

New Actors and the State: Addressing Maritime Security Threats in Southeast Asia

CAROLIN LISS

Contemporary maritime security threats such as piracy, smuggling and illegal fishing are major concerns in Southeast Asia. Responding to these threats have long been seen as the responsibility of governments. This article demonstrates how new actors have become involved in addressing national and regional maritime security threats in Southeast Asia. Focussing on three distinct types of new actors — for-profit actors, not-for-profit actors and multilateral institutions — the article provides an understanding of the (sometimes controversial) nature of their responses to threats and the relationships between these new actors and the state. By revealing the contribution made by new actors in Southeast Asia — a region where governments are particularly protective of their sovereignty — this article shows how and why established patterns of security governance in Southeast Asia are changing and offers new insights into alternative methods for tackling maritime security threats.

Keywords: security governance, new actors, maritime security, Southeast Asia, alternative responses to threats

Over the past two decades, maritime security threats such as piracy, illegal fishing and maritime terrorism in Southeast Asia have attracted greater attention and concern. Responding to these threats and ensuring national security have long been seen as the responsibility of governments. This is reflected in much of the

CAROLIN LISS is a Research Fellow at the Griffith Asia Institute, Griffith University, Queensland, Australia.

literature on Southeast Asian security issues, which focuses largely on state responses to threats. However, the notion of the state as the sole provider of security is being increasingly challenged in many parts of the world, with “new” actors such as non-governmental organizations (NGOs) and private businesses playing ever more important roles in providing security. To gain a comprehensive understanding of the security sectors of Southeast Asian countries and security governance in the region, it is important to ask if this trend can also be observed in Southeast Asia.

This special issue of *Contemporary Southeast Asia*¹ demonstrates that in recent years new actors have become involved in addressing national and regional security threats in Southeast Asia. The focus is on three distinctive types of actors — for-profit actors, not-for-profit actors and multilateral institutions — in responding to maritime security threats such as smuggling, piracy and illegal fishing. This issue investigates the ways in which new actors address these threats and considers how their participation has affected the role of the state as the primary provider of maritime security. It therefore offers insights into alternative methods for tackling contemporary maritime security threats in Southeast Asia, including hybrid forms of maritime security governance. Significantly, by revealing the contribution of new actors in Southeast Asia, a region where government responses and sovereignty have long played a central role, it demonstrates how and why established patterns of security governance in Southeast Asia are changing.

This paper first situates our discussion in the broader theoretical debate that focuses on the rise of new actors in security governance around the world. The second section narrows the lens to Southeast Asia. It provides a brief overview of contemporary maritime security threats in Southeast Asia and discusses state responses to these threats. The third section elaborates our analytical framework, identifying the new actors discussed in this special issue and the nature of their responses to maritime security threats. It also examines the distinctive, often complex inter-relationships between these actors and the state across the region.

Changes in Security Governance

Economic, political and social problems such as financial crises and climate change that have emerged since the end of the Cold War seriously challenge existing state institutions worldwide. As a result, new actors have emerged that offer a wide range of

governance responses to current problems at sub-national, national and international levels.² One area where new actors play an ever more important role is in responses to national and international security threats. Indeed, it has become increasingly clear that many contemporary non-traditional security threats, such as terrorism or transnational crime, cannot be addressed by existing national agencies or individual states alone. As a result, the line between national and international security has become blurred and security challenges are today met by a range of new actors.

Three kinds of “new” actors are arguably most important in addressing security challenges: (1) for-profit actors; (2) not-for-profit actors; and (3) multilateral institutions. The nature and scale of these actors’ involvement depends on their motivations, capacities and interests. Their involvement can also be regarded in different ways. On the one hand, the involvement of new actors can be seen as ineffective in addressing security problems or as problematic — as exemplified by the controversy and scandals that followed the large scale employment of private security firms in Iraq. On the other hand, their participation can be judged a success in satisfying security needs and regarded as a valuable alternative to state approaches to security threats.³ Among these new actors are private security companies, NGOs and regional multilateral organizations. Clearly, only some of these new actors are genuinely “new”, but as Krahnmann argues:

What makes NGOs, private military companies, and international regimes and organisations ‘new’ actors in contemporary security is that they are challenging the ‘monopoly’ of the nation state in the legitimate provision of security that had developed over the past centuries and appears to have reached its prime during the Cold War.⁴

The involvement of these new actors in security governance is indeed a challenge to the traditional perception of the role of the state. Providing national security, including the protection of citizens and national borders, has long been seen as a fundamental responsibility of governments. Weber’s definition of the state as “a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory” is often cited in this context.⁵ However, despite this perceived role of the state, different types of non-state actors have been involved in providing security during certain periods of time throughout history. One example is the various types of private military actors known

as mercenaries, *condottieri*, or “dogs of war”, who have fought in conflicts and wars around the world at different points in time.⁶ Significantly, the type of non-state actors and the role they play in security governance have changed over time, with different types of actors flourishing or waning in certain periods and political environments.⁷ The nature of private actors’ involvement and the kind of security threats they address have also changed in response to shifts in the political landscape, both local and global. While *condottieri* and mercenaries are examples of private actors engaged by states to fight in wars of the past, in contemporary times a range of different non-state actors have been active not only in war and conflict zones but also in combating crime and other non-traditional security threats.

