedly met during the year.” [5]

This not-so flattering analysis of Malaysia’s human trafficking scenario is not without basis. The eagerly anticipated comprehensive national plan of action as a basis to address trafficking in a more holistic manner has not emerged and would indicate that government is lackadaisical in its efforts to reverse Malaysia’s overseas image as a trafficking destination and source. “While the government increased the number of convictions obtained under the Anti-Trafficking in Persons and Anti- Smuggling of Migrants Act in 2011 and continued public awareness efforts on trafficking, it did not effectively investigate and prosecute labour trafficking cases, and failed to address problems of government complicity in trafficking and lack of effective victim care and counselling”. Most recently, government officials detained for trafficking under the Internal Security Act have been released [6]

Trafficking is often conflated with or mistaken for smuggling. However, there is a

distinct difference. The 2003 UN Migrant Smuggling Protocol refers the illegal activity to “the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident [7] Malaysia amended the ATIP Act in October 2010 which defines smuggled migrants as “a person who is the object of the act of smuggling of migrants” while smuggling refers to the activity of “arranging, facilitating or organising directly or indirectly a person’s unlawful entry into or through, or unlawful exit from any country of which the person is not a citizen or permanent resident either knowing or having reason to believe that the person’s entry or exit is unlawful.” [8] The critical ingredients here are illegal border crossing by the smuggled person and receipt of a material benefit by the smuggler. Thus, the main occupation of smugglers is transporting migrants via illegal channels while traffickers combine transportation which could be both legal and illegal with exploitation as well as exerting control over another human being through deception and force.

However, even scholars acknowledge blurred boundaries between official migration, smuggling and trafficking. While trafficking is dealt with as a criminal justice issue concerned with the breach of individual human rights, illegal movement of migrant workers or smuggling is usually handled under the guise of “migration management.” Smuggled migrants are viewed as illegals who voluntarily use smuggling channels in search of better job prospects and thus, exposed to harsh penalties if apprehended, though the conditions that prevail among some of the smuggled victims can define them as trafficked victims especially when exploitation and deception are involved. In reality, smugglers are often involved in trafficking and individuals who pay to acquire services of a smuggler may end up in exploitative conditions.

The definition of trafficking contained in the amended ATIP Act is narrower and ceases to comply with international law. The new definition of human trafficking refers to a person who is exploited by means of “coercion.” Coercion here refers to use or “threats of serious harm; any plan or scheme intended to cause the person to believe failure to perform an act would result in serious harm and; the abuse or threatened abuse of the legal process.” The ATIP Act’s use of the word “coercion” contradicts the UN Trafficking Protocol that defines trafficking as involving not only coercion, but also “of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person” (Article 3 of the Trafficking Protocol). Ironically, the revised Anti-Trafficking Act now contains provisions on smuggling which is inconsistent with Malaysia’s obligations under the Trafficking Protocol. Human Rights Watch stressed that “if Malaysia wants to end human trafficking, it needs to start treating trafficking victims as victims ... and Prime Minister Najib should return the amended anti-trafficking law to Parliament to stop trafficking victims from being re-victimized and to ensure that Malaysian law reflects international best practice” [9].

The Trafficking Protocol’s broad definition covers child trafficking (which the ATIP Act precludes) where adults abuse their power to force children into exploitative work

and severely control their movements. The Act also fails to take into consideration abuse of adult victims using fear tactics, and psychological manipulation that deters victims from seeking assistance. It is unfortunate that the exclusion of these situations, by default, excludes many trafficked persons from protection.

In addition, the insertion of “smuggling of migrants” into the new Part IIIA of the ATIP Act criminalises irregular migration into or out of Malaysia. The amendment conflates trafficking of people with smuggling of people, and narrows the legal definition of human trafficking. It will likely result in confusion among front line law enforcement agencies such as the police and immigration officials as trafficked victims could be detained as illegals or undocumented immigrants leading to immediate deportation thereby effectively preventing prosecution of offenders further complicating efforts to tackle trafficking. Undeniably, this will weaken government efforts to combat trafficking and expose trafficked victims and exploited migrants to further rights violations. Non-Governmental Organisations (NGOs) such as Human Rights Watch have expressed reservation as trafficking is a breach of human rights while smuggling is a violation of immigration laws.

International law and best practices recognise that smuggling and trafficking are distinct crimes requiring different strategies and law enforcement measures. Hence, the Palermo Convention has a separate protocol, called the Protocol against the Smuggling of Migrants by Land, Sea and Air, which Malaysia has not ratified. It is important to emphasise that both protocols have separate international frameworks to address two dissimilar problems supporting a different and unique policy response.

It is clear that underlying the recent ATIP Act amendment is the flawed assumption that the crimes of smuggling and trafficking are linked, that is, tackling smuggling will prevent trafficking. But anti-trafficking efforts worldwide demonstrate just the opposite. A narrow focus on fighting migrant smuggling will hurt anti trafficking initiatives as the emphasis on exploitation which defines trafficking is shifted to controlling immigration. This severely undermines identification of human trafficking victims and in Malaysia this (victim identification) has been singled out as the weakest link in its anti-trafficking measures by NGOs working on human rights issues.

Eliminating human trafficking and minimising irregular migration require different skills and strategies. It is vital that to effectively combat trafficking, the legal framework must recognise that victim identification and evidence are crucial to prosecuting the human trafficking crime. Traffickers are known to severely control the victims' movements by withholding their personal documents and identifications. Thus, gaining the trust of victims for effective testimony is critical for prosecution. However, there are inadequacies in terms of implementation. For example, the Ikatan Relawan Rakyat Malaysia (RELA or Volunteer Corps) is employed in immigration enforcement but is neither well trained nor sufficiently concerned to identify trafficked victims. Experience in many countries has also shown that cracking down on irregular migrants can increase

traffickers' ability to control and intimidate their victims who, fearful that seeking help will lead only to arrest and deportation, remain silent.

## PREVALENCE OF TRAFFICKING

The International Labour Organization (ILO) believes that there are 12 million victims of forced labour worldwide. According to the UN Office of Drugs and Crime (UNODC) 2.45 million people are estimated to be trafficked at any given time (this figure includes domestic and transborder trafficking). Of this number, 225,000 victims came from Southeast Asia and 15,000 from South Asia [10]. In addition, it is estimated that approximately 800,000 people are trafficked across international borders annually. Seventy-nine per cent of trafficking victims are trafficked for sexual exploitation while 18% are used for forced labour. Further, about 1.2 million children are trafficked each year while 66% of victims are adult women. The majority of trafficking victims are between the ages of 18 – 24 In Malaysia, 65% of victims are involved in forced labour including domestic servitude.

The highly clandestine and illicit nature of human trafficking has made it a challenge to ascertain the prevalence of human trafficking in Malaysia. It is estimated that there are about 800,000 to 1.9 million undocumented or irregular migrants [11] in the country, and no reliable statistics exist as to the proportion of trafficked victims. Officially, there are 1.8 million registered foreign workers in Malaysia [12]. The Home Ministry records show that between 2008 and March 2010, authorities had saved 1,252 victims and arrested 282 traffickers [13]. However, this is believed to be just the tip of the iceberg. A total of 143 cases of sexual exploitation were unearthed in addition to 43 cases of forced labour, 11 cases of human smuggling, four cases of sales of babies and one case relating to child exploitation for visa purposes [13].

With emigration pressure from poor countries in Southeast Asia expected to rise and exacerbated by the continuing global financial meltdown that was triggered off in 2008, thousands of potential immigrants will be unable to gain legal admission into Malaysia because of quota-controls, travel costs, or other obstacles. Many of these migrants will attempt to enter Malaysia illegally, and, with more than 4,800 kilometres of coastline many of these attempts will be by maritime means. While some migrants will make these attempts on their own or en masse, others will receive assistance from family, paid smugglers, or traffickers to avoid detection and capture by border control forces. Interestingly, traditional movements of people from the Indonesian state of Kalimantan to Sandakan of Sabah are being exploited by criminal syndicates. Table 1 shows the number of illegals detained in the Malaysian Maritime Zone from 2006-2010 [14].

**Table 1 : Number of illegals detained in the Malaysian Maritime Zone from 2006-2010**

| Year  | Number and nationality of Illegals detained in Malaysian Maritime Zone |          |      |         |                 |        |         |             |
|-------|--|----------|------|---------|-----------------|--------|---------|-------------|
|       | Indonesian   | Filipino | Thai | Myanmar | Bangladesh<br>i | Indian | Chinese | Total       |
| 2006  | 59   | 6        | -    | -       | -               | -      | -       | <b>65</b>   |
| 2007  | 97   | 52       | 10   | 31      | 1               | -      | 6       | <b>197</b>  |
| 2008  | 303  | 88       | 1    | 17      | 5               | 2      | -       | <b>416</b>  |
| 2009  | 382  | 212      | 6    | 25      | -               | 2      | -       | <b>627</b>  |
| 2010  | 48   | 113      | 18   | 121     | -               | -      | -       | <b>300</b>  |
| TOTAL | 889  | 471      | 35   | 194     | 6               | 4      | 6       | <b>1605</b> |

Source: Malaysian Maritime Enforcement Agency

Tenaganita, the Malaysian NGO that campaigns for migrant rights, has identified the following entry points into Malaysia by human traffickers:

- a) Malaysia-Thai border with a 5km of “no man’s land”
- b) Singapore-Johore Causeway: the ASEAN visa-waiver travel facility has allowed easy access to traffickers and victims within the ASEAN nations.
- c) Batam-Singapore-Johore
- d) From Indonesia via boat to Teluk Intan
- e) Traffickers also use air routes via Kuala Lumpur International Airport and Penang Airport
- f) From China into Sarawak enroute to Kuala Lumpur
- g) From Kalimantan into Sarawak
- h) From the Philippines (especially Dawao) by boat to Labuan enroute to Kota Kinabalu and then Kuala Lumpur

The vulnerable sea areas where trafficking often takes place are through the Straits of Malacca and Singapore (which is about 500nm in length), Johore Strait, South China Sea and the Sulawesi and Sulu Seas. Studies confirm that criminals use foreign fishing vessels, ocean pleasure craft and cruise liners to facilitate their operations. Figure 1 shows the source of illegal immigrants in Sabah and the transit points used to enter the state. The same entry points are used by human trafficking syndicates.

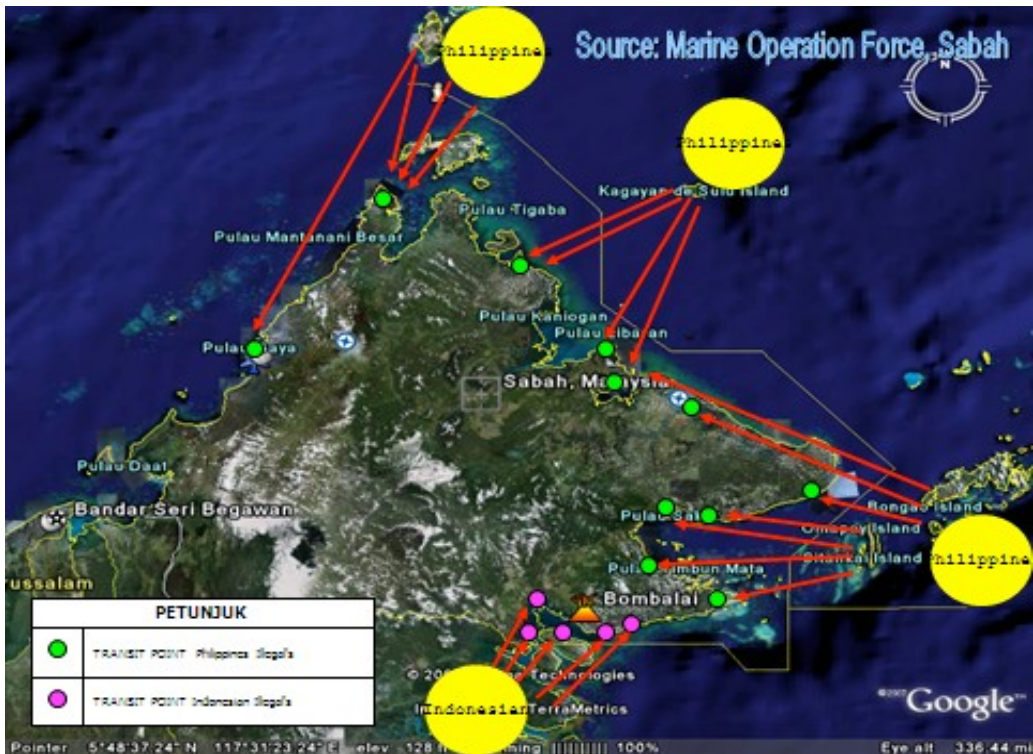


Figure 1 : Transit points used by illegals to enter Sabah

ROOT CAUSES OF TRAFFICKING

The economic side to this criminal enterprise, namely supply and demand (pull and push factors), drives trafficking. Pull factors relate to perceived better economic opportunities in Malaysia, its relative prosperity and political stability compared to her neighbours while push factors include economic disparity, violence, ethnic conflicts and displacement in source countries such as Myanmar, Vietnam, and Laos. In addition the relative permeability of Malaysia’s sea borders, demand for cheap labour in certain sectors and corruption facilitate unauthorised entry into the country. Malaysia has also increasingly become a magnet for people from conflict-ridden and post conflict countries such as Iraq, Sri Lanka and Afghanistan seeking employment or on transit to richer nations like Australia and Canada often falling prey to trafficking networks for forced labour and sexual exploitation [15]. Debt bondage is another popular method of controlling trafficked people and to ensure their continued lucrativeness to the traffickers [16]. Table 2 shows the number of victims of trafficking placed in shelters since 2008.

Table 2 The number of human trafficking victims in Malaysian shelters (2008-2010)

| Number | SHELTER      | DUKIT LEDANG (FEMALE)<br>24/03/2008 - 06/10/2010 |     | LIKAS (FEMALE)<br>JUNE 2009 - 06/10/2010 |     | KLIA (MALE) |    | TANJUNG KLING (MALE)<br>15/06/2010 - 10/10/2010 |    | BEKENU (MALE) |    | DUKIT LEDANG (CHILDREN)<br>24/03/2008 - 06/10/2010 |    | TOTAL |
|--------|--------------|--|-----|--|-----|-------------|----|---|----|---------------|----|--|----|-------|
|        |              | IPO  | PO  | IPO                                      | PO  | IPO         | PO | IPO   | PO | IPO           | PO | IPO  | PO |       |
| 1      | MALAYSIAN    | 3  | 0   | 0  | 0   | 0           | 0  | 0   | 0  | 0             | 0  | 0  | 0  | 3     |
| 2      | THAI         | 75   | 33  | 0  | 0   | 0           | 0  | 0   | 0  | 0             | 0  | 0  | 0  | 108   |
| 3      | INDIAN       | 12   | 10  | 0  | 0   | 0           | 0  | 0   | 26 | 0             | 0  | 0  | 0  | 48    |
| 4      | VIETNAMESE   | 80   | 19  | 3  | 3   | 0           | 0  | 0   | 8  | 0             | 0  | 0  | 0  | 113   |
| 5      | FILIPINO     | 95   | 62  | 90                                       | 60  | 0           | 0  | 0   | 0  | 0             | 0  | 0  | 0  | 307   |
| 6      | INDONESIAN   | 187  | 0   | 100                                      | 67  | 0           | 0  | 0   | 0  | 0             | 0  | 0  | 0  | 521   |
| 7      | CAMBODIANS   | 11   | 2   | 1  | 1   | 0           | 0  | 0   | 0  | 0             | 0  | 0  | 0  | 15    |
| 8      | CHINESE      | 151  | 6   | 0  | 0   | 0           | 0  | 0   | 0  | 0             | 0  | 0  | 0  | 157   |
| 9      | MYANMAR      | 12   | 5   | 0  | 0   | 0           | 0  | 0   | 0  | 0             | 1  | 0  | 0  | 18    |
| 10     | SRI LANKAN   | 10   | 11  | 0  | 0   | 0           | 0  | 0   | 25 | 0             | 0  | 0  | 0  | 46    |
| 11     | BANGLADESHI  | 0  | 0   | 0  | 0   | 0           | 0  | 0   | 33 | 0             | 0  | 0  | 0  | 33    |
| 12     | AFGHANISTANI | 0  | 0   | 0  | 0   | 0           | 0  | 0   | 7  | 0             | 0  | 0  | 0  | 7     |
| 13     | NEPALESE     | 1  | 0   | 0  | 0   | 0           | 0  | 0   | 0  | 0             | 0  | 0  | 0  | 1     |
|        |              | 637  | 148 | 194                                      | 131 | 0           | 0  | 0   | 99 | 0             | 1  | 54   | 43 | 1474  |

Note: PO: Protection order for those not yet ascertained as trafficking victims and investigations are on going.

IPO: Interim Protection Order for those who have been identified and verified as trafficked victims.

Source: MAPO – (Anti Human Trafficking Council)

Trans-Asian migration had been a key component of British colonial labour policy which led to unregulated migration of ethnic Indians and Chinese into Malaya through special labour schemes for employment mainly in the rubber plantation and tin mining respectively. Malaysia now imports more migrant workers than any other ASEAN country to overcome shortages of low and medium skilled labour in the agricultural, construction, maintenance and services sectors and other sectors not considered lucrative by locals. According to the International Labour Organisation (ILO), Malaysia currently has 35% of the 13.5 million migrants in the region. The 1959 Immigration Act however has restricted the quantity of migrants and the Employment Restriction Act 1968 made

access to the labour market for foreigners dependent on possession of work permits. Human trafficking and human smuggling syndicates have taken advantage of these legal restrictions to bring in prospective migrants via promises of easy and lucrative employment.

Traffickers often target people seeking to migrate to Malaysia to meet labour demands in lowly paid sectors. The victims are deceived into believing they are being recruited for legitimate employment. Though the migrants may have given consent to illegal migration, it has to be noted that coercion or deception is enough to nullify victims' consent to be smuggled and hence, they are considered trafficked rather than smuggled victims. Most of the trafficked victims are from the poorer parts of Asia such as Indonesia, the Philippines, Cambodia, Vietnam, Myanmar, and Laos. There have been reported cases of Cambodian teenagers being forced to work aboard fishing vessels in the South China Sea to the illegal harvesting of human organs to high-class prostitutes from the former USSR plying their trade in the heart of Kuala Lumpur. The Malaysian Maritime Enforcement Agency (MMEA) has received reports of exploitation of foreign nationals onboard long haul Thai fishing boats operating off the Sarawak coast. The boats occasionally enter Tanjung Manis port to land their catches [17].

According to the International Catholic Migration Commission, 30,000 Indonesians were trafficked into Sabah in 2009 for sexual exploitation, forced labour and debt bondage. Klang and Penang are favourite points for unauthorised entry. According to police sources, entry points for human trafficking also included the Malaysia-Thailand border, Teluk Intan in Perak, Singapore-Johore Causeway, Batam-Singapore-Johore, Kalimantan, Nunukan of Sandakan, Philippines-Labuan-Kota Kinabalu and Tawi-Tawi-Labuan.

Despite numerous strategies to remedy unlawful migration through regulations, none of them have effectively stemmed the flow of illegal migrants or protected them against exploitation [18]. The main factors are corruption and outsourcing for labour. In addition, since Malaysia has not ratified the 1951 UN Convention on Refugees, refugees fleeing here are considered illegal immigrants and thus vulnerable to trafficking. The asylum seekers, mostly from Myanmar, engage smugglers to bring them into Malaysia, and are later exploited by employment agencies. Those who come to Malaysia are economically depressed and need assistance from smuggling syndicates for transportation and job placement but who are deceived and sold to recruiters and employers; they become bonded labour until they have paid off their debt.

In Malaysia, since 2005, immigration policy changed from the direct recruitment system to a labour outsourcing scheme and establishment of labour-hire firms. This corresponded with the government's push for a greater economic role of small and medium enterprises. This new scheme however, had led to "bonded-labour" arrangements and directly encouraged trafficking [19].

## **TACKLING UNDERLYING CAUSES OF TRAFFICKING: A STRUCTURED MIGRATION FRAMEWORK**

Poverty is the driving force of illegal and some legal migration. It leaves people exposed to criminal syndicates which take advantage of this vulnerability to deceive migrants seeking better opportunities across the borders. It is likely to take decades if Malaysia's efforts are only limited to fighting trafficking by enhancing border security, increased patrols and improving maritime surveillance. Strong and sustained maritime policing capability is important but inadequate to counter trafficking. In fact, tighter border controls and surveillance have contributed to the growth of the fake document industry and the entry of irregular migrants via legal means. Many migrants are deceived into buying fake employment documents by human trafficking syndicates. Corruption among low level officials at the state bureaucracy in facilitating acquiring of fake identity cards in Sabah has been uncovered [20]. On 1st August 2010, twenty immigration officials were suspended for alleged abetting in the release of twelve trafficked Afghans at the Kuala Lumpur International Airport detention centre, the second such incident. Earlier on March 27 2010, thirteen Afghans and four Myanmar nationals escaped the same depot using similar methods to escape. The Home Minister commented that it "would be meaningless to come up with a good system to manage foreigners if officers failed to carry out their duties with a high level of integrity and commitment." On September 2010, seven Immigration officials were placed under preventive detention (Internal Security Act) which indicates the gravity of the matter specifically the collusion of law enforcement officials with trafficking groups in perpetuating the crime by allowing traffickers to operate with impunity [21].

In addition, human trafficking is a multibillion dollar wealth-generating industry for syndicates and in which the risk-to-reward ratio, which is almost nil, eventually perpetuates the problem. Syndicates, too, are gaining in sophistication and volume and capable of finding alternative routes to ply their trade.

Trafficking can only be eliminated by eliminating the demand for it. A structured and flexible migration framework that allows easy entry of migrants will remove the incentive for the latter to resort to traffickers and instead consider legal channels, while at the same time addressing human vulnerability and improving human security. Human insecurity drives desperate people to resort to traffickers and thus the best way to attack human trafficking syndicates is to deprive them of their profits. Severe policies on border control increases the cost of migration and can be counterproductive in terms of reducing the number of smuggled humans ending up exploited. Due to high smuggling fees, illegal migrants are forced into slavery to pay back the debt owed to the intermediaries. Regularisation policies, also known as amnesties, or converting the status of current irregular immigrants to legal are even cheaper than border controls. Studies conducted in the US on border enforcement in preventing trafficking of humans indicate that to tackle transborder crime, the huge underground economy must be deprived of profits through sound migration policies.

Friebel and Guriev argue that migration policies have indirect effects on the trafficking business [22]. These policies could be considered for their practicality in the Malaysian case. Their theory argues that campaigns to regularise immigrants, general amnesty for illegal migrants, lenient deportation policies (deportations are costly and borne by the host country and can be inhumane) would help facilitate migrants to gain regular status as they are less risky. The policies, if effectively implemented, reduce traffickers' would-be profits, increase legal migration and enhance the skill composition of migrants as well as counter corruption among public law enforcement officials. Many smuggled humans end up exploited and forced into bonded labour as way of financing the illegal migration. The migrant commits to a debt contract to be classified as trafficked victim. Lenient deportation policies may produce results as they act as good incentives to exploited victims to come out of the shadow, and deprive traffickers of their profits. Demand for cheap labour in certain economic sectors such as agriculture, manufacturing and construction can be addressed by making it easier for migrants to enter the country legally. The illegal recruitment of workers has resulted in the government losing out on tax revenues and distorting wages and fair market principles. Thus, policies that will ease the current restrictive migration framework can only benefit the government and destroy the shadow economy. This will also address systematic structural factors in curbing conditions that give rise to exploitative labour practices. In addition, Malaysia's anti trafficking laws must provide opportunities for victims to become regular migrants with decent wages and working conditions. However, the government also needs to ensure that proper investigation are in place to ensure the trafficked individual is actually a victim, and not an extremist in disguise to gather intelligence and thus, placing national security at risk. Thus, proper investigative measures and greater scrutiny on validity of claims or allegations by individuals are vital to prevent potential terrorists from taking advantage of our counter trafficking measures to prevent exploitation.

The ongoing tension between immigration and migration is evident. Domestic immigration laws regulate the entry of non citizens to protect the borders and sovereign integrity of Malaysia. International migration laws recognise free movement of people between borders if their lives are in mortal danger which are at odds with Malaysia's immigration laws to keep these people at bay. A consequence of this is human trafficking especially in view of the fact that Malaysia is not a signatory to the United Nations Convention Relating to the Status of Refugees. Desperate people usually resort to desperate measures contributing to this transborder crime. Thus, Malaysia must immediately sign and ratify the UN Convention on Refugees to prevent further recruitment and exploitation of vulnerable peoples.

In fact, the ILO believes that legal labour migration channels can reduce trafficking in children and women. The International Organisation for Migration (IOM) also agrees that orderly migration management is important to protect the state against unauthorised entry and violation of its security. Malaysia should not protect its borders by turning its back on refugees and immigrants. Its policies should force illegal immigrants and refugees into safer and legal (albeit lengthy) channels in all cases especially in urgent cases of actual persecution.

The global financial meltdown which did not spare Malaysia has led to the reduced intake of foreign labour in certain sectors though the demand for cheap labour is still high. This, coupled with political uncertainties, a decline in social well being and continued significant political unrests in countries such as Afghanistan and Iraq and the poorer economic climate in countries such as Vietnam, Laos, Myanmar and Indonesia are expected to fuel illegal transnational migration in particular labour smuggling and trafficking. However, Malaysia can play an important role. Among others, Malaysia can offer to recruit directly cheap labour from source countries to remove the incentive for victims to resort traffickers. Malaysian companies must also be encouraged to hire labour directly from the source countries of Southeast Asia. This will prevent large scale illegal seaborne migration. At the same time, the Malaysian Government can introduce minimum wage for foreign labour to end exploitation and conditions that promote slavery. This will also prevent transnational criminals from using deceptive tactics to hire would-be migrants which will also stamp out corruption among law enforcement officials.

## CONCLUSION

The seas are a medium for a number of transnational threats and crimes facilitated by economic globalisation with poor and desperate migrants becoming victims of trafficking syndicates who deceive them with promises of lucrative jobs abroad. It is aided by significant political and economic instability in source counties and aggravated by inadequate law enforcement capabilities. In the case of illegal seaborne migration the ultimate key to boosting Malaysia's security and a long term solution to the human trafficking menace is to begin to examine and institute structural reforms in the migration system to ensure it is friendly to bone fide migrant workers seeking employment opportunities in low-wage economic sectors while weeding out and screening potential extremist disguising as victims that will contribute to the nation's economic well-being while protecting their rights and simultaneously depriving trafficking syndicates of their illegal and exploitative lifelines.

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## **MODELING AND PID-BASED FEEDBACK CONTROL OF GUN CONTROL SYSTEM FOR IMPROVING EIGHT-WHEELED ARMORED VEHICLE (8WAV) DYNAMICS PERFORMANCE IN ROLL AND PITCH MOTIONS DURING FIRING**

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### **ABSTRACT**

*This paper presents a detailed derivation of 12 Degrees of Freedom (DOF) eight-wheeled armored vehicle (8WAV), which consists of eight DOF in vertical motion of eight tyres, three DOF in vertical, roll and pitch motions of vehicle body and one DOF in angular motion of gun turret relative to weapon platform. One source of disturbance considered in this study is reaction force at the weapon platform. A gun control system (GCS) is then developed on the 8WAV model to reduce unwanted vehicle motions during firing. The proposed controller structure for the GSC is PID control. The results of the study show that the proposed control structure is able to significantly improve the dynamics performance of the 8WAV compared to the passive 8WAV system.*

*Keywords: 8WAV model, Gun disturbance, Gun control system.*

### **INTRODUCTION**

Vehicle dynamic simulation using multibody vehicle model has been very useful in reducing time and cost in the development stage [1]. Using computer simulation, the researcher or engineer may understand the dynamics behavior of the vehicle in different operating conditions [2, 3]. There are several mathematical models for vehicles which were proposed and the analyses of the dynamic response have been examined in a large number of previous investigations [4, 5]. In vehicle dynamics, three essential components are considered for typical vehicle system, the main body of the vehicle (sprung mass), the suspension system and the wheels (unsprung mass). The vehicle's

kinematics and dynamics can be described from the interaction among those rigid bodies. The incorporation of road tire interaction is also an essential part of vehicle dynamics. Therefore, it is important to construct a mathematical model that includes the nonlinear characteristic of the system, the general three dimensional motion of the sprung and unsprung masses, the required inertial coupling between sprung and unsprung masses, and an accurate representation of the restraints and forces imposed by the suspension components [6, 7]. Many vehicle models have been developed and their governing equations were derived by considering energy equilibrium or dynamic equilibrium.

Multi-wheeled and tracked military vehicles, such as light armored vehicles, tanks or armored personnel carriers, which traverse over rough off-road terrain, demand strong driving force, maneuverability, stability and comfort ride. Stability and comfort ride in multi-wheeled and tracked military vehicles depend on a combination of vertical motion and angular motions of pitch and roll [8]. Since multi-wheeled and tracked military vehicles are intended to deliver accurate firing attack, stability and comfort ride for the military vehicles is a must.

This study focuses on the mathematical derivations of a class of multi-wheeled vehicles namely eight-wheeled armored vehicle (8WAV) using passive suspension system. A gun control system is then developed using one unit semi-active damper installed between gun turret and gun platform. The proposed control strategy for the GSC system is the PID-based feedback control. Feedback control is used to minimize unwanted body pitch and body roll motions during firing.

This paper is organized as follows: The first section contains introduction and the review of some related works, followed by mathematical derivations of 12-DOF 8WAV model. The third section introduces the proposed controller structure for the GCS. The fourth section presents the results of model simulation. The last section is the conclusion.

## **TWELVE DOF EIGHT-WHEELED ARMORED VEHICLE MODEL**

The eight-wheeled armored vehicle considered in this study is based on a class of mobile gun systems which has eight wheels and is capable of firing 105 mm projectiles from the gun turret, as shown in Figure 1 [9, 10]. The full-vehicle model of the eight-wheeled armored vehicle is shown in Figure 2, which consists of a single sprung mass (vehicle body) connected to eight unsprung masses and is represented as a 12-DOF system. The sprung mass is represented as a plane and is allowed to heave, pitch and roll, while the unsprung masses are allowed to bounce vertically with respect to the sprung mass.

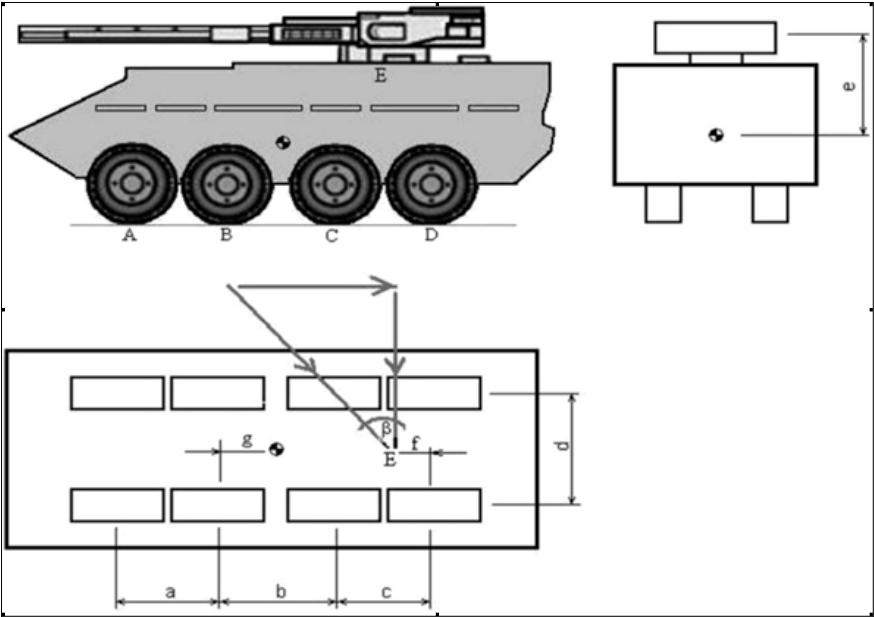


Figure 1: A 3D view of 8WAV for a class of mobile gun system

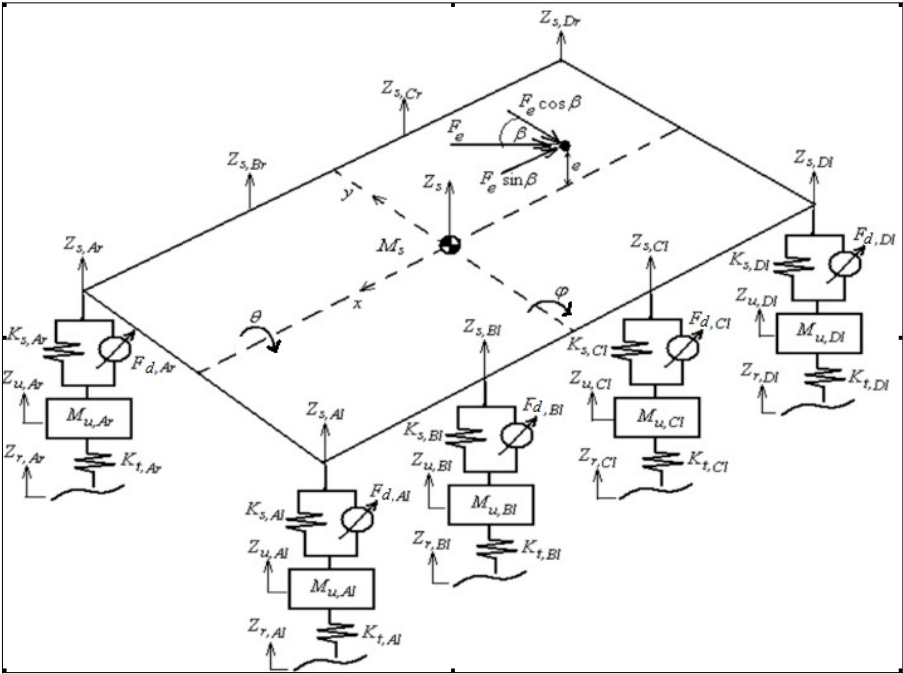


Figure 2: Twelve DOF 8WAV

## Modeling assumptions

Some of the modeling assumptions considered in this study are as follows: the turret gun has only one DOF in rotational motion along the horizontal plane or vertical axis of the weapon platform, the effect of yaw motion due to the reaction force of weapon platform during firing a large-calibre projectile from gun turret is neglected, each wheel is connected to the body using an independent suspension system and has only one DOF in the vertical direction, only reaction force at the weapon platform due to the effect of firing a large-calibre projectile from gun turret is taken into account in the equations of motion and the roll centre is coincident with the pitch centre and located at the body centre of gravity. The suspensions between the sprung mass and unsprung masses are modelled as passive viscous dampers and spring elements, while, the tyres are modelled as simple linear springs without damping. For simplicity, all pitch and roll angles are assumed to be small. This similar model was used by Hudha [8, 11].

## Equations of motion of 12-DOF 8WAV model

In this section, the equations of motion of the 8WAV with a passive suspension system are derived. Equations of motion for passive system can be obtained at the left and right sides of point A, B, C and D with the relevant suspension forces. Referring to Figure 2, the force balance on the sprung mass in the vertical direction is given as:

$$M_s \ddot{Z}_s = F_{s,Al} + F_{d,Al} + F_{s,Ar} + F_{d,Ar} + F_{s,Bl} + F_{d,Bl} + F_{s,Br} + F_{d,Br} + F_{s,Cl} + F_{d,Cl} + F_{s,Cr} + F_{d,Cr} + F_{s,Dl} + F_{d,Dl} + F_{s,Dr} + F_{d,Dr}$$

where:

$M_s$  = sprung mass

$\ddot{Z}_s$  = Vertical displacement of sprung mass at the body centre of gravity

Spring force at the left side of point A =  $F_{s,Al} = K_{s,Al}(Z_{u,Al} - Z_{s,Al})$

Spring force at the right side of point A =  $F_{s,Ar} = K_{s,Ar}(Z_{u,Ar} - Z_{s,Ar})$

Spring force at the left side of point B =  $F_{s,Bl} = K_{s,Bl}(Z_{u,Bl} - Z_{s,Bl})$

Spring force at the right side of point B =  $F_{s,Br} = K_{s,Br}(Z_{u,Br} - Z_{s,Br})$

Spring force at the left side of point C =  $F_{s,Cl} = K_{s,Cl}(Z_{u,Cl} - Z_{s,Cl})$

Spring force at the right side of point C =  $F_{s,Cr} = K_{s,Cr}(Z_{u,Cr} - Z_{s,Cr})$

Spring force at the left side of point D =  $F_{s,Dl} = K_{s,Dl}(Z_{u,Dl} - Z_{s,Dl})$

Spring force at the right side of point D =  $F_{s,Dr} = K_{s,Dr}(Z_{u,Dr} - Z_{s,Dr})$

Damping force at the left side of point A =  $F_{d,Al} = C_{d,Al}(\dot{Z}_{u,Al} - \dot{Z}_{s,Al})$

Damping force at the right side of point A =  $F_{d,Ar} = C_{d,Ar}(\dot{Z}_{u,Ar} - \dot{Z}_{s,Ar})$

Damping force at the left side of point B =  $F_{d,Bl} = C_{d,Bl}(\dot{Z}_{u,Bl} - \dot{Z}_{s,Bl})$

Damping force at the right side of point B =  $F_{d,Br} = C_{d,Br}(\dot{Z}_{u,Br} - \dot{Z}_{s,Br})$

Damping force at the left side of point C =  $F_{d,Cl} = C_{d,Cl}(\dot{Z}_{u,Cl} - \dot{Z}_{s,Cl})$

Damping force at the right side of point C =  $F_{d,Cr} = C_{d,Cr}(\dot{Z}_{u,Cr} - \dot{Z}_{s,Cr})$

Damping force at the left side of point D =  $F_{d,Dl} = C_{d,Dl}(\dot{Z}_{u,Dl} - \dot{Z}_{s,Dl})$

Damping force at the right side of point D =  $F_{d,Dr} = C_{d,Dr}(\dot{Z}_{u,Dr} - \dot{Z}_{s,Dr})$

$K_{s,Al}, K_{s,Ar}, K_{s,Bl}, K_{s,Br}, K_{s,Cl}, K_{s,Cr}, K_{s,Dl}, K_{s,Dr} =$  Spring stiffness at the left and right sides of point A, B, C and D, respectively

$C_{d,Al}, C_{d,Ar}, C_{d,Bl}, C_{d,Br}, C_{d,Cl}, C_{d,Cr}, C_{d,Dl}, C_{d,Dr} =$  Damping stiffness at the left and right sides of point A, B, C and D, respectively

$Z_{s,Al}, Z_{s,Ar}, Z_{s,Bl}, Z_{s,Br}, Z_{s,Cl}, Z_{s,Cr}, Z_{s,Dl}, Z_{s,Dr} =$  Sprung masses displacement at the left and right sides of point A, B, C and D, respectively

$Z_{u,Al}, Z_{u,Ar}, Z_{u,Bl}, Z_{u,Br}, Z_{u,Cl}, Z_{u,Cr}, Z_{u,Dl}, Z_{u,Dr} =$  Unsprung masses displacement at the left and right sides of point A, B, C and D, respectively

Similarly, moment balance equations are derived for pitch  $\alpha$  and roll  $\theta$  are given as,

$$I_{yy}\ddot{\alpha} = (F_{s,Al} + F_{d,Al} + F_{s,Ar} + F_{d,Ar})(a + g) + (F_{s,Bl} + F_{d,Bl} + F_{s,Br} + F_{d,Br})(g) - (F_{s,Cl} + F_{d,Cl} + F_{s,Cr} + F_{d,Cr})(b - g) - (F_{d,Dl} + F_{s,Dl} + F_{d,Dr} + F_{s,Dr})c + eF_e \sin \beta$$

$$I_{xx}\ddot{\theta} = (F_{s,Ar} + F_{d,Ar} + F_{s,Br} + F_{d,Br} + F_{s,Cr} + F_{d,Cr} + F_{s,Dr} + F_{d,Dr})\left(\frac{d}{2}\right) - (F_{s,Al} + F_{d,Al} + F_{s,Bl} + F_{d,Bl} + F_{s,Cl} + F_{d,Cl} + F_{s,Dl} + F_{d,Dl})\left(\frac{d}{2}\right)$$

where,

$\ddot{\theta}$  = Roll acceleration at body centre of gravity

$\ddot{\alpha}$  = Pitch acceleration at body centre of gravity

$I_{xx}$  = Roll axis moment of inertia

$I_{yy}$  = Pitch axis moment of inertia

$D$  = Track width of sprung mass

$F_e$  = External force due to the effect of firing a large-calibre missile from gun turret

$\beta$  = Angle of fire

$a$  = Distance from point A to B

$b$  = Distance from point B to C

$c$  = Distance from C to D

$e$  = Distance from the centre of the turret gun to the body centre of gravity

$g$  = Distance from point B to the body centre of gravity.

By performing force balance analysis at the eight wheels, the following equations are obtained:

$$M_u \ddot{Z}_{u,Al} = F_{t,Al} - F_{s,Al} - F_{d,Al}$$

$$M_u \ddot{Z}_{u,Ar} = F_{t,Ar} - F_{s,Ar} - F_{d,Ar}$$

$$M_u \ddot{Z}_{u,Bl} = F_{t,Bl} - F_{s,Bl} - F_{d,Bl}$$

$$M_u \ddot{Z}_{u,Br} = F_{t,Br} - F_{s,Br} - F_{d,Br}$$

$$M_u \ddot{Z}_{u,Cl} = F_{t,Cl} - F_{s,Cl} - F_{d,Cl}$$

$$M_u \ddot{Z}_{u,Cr} = F_{t,Cr} - F_{s,Cr} - F_{d,Cr}$$

$$M_u \ddot{Z}_{u,Dl} = F_{t,Dl} - F_{s,Dl} - F_{d,Dl}$$

$$M_u \ddot{Z}_{u,Dr} = F_{t,Dr} - F_{s,Dr} - F_{d,Dr}$$

where,

$F_{t,Al}, F_{t,Ar}, F_{t,Bl}, F_{t,Br}, F_{t,Cl}, F_{t,Cr}, F_{t,Dl}, F_{t,Dr}$  = Tyre forces at the left right sides of points A, B, C and D respectively

Displacement and velocity of the sprung masses at the left and right sides of point A, B, C and D depend on the sprung mass displacement and velocity at the body centre of gravity ( and ), pitch angle ( $\alpha$ ) and roll angle ( $\theta$ ). The sprung mass displacement and velocity at point A, B, C and D are defined as the following:

$$Z_{s,Al} = (Z_s - \theta \frac{d}{2} + \alpha(a + g))$$

$$\dot{Z}_{s,Al} = (\dot{Z}_s - \dot{\theta} \frac{d}{2} + \dot{\alpha}(a + g))$$

$$Z_{s,Ar} = (Z_s + \theta \frac{d}{2} + \alpha(a + g))$$

$$\dot{Z}_{s,Ar} = (\dot{Z}_s + \dot{\theta} \frac{d}{2} + \dot{\alpha}(a + g))$$

$$Z_{s,Bl} = (Z_s - \theta \frac{d}{2} + \alpha(g))$$

$$\dot{Z}_{s,Bl} = (\dot{Z}_s - \dot{\theta} \frac{d}{2} + \dot{\alpha}(g))$$

$$Z_{s,Br} = (Z_s + \theta \frac{d}{2} + \alpha(g))$$

$$\dot{Z}_{s,Br} = (\dot{Z}_s + \dot{\theta} \frac{d}{2} + \dot{\alpha}(g))$$

$$Z_{s,Cl} = (Z_s - \theta \frac{d}{2} - \alpha(b - g))$$

$$\dot{Z}_{s,Cl} = (\dot{Z}_s - \dot{\theta} \frac{d}{2} - \dot{\alpha}(b - g))$$

$$Z_{s,Cr} = (Z_s + \theta \frac{d}{2} - \alpha(b - g))$$

$$\dot{Z}_{s,Cr} = (\dot{Z}_s + \dot{\theta} \frac{d}{2} - \dot{\alpha}(b - g))$$

$$Z_{s,Dl} = (Z_s - \theta \frac{d}{2} - \alpha(c + b - g))$$

$$\dot{Z}_{s,Dl} = (\dot{Z}_s - \dot{\theta} \frac{d}{2} - \dot{\alpha}(c + b - g))$$

$$Z_{s,Dr} = (Z_s + \theta \frac{d}{2} - \alpha(c + b - g))$$

$$\dot{Z}_{s,Dr} = (\dot{Z}_s + \dot{\theta} \frac{d}{2} - \dot{\alpha}(c + b - g))$$

The external force acting on the weapon platform can be derived from Impulse – Momentum theorem [8]. Impulse is the concept used to describe the effect of force acting on an object for a finite amount of time. Impulse is a measure of the change in linear momentum of the object affected by the force. Linear momentum is defined as the product of mass and velocity of an object. Due to the energy from the burning

gunpowder, the projectile is pushed out of the case and up the barrel. The characteristics of propellant powder are such that the peak gas pressures are generated almost immediately as the projectile begins its trip up the barrel. As the projectile accelerates up the barrel, it makes space for the gas to expand rapidly. This expansion, coupled with the friction between the projectile and the barrel, results in a final boost to the projectile so that its maximum velocity is attained just beyond the muzzle. The relationship between the impulse and momentum of the projectile leaving a muzzle comes from Newton's second law and is described as follow:

$$F_e = M_p \frac{(v_f - v_o)}{\Delta t}$$

where,

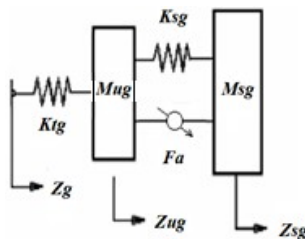
- Fe = Force acting at the weapon platform
- Mp = Projectile mass
- Vf = Speed of projectile leaving the muzzle
- V0 = Initial speed of the projectile
- Δt = The time needed by the projectile to reach its maximum speed at the muzzle.

## CONTROLLER STRUCTURE OF GUN CONTROL SYSTEMS (GCS)

The controller structure consists of outer loop controller to stabilize roll and pitch responses due to reaction force from the gun. There are semi active damper and spring element are installed in parallel arrangement with additional another one spring element react the force disturbance during firing as shown in Figure 3. The output of horizontal motion from the semi active damper and spring is used as the input for weapon platform. The reaction force obtained by the weapon platform can be reduced with the use of controllable semi active damper. The system configuration of the GSC is shown in Figure 4.



**Figure 3: Installation of GCS between the gun and weapon platform**



**Figure 4: System configuration of the GSC**

The semi active damper model for GCS is installed in parallel arrangement with the spring. The assumptions for the modeling are as follows: the displacement of the gun disturbance is modeled as a linear spring  $K_{sg}$ , the behaviour of spring and semi active damper are linear and controllable respectively, the horizontal displacement of  $x_{sg}$  is always in contact with the end of the gun and the horizontal acceleration  $\ddot{z}_{sg}$  is transferred to the gun platform.

The equation of motion for the weapon platform of the GCS is given by:

$$F_a + F_s = M_{sg} \ddot{z}_{sg}$$

The equation of motion for the gun disturbance of the GCS is given by:

$$F_{ig} - F_a - F_s = M_{ug} \ddot{z}_{ug}$$

where,

$F_a$  = Damping force of the semi-active damper

$F_s$  = Spring force

$F_{ig}$  = Force disturbance from the gun

$M_{sg}$  = Mass of weapon platform

$M_{ug}$  = Mass between active section and force disturbance from the gun

$\ddot{z}_{sg}, \ddot{z}_{ug}$  = Horizontal accelerations of weapon platform and gun disturbance, respectively.

## DESCRIPTION OF THE SIMULATION MODEL

The 8WAV model is developed using MATLAB-SIMULINK software based on the mathematical equations from the previous equations of motion of the 8WAV. The relationship between sprung mass, unsprung mass and gun disturbance are clearly described in figure 5. The input that can be used in the dynamic analysis of the model is obtained from the disturbance of gun system in which it is modeled as 1-DOF. It simply explains that the developed model is able to perform the analysis in roll and pitch motions.

The controller structure of GCS in this study is shown in figure 6. Basically, the controller structure utilizes one controller loop namely feedback control loop which corresponds to horizontal acceleration of the weapon platform.

## Model Simulation Parameters

This section begins with introducing all the parameters used in this simulation study, followed by the presentation of the controller performance. The simulation study was performed for a period of 10 seconds using Heun solver with a fixed step size of 0.01 second. The numerical values of the 12-DOF 8WAV parameters are set based on Pike

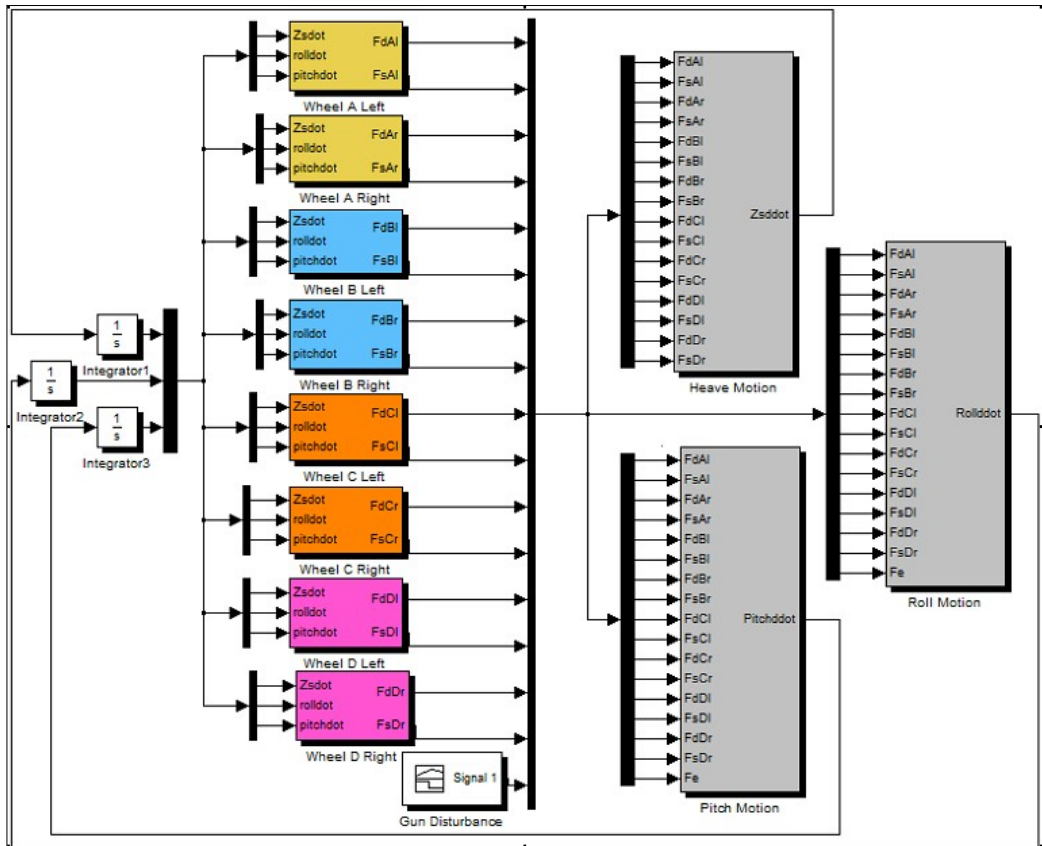


Figure 5: Simulink diagram of passive 8WAV

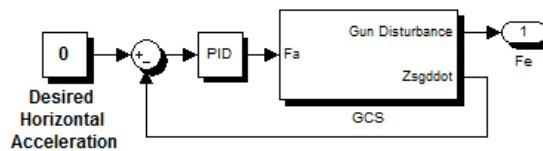


Figure 6: Control structure of the GSC for active 8WAV of the gun disturbance

[9, 10] and some of the values of parameters are assumed. These parameters are given in Table 1 as well as the parameters of GCS controller are given in Table 2. The angular motion of firing is set with the value of  $\beta = 40$  degrees. The 8WAV of the mobile gun system considered in this study employ 105 mm tactical High Explosive Anti-Tank (HEAT) ammunition [9], namely, 105 mm HEAT-MP-T. The parameters of 105 mm HEAT-MP-T [12], along with the time needed by the projectile to reach its maximum speed at the muzzle, are as follows:

$$\begin{aligned} M_p &= 9.6 \text{ kg} \\ V_f &= 1330 \text{ m/s} \\ \Delta t &= 0.25 \text{ s.} \end{aligned}$$

Table 1: The numerical values of the eight-wheeled armored vehicle model parameters

| Vehicle parameters             |                             | Suspension damper parameters   | Suspension spring parameters  | Tyre parameters                  |
|--------------------------------|-----------------------------|--------------------------------|-------------------------------|----------------------------------|
| $M_s = 17,300 \text{ kg}$      | $M_u, A_l = 120 \text{ kg}$ | $C_s, A_l = 3000 \text{ Ns/m}$ | $K_s, A_l = 3000 \text{ N/m}$ | $K_t, A_l = 240,000 \text{ N/m}$ |
| $a = 1.3 \text{ m}$            | $M_u, A_r = 120 \text{ kg}$ | $C_s, A_r = 3000 \text{ Ns/m}$ | $K_s, A_r = 3000 \text{ N/m}$ | $K_t, A_r = 240,000 \text{ N/m}$ |
| $b = 1 \text{ m}$              | $M_u, B_l = 120 \text{ kg}$ | $C_s, B_l = 3000 \text{ Ns/m}$ | $K_s, B_l = 3000 \text{ N/m}$ | $K_t, B_l = 240,000 \text{ N/m}$ |
| $c = 1.3 \text{ m}$            | $M_u, B_r = 120 \text{ kg}$ | $C_s, B_r = 3000 \text{ Ns/m}$ | $K_s, B_r = 3000 \text{ N/m}$ | $K_t, B_r = 240,000 \text{ N/m}$ |
| $d = 2 \text{ m}$              | $M_u, C_l = 120 \text{ kg}$ | $C_s, C_l = 3000 \text{ Ns/m}$ | $K_s, C_l = 3000 \text{ N/m}$ | $K_t, C_l = 240,000 \text{ N/m}$ |
| $e = 1 \text{ m}$              | $M_u, C_r = 120 \text{ kg}$ | $C_s, C_r = 3000 \text{ Ns/m}$ | $K_s, C_r = 3000 \text{ N/m}$ | $K_t, C_r = 240,000 \text{ N/m}$ |
| $g = 0.75 \text{ m}$           | $M_u, D_l = 120 \text{ kg}$ | $C_s, D_l = 3000 \text{ Ns/m}$ | $K_s, D_l = 3000 \text{ N/m}$ | $K_t, D_l = 240,000 \text{ N/m}$ |
| $I_{xx} = 1900 \text{ kg/m}^2$ | $M_u, D_r = 120 \text{ kg}$ | $C_s, D_r = 3000 \text{ Ns/m}$ | $K_s, D_r = 3000 \text{ N/m}$ | $K_t, D_r = 240,000 \text{ N/m}$ |
| $I_{yy} = 5600 \text{ kg/m}^2$ |                             |                                |                               |                                  |

Table 2: Controller Parameters

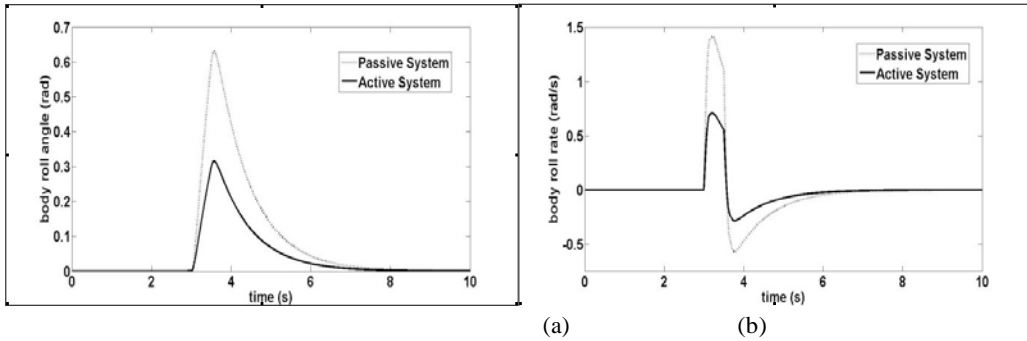
| PID               | $K_p$ | $K_i$ | $K_d$ |
|-------------------|-------|-------|-------|
| Horizontal Motion | 100   | 20    | 40    |

MODEL SIMULATION RESULTS

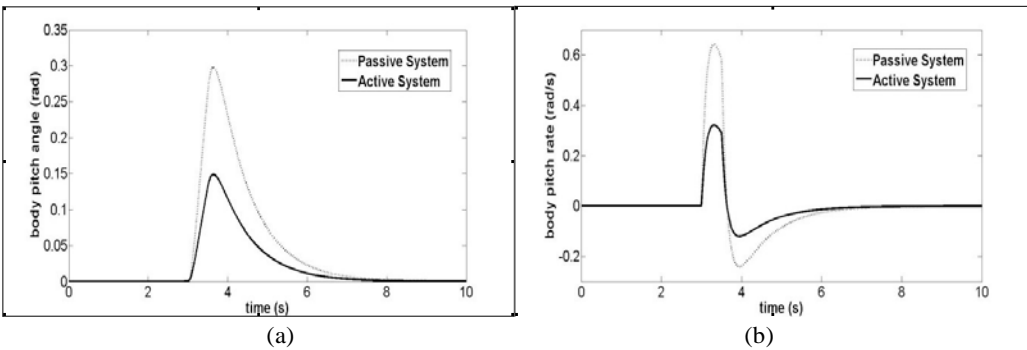
This section describes the results of study on the performance of the proposed control structure for the GCS namely PID control. Performance of the 8WAV with passive system is used as a basic benchmark. To investigate the advantage of GSC, the performance of the proposed controller is compared with passive system to evaluate its performance at controlling the pitch and roll motions of the 8WAV according to the following performance criteria namely body roll rate, body roll angle, body pitch rate and body pitch angle.

The simulation results of the body roll angle and body roll rate at the body centre of gravity with firing angle of 40 degrees are shown in Figures 7 (a) and (b) respectively. It can be seen that the performance of GSC can outperform its counterpart, namely passive system. From the simulation responses, it is clear that the GCS can effectively reduce the magnitude of the roll motion responses. Improvement in roll motion during firing can enhance the stability of the 8WAV.

Body pitch angle and body pitch rate responses of the 8WAV at the body centre of gravity are presented in Figures 8 (a) and (b) respectively. From the body pitch angle response, GCS is able to drastically reduce unwanted pitch motion compared to the passive system. It also can be seen by the capability of the controller in lowering down the magnitude of body pitch rate and speeding up the settling time. Improvement in body pitch motion at the body centre of gravity will enhance the comfort level of the 8WAV as well as avoiding the driver from losing control during firing.



**Figure 7: Roll motion response of the 8WAV at body CG**



**Figure 8: Pitch motion response of the 8WAV at body CG**

## CONCLUSIONS

A 12-DOF full vehicle model for eight-wheeled armored vehicle consisting of unsprung mass, sprung mass and gun disturbance subsystems has been developed and derived mathematically in this study. Simulation studies have been performed by considering one source of disturbance, namely external force acting on the weapon platform due to firing a large calibre gun. From the simulation results, it is clear that the performance of the proposed control structure is proven to be able to outperform the performance of passive system in the selected performance criteria. It can be concluded that the proposed GSC significantly enhances the dynamic behaviors of the 8WAV by reducing both roll and pitch motions in the presence of the gun disturbance from the weapon platform.

Improvement in body roll and pitch responses indicates that the comfort level of the 8WAV can also be improved drastically using the proposed control structure. Improvement in comfort level will avoid the driver from fatigue as well as reducing the possibility of the driver from losing control of the vehicle during firing.

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## **WORK STRESS, COWORKER'S SOCIAL SUPPORT AND WORK INTERFERENCE WITH FAMILY CONFLICT: PERCEPTIONS OF EMPLOYEES IN DEFENCE BASED PUBLIC HIGHER INSTITUTION**

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### **ABSTRACT**

*This study was conducted to measure the effect of work stress and coworker's social support on work interference with family conflict using 119 usable questionnaires gathered from employees who have worked in a defence based public higher institution, Malaysia. The outcomes of stepwise regression analysis showed that relationship between work stress (i.e., role ambiguity, role conflict and role overload) and coworker's social support significantly correlated with work interference with family conflict. This result demonstrates that the readiness of employees to handle physiological and psychological stresses have motivated their coworkers to provide positive social support to each other in executing job. As a result, it may decrease the interference of work problems in employees' family affairs and increase their capabilities to create family happiness. Thus, this result confirms that coworker's social support does act an important mediating variable in the relationship between work stress and work interference with family conflict in the work stress model of the studied organization. In addition, discussion, implications and conclusion are elaborated.*

*Keywords: Work Stress, Coworker's Social Support, Work Interference with Family Conflict.*

### **INTRODUCTION**

In organizations, work stress is also known as job stress and/or occupational stress and these terms are often used interchangeably in organizations, and its meaning refers to the same thing [1, 2]. Many scholars, such as Major et al. [3], and Eby et al. [4] highlight that work stress has three major features: first, role ambiguity is seen as an individual does not have clear information about his or her work objectives, work scope, supervisor's expectations, and responsibilities of his or her job may lead to higher job-related tension. Second, role conflict exists when an employee is torn by conflicting job demands; doing things he or she does not want to do, or doing things that is not considered part of his or her job. Being in between these two things requires an individual to make decision and making decision under conflicting demands is frequently stressful.

It is seen as an employee is expected to do his/her job that may cause conflict with other job or non-job demands. Third, role overload is associated with too-heavy work burden which is beyond one's capability to cope and often results in stress. There are two different types of role overload described by researchers; quantitative and qualitative. Quantitative overload simply refers to having too much work to do, whereas qualitative overload refers to a work that is too difficult for an individual.

Recent studies in job stress show that the ability of employees to manage their work stresses may have a significant impact on work interference with family conflict [5, 6]. According to Gallie and Russell [7], and Boles et al. [5], work interference with family conflict is broadly described as work intrudes family domain that causes work takes over family lives. It can occur in three major forms: time-based, strain-based and behavior-based. First, time-based conflict occurs when the time demands of one role are incompatible with those of another (e.g., working overtime forces an individual to cancel a family outing). Second, strain-based conflict occurs when tension experienced in one role interferes with participation in another role (e.g., meeting a deadline for tender prevents an individual to concentrates to family matters). Third, behavior-based conflict occurs when behavior patterns appropriate to one role are inappropriate in another (e.g., emotional restrictions at work are contrary with the openness expected by family members).

Interestingly, a thorough review of organizational stress literature reveals that the effect of work stress on work interference with family conflict is not direct, but its effect is indirectly affected by coworker's social support [8, 9]. Many scholars, such as Beehr and McGrath [10], and Rhoades and Eisenberger [11] define coworker's social support as coworkers willingness to help each other (e.g., caring, friendly, warm relation, empathy, cooperation, no bad biting and gossiping, appreciation, respect and support) in implementing daily job and handling upsetting and threatening situations to create healthy environments in the workplace [12, 13]. Within a work stress model, many scholars think that role ambiguity, role conflicts and role overload, coworker's social support, and work interference with family conflict are distinct constructs, but highly interrelated. For example, the level of job stress will not interfere and create employees' family conflicts when coworkers are ready to provide sufficient social support (e.g., moral and material support). As a result, it may control job interference in employees' family affairs and increase their abilities to perform family obligations ([11, 14].

Although the nature of this relationship is interesting, little is known about the mediating role of coworker's social support in the workplace stress research literature [8, 9]. Many scholars think that the mediating effect of coworker's social support is given less attention in previous studies because they have much explained the characteristics of work stress, coworker's social support, and work interference with family conflicts separately, and direct relationship between work stress characteristics and work interference with family conflicts. While, explanation about how and why coworker's social support can increase or decrease the effect of work stress on work interference with family conflict is neglected. As a result, it may not be able to highlight the strength

and direction of coworker's social support as an effective mediating variable in the work stress research literature [7, 9, 15]. This situation encourages the researchers to further explore the nature of this relationship.

PURPOSE OF THE STUDY

This study was primarily conducted to quantify the mediating effect of coworker's social support in the relationship between work stress (i.e., role ambiguity, role conflict and role overload) and work interference with family conflict.

LITERATURE REVIEW

Relationship between Work Stress, Coworker's Social Support and Work Interference with Family Conflict

Fu and Shaffer [9] examined the organizational work stress based on a sample of 800 employees from 29 academic departments and 34 administrative officers in Hong Kong University. This study reported that the ability of employees to properly handle work stress (i.e, role ambiguity, role conflict and role overload) had motivated coworkers to support each other (e.g., communication openness, knowledge sharing, advise, counseling and motivation) in executing the jobs. As a result, it could lead to decreased intrusion of work problems in employees' family affairs and decreased their family conflicts. The finding is consistent with the notion of Edward and Rothbard's [15] spillover theory, where it explains that an individual's first experience may subsequently affect his/her experience. For example, emotions and behavior (e.g., an employee's mood) in one role will affect second role (e.g., interaction between an employee and his/her coworker) and this may affect third factor (i.e., relationship between an employee and his/her coworker may bring this experience when he/she returns home). Application of this theory in a work stress model shows that the level of work stress decreased when coworkers were willing to help each other and this could lead to increased family happiness [8, 9].

Conceptual Framework and Research Hypothesis

The literature has been used as foundation of developing a conceptual framework for this study as shown is Figure 1.

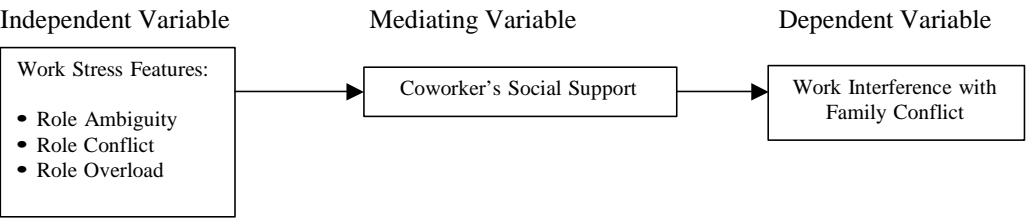


Figure 1: Conceptual Framework

Based on the framework, it can be hypothesized that:

- H1: Coworker's social support positively mediates the relationship between role ambiguity and work interference with family conflict.
- H2: Coworker's social support positively mediates the relationship between role conflict and work interference with family conflict.
- H3: Coworker's social support positively mediates the relationship between role overload and work interference with family conflict.

## **METHODOLOGY**

### **Research Design**

This study used a cross-sectional method which allowed the researchers to integrate the work stress research literature, the interview, the pilot study and the actual survey as a main source to collect data. The use of such methods may gather accurate, less bias and high quality data [16]. This study was conducted in a military defence university in Malaysia. It was established in 2006 to produce military officers with higher academic qualifications for The Armed Forces and professional human resources to meet the national development needs. In the first step of data collection, the researchers have developed the survey questionnaires based on the adaptation from the organizational stress literature. Secondly, the pilot study was done by discussing pilot questionnaires with nineteen experienced employees, namely one assistant registrar, fifteen lecturers and three supporting staff. These participants were selected using a purposive sampling technique because they have one to three years working experienced in the organization and had good knowledge about the nature of job stress in the organization. The information gathered from this pilot was refined and checked by the members of this research group in order to ensure that the information is important, suitable, relevant and applicable to the topic of this study. After that, this information was used to verify the content and format of survey questionnaires for an actual study. Hence, back translation technique was used to translate the content of questionnaires in Malay and English in order to increase the validity and reliability of the instrument.

### **Measures**

The survey questionnaires has three sections: First, work stress features, i.e., role ambiguity had six items, role conflict had four items, and role overload had three items that were developed based on work stress literature [10, 9, 13]. Second, coworker's social support had nine items that were developed based on coworker's social support literature [10, 11, 18]. Third, work interference with family conflict had six items that were developed based on work to family conflict literature [4, 5, 8]. These items were measured using a seven-item scale ranging from "very strongly disagree/dissatisfied" (1) to "very strongly agree/satisfied" (7). Demographic variables were used as controlling variables because this study focused on employee attitudes.

## **Sample**

The population for this study is 626 staff who have worked in the organization. In the first step of data collection, the researchers met HR managers of the studied organizations to get their opinions about the rules for distributing survey questionnaires in their organizations. Secondly, the researchers took all employees as the sample for this study. After that, considering the duration of this study and financial constraints, the survey questionnaires were distributed to all staff in the academic and non academic divisions through their main offices. Of the number, 199 usable questionnaires were returned to the researchers, yielding 31.79 percent response rate. The number of this sample exceeds the minimum sample of 30 participants as required by probability sampling technique, showing that it may be analyzed using inferential statistics [16]. The survey questionnaires were answered by participants based on their consents and on a voluntarily basis. A Statistical Package for Social Science (SPSS) version 16.0 was used to analyze the questionnaire data and the test research hypotheses.

## **FINDINGS**

### **Sample Profile**

The majority of respondents for this study were male (54.5 percent), aged between 21 to 30 years old (59.6 percent), monthly salaries from RM1001 to RM1500 (24.7 percent), married (80.5 percent), working husbands/wives (79.3 percent), employees who had dependents less than 2 (46.1 percent), employees who never brought works to home (48.7 percent), had served more than 25 months (39.7 percent), employees who took loans (44.8 percent), employees who took vehicle loans (55 percent), employees who did not take housing loans (71.3 percent), employees who did not take credit cards (83.1 percent), employees who did not take loans 985.7 percent), employees who had been guarantors (64.6 percent), and employees who did not involve in a part time work (64.6 percent).

### **Validity and Reliability for the Instrument**

Table 1 shows the results of validity and reliability analyses for measurement scales. A factor analysis with the direct oblimin was first done for five variables with 28 items. After that, Kaiser-Mayer-Olkin Test (KMO) which is a measure of sampling adequacy was conducted for each variable and the results indicated that it was acceptable. Relying on Hair et al. [19] and Nunally & Bernstein's [20] guidelines, these statistical analyses showed that (1) the value of factor analysis for all items that represent each research variable was 0.5 and more, indicating the items met the acceptable standard of validity analysis, (2) all research variables exceeded the acceptable standard of Kaiser-Meyer-Olkin's value of 0.6, were significant in Bartlett's test of sphericity, (3) all research variables had eigenvalues larger than 1 with Variance Explained more than 0.45, (4) the items for each research variable exceeded factor loadings of 0.50 [19], and (5) all research

variables exceeded the acceptable standard of Reliability Analysis of 0.70 [20]. These statistical analyses confirmed that measurement scales met the acceptable standards of construct validity and reliability analyses.

**Table 1. The results of validity and reliability analyses for the instrument.**

| Measure                                | No. of Items | Factor Loadings | KMO | Bartlett's Test of Sphericity | Eigenvalue | Variance Explained | Cronbach Alpha |
|--|--------------|-----------------|-----|-------------------------------|------------|--------------------|----------------|
| Role Ambiguity                         | 6            | .45 to .80      | .80 | 368.70                        | 3.05       | 50.81              | .79            |
| Role Conflict                          | 4            | .60 to .78      | .73 | 163.78                        | 2.22       | 55.43              | .73            |
| Role Overload                          | 3            | .78 to .83      | .70 | 192.41                        | 2.16       | 71.88              | .80            |
| Coworker's Social Support              | 9            | .56 to .85      | .90 | 1.168E3                       | 5.34       | 53.38              | .90            |
| Work Interference with Family Conflict | 6            | .61 to .82      | .81 | 611.73                        | 3.74       | 62.34              | .88            |

Table 2 shows results of construct analysis using Pearson correlation analysis and descriptive statistic. The means for the variables are from 4.1 to 5.3, signifying that the levels of role ambiguity, role conflict, role overload, coworker's social support and work interference with family conflict ranging from high (4) to highest level (7). The correlation coefficients for the relationship between the independent variable (i.e., role ambiguity, role conflict and role overload) and the moderating variable (i.e., coworker's social support), and relationship between the mediating variable (i.e., coworker's social support) and the dependent variable (i.e., work interference with family conflict) were less than 0.90, indicating the data were not affected by serious collinearity problem [19].

**Table 2. Pearson correlation analysis and descriptive statistics.**

| Variables                                 | Mean | Standard Deviation | Pearson Correlation Analysis (r) |        |       |       |   |
|---|------|--------------------|----------------------------------|--------|-------|-------|---|
|   |      |                    | 1                                | 2      | 3     | 4     | 5 |
| 1. Role Ambiguity                         | 5.6  | .9                 | 1                                |        |       |       |   |
| 2. Role Conflict                          | 4.1  | 1.2                | -.16*                            | 1      |       |       |   |
| 3. Role Overload                          | 4.7  | 1.4                | .30**                            | -.20** | 1     |       |   |
| 4. Coworker's Social Support              | 5.3  | 1.0                | .38**                            | -.02   | .28** | 1     |   |
| 5. Work Interference with Family Conflict | 5.1  | 1.2                | .31**                            | -.04   | .26** | .38** | 1 |

Note: Significant at \*p<0.05;\*\*p<0.01

Reliability Estimation is Shown in Parenthesis

Table 3 shows the results of stepwise regression analysis in the three steps. Demographic variables were entered in Step 1 and then followed by entering the independent variable (i.e., role ambiguity, role conflict and role overload) in Step 2 and the mediating variable (i.e., coworker's social support). Work interference with family conflict was used as the dependent variable. An examination of multicollinearity in the regression analysis shows that the tolerance value for the relationship between the independent variable (i.e., role ambiguity, role conflict and role overload) and the dependent variable (i.e., work interference with family conflict) were 0.86, 0.89, and 0.83, respectively. While, the tolerance value for the relationship between the independent variable (i.e., role ambiguity, role conflict and role overload), the mediating variable (i.e.,

coworker's social support) and the dependent variable (i.e., work interference with family conflict) was 0.75. These tolerance values were more than the established tolerance value of .20 (as a rule of thumb), indicating the variables were not affected by multicollinearity problems [21, 22].

**Table 3. Results of stepwise regression analysis.**

| Variable                                      | Dependent Variable<br>(Work Interference with Family Conflict) |         |         |
|---|--|---------|---------|
|   | Model 1  | Model 2 | Model 3 |
| <u>Controlling Variable</u>                   |  |         |         |
| Gender  | -.02   | -.04    | -.03    |
| Age   | -.02   | -.05    | .02     |
| Type of Service                               | -.05   | .01     | .00     |
| Salary  | -.08   | -.09    | -.07    |
| Status  | .18  | .08     | .01     |
| Husband/Wife's Work                           | .35  | .24*    | .19     |
| Dependent                                     | .03  | .02     | .01     |
| Bring Works to Home                           | .09  | .05     | .08     |
| Length of Service                             | .09  | .07     | .08     |
| Take Loans                                    | -.11   | -.03    | -.03    |
| Vehicle                                       | .09  | .13     | .15*    |
| House   | -.04   | -.06    | -.04    |
| Credit Card                                   | .09  | .13     | .13     |
| Did Not Take Loans                            | -.03   | -.05    | -.05    |
| Guarantor                                     | .06  | .04     | .03     |
| Part-time Work                                | .09  | .03     | .00     |
| <u>Independent Variable</u>                   |  |         |         |
| Role Ambiguity                                |  | .28***  | .19**   |
| Role Conflict                                 |  | .00     | -.01    |
| Role Overload                                 |  | .19**   | .14*    |
| <u>Mediating Variable</u>                     |  |         |         |
| <b>Work Interference with Family Conflict</b> |  |         | .28***  |
| R <sup>2</sup>                                | .13  | .25     | .31     |
| Adjusted R <sup>2</sup>                       | .05  | .17     | .23     |
| Δ R <sup>2</sup>                              | .13  | .12     | .06     |
| F   | 1.7*   | 3.1***  | 4.0***  |
| F Δ R <sup>2</sup>                            | 1.7*   | 9.3***  | 147***  |

Note: Significant at \*p<0.05;\*\*p<0.01;\*\*\*p

Further more, the table shows that the results of testing research hypothesis in Model 3. In this model, relationship between work stress (i.e., role ambiguity, role conflict and role overload) and coworker's social support significantly correlated with work interference with family conflict ( $\beta=0.28$ ,  $p<0.001$ ), therefore H1, H2 and H3 were supported. In terms of exploratory power, the inclusion of coworker's social support in Model 3 had explained 31 percent of the variance in dependent variable. This result is consistent with

the mediating model testing as advocated by Baron and Kenny [23], which reveals that the mediating variable can be clearly determined when a previously significant effect of predictor variables is reduced to non-significance or reduced in terms of effect size after the inclusion of mediator variables into the analysis. It indicates that coworker's social support does act as an important mediating variable in the relationship between work stress and work interference with family conflict in the studied organization.

## **DISCUSSION AND IMPLICATIONS**

This study shows that coworker's social support does acts as an important mediating variable in the relationship between work stress and work interference with family conflict. In the context of this study, the majority employees feel that the willingness of coworkers to help each other has increased the ability of employees to cope with their role ambiguity, role conflict and role overload. Consequently, it may lead to decreased the interference of work problems in employees' family affairs and decrease their family conflicts. This result has supported and extended studies by Allen et al. [8], Fu and Shaffer [9], and Herst et al. [15]. With respect to the robustness of research methodology, the survey questionnaires used in this study have exceeded the acceptable standards of the validity and reliability analyses. This situation can lead to the production of accurate and reliable findings. In terms of practical contributions, the findings of this study can be used as guidelines by the management to overcome work stress problems in a defence based public higher institution. In order to achieve such objectives the management need to consider the following suggestions: firstly, update the content and training method. Secondly, encourage employee to participate in work groups. Thirdly, promote work-life balance initiatives in order to reduce employees' physiological and psychological stresses. Finally, provide employee assistance programs in order to help employees overcome their personality, social and financial problems. If these suggestions are heavily considered this may decrease employees' stresses in performing job and increase their capabilities to create family happiness.

## **CONCLUSION**

This study proposed the conceptual framework based on the workplace stress research literature. The results of exploratory factor analysis confirmed that the measurement scales used in this study met the acceptable standards of validity and reliability factor analyses. Hence, the outcomes of stepwise regression analysis showed that coworker's social support did act as an important mediating variable in the relationship between work stress (i.e., role ambiguity and role overload) and work interference with family conflict in the studied organization. Therefore, current research and practice within work stress needs to consider coworker's social support as a critical factor of work stress domain. This study further suggests that the ability of coworker's social support to adequately provide social support to each other will strongly increase

the capability of employees to cope with their physiological and psychological stresses in executing job. Consequently, it may lead to an enhanced positive individual attitudes and behavioural outcomes (e.g., satisfaction, commitment, performance, organization citizenship behaviour, quality of work life and work-life balance). Thus, these positive outcomes may lead to an increased organizational competitiveness in an era of global competition.

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