The involvement of non-state actors such as Private Military and Security Companies (PMSCs) and NGOs operating internationally to address contemporary security threats on land is increasingly acknowledged by scholars and the media.⁸ Yet, significantly less attention has been paid to new actors in the maritime sphere, particularly in Southeast Asia.⁹ This is surprising, as a wide range of new actors is today involved in addressing maritime security threats worldwide. Examples include the involvement of the International Chamber of Commerce’s International Maritime Bureau (IMB) in combating piracy, and the increasing use of private guards to provide security at ports.

Generally, the activities of new actors involved in addressing threats at sea differ from those on land because some take place in environments with overlapping jurisdictions and/or far from the eyes of observers. For example, a PMSC that protects a merchant ship with armed guards has to comply not only with the laws of the ship’s flag state but also with international laws and the laws of coastal states when operating in the waters (and ports) under a coastal state’s jurisdiction. Further, in cases where the activities of new actors are carried out at sea, government control is usually weak. New actors may therefore be able to play a different, perhaps more autonomous role than their counterparts on land.

Clearly, maritime security is of varying importance to governments around the world. While all nations depend on trade by sea, those with long coastlines, maritime borders, extensive waters under their jurisdiction, and which host major ports and strategic waterways, have a particular interest in maritime security. Given Southeast Asia’s geographical features, many regional states are among them.

Southeast Asia: Maritime Threats and State Responses

Maritime security is a vital component of national security in Southeast Asia. Nine of the ten members of the Association of Southeast Asia Nations (ASEAN) have coastlines, territorial waters and maritime borders that need to be secured. This is a challenging task because of the geography of the region, which includes long, indented coastlines, semi-enclosed seas with multiple bordering states, difficult to navigate rivers and innumerable offshore islands. The maritime sphere is also of importance to regional states because their economies rely heavily on resources from the sea and maritime transport. The fishing sector, for example, is a crucial part of local economies and millions of people depend on this industry for their income and livelihood. The region is also home to busy ports, such as Singapore, and local industries rely on seaborne trade for the import and export of goods. Some of the world's most strategically important waterways are also located in Southeast Asia — most notably the Straits of Malacca, Singapore, Sunda and Lombok-Makassar — and the region is rich in maritime resources including fisheries, hydrocarbons and minerals.

Today a range of maritime security issues are of concern to governments in Southeast Asia, including contested maritime borders, smuggling, piracy, maritime terrorism and illegal fishing. Many potential maritime borders in Southeast Asia have yet to be delimited, resulting in a lack of jurisdictional clarity and, as claims overlap, disputes over the ownership of water areas and islands. Indeed, in the past few decades, disputes over maritime boundaries have strained relations between countries in and adjacent to the region. The periodic flare-up of tensions over ownership of the Spratly Islands involving China and four Southeast Asian countries (Brunei, Malaysia, the Philippines and Vietnam) is probably the most prominent example today.¹⁰ Another key example is the on-going tensions between Indonesia and Malaysia concerning overlapping maritime boundaries in the area popularly known as Ambalat.¹¹ While the roots of these disputes can be traced to the colonial period, rivalries have intensified following the introduction of the United Nations Convention on the Law of the Sea (UNCLOS) which came into force in 1994. UNCLOS endorsed the establishment of specific maritime zones, including exclusive economic zones (EEZs) that extend out to 200 nautical miles offshore, and codified the archipelagic concept. The archipelagic concept essentially legitimized claims to archipelagic status by countries such as Indonesia and

the Philippines. It enabled these states to draw straight archipelagic baselines joining the outermost points of the outermost islands and drying reefs of the archipelago, and designate the waters within the baseline as internal waters. The baseline is also the starting point for measuring other claims such as EEZs.¹² As a result, maritime zones under the jurisdiction of coastal states were considerably extended, leading to overlapping claims of ownership to atolls and ocean space.

Maritime borders play an important role in maritime security not only because of these disputes, but also because the protection of borders is seen as a crucial part of national security. While infringements from other states are a concern, on a daily basis non-state actors in the maritime sphere arguably pose a more common threat to border security. These actors include criminals involved in piracy or smuggling operations. Goods smuggled by sea within and beyond Southeast Asia include prohibited drugs, fake medicine, weapons and cigarettes. In recent years, the activities of people smugglers and traffickers have also received substantial attention.¹³

A second, sometimes related, group of criminals active in maritime Southeast Asia are pirates.¹⁴ Since the late 1980s, Southeast Asia has been regarded as one of the global “hot spots” of pirate attacks on commercial vessels and fishing boats. While the locus of pirate activities have shifted over time, the waters and ports of Indonesia, Malaysia and the Philippines have been particularly affected. Attacks in the strategically important Straits of Malacca were also of concern, peaking in the first decade of the twenty-first century. Yet, unlike pirate attacks in the Gulf of Aden, the vast majority of pirate attacks in Southeast Asia today remain simple “hit and run robberies” committed by what can best be described as “common sea-robbers”. In contrast to the situation off the coast of Somalia, few attacks have been conducted by organized pirate gangs or syndicates. In these cases a vessel and its crew are held hostage for a limited time, or the entire vessel is hijacked by pirates and is then turned into a “phantom ship”.¹⁵

In addition to profit-driven criminals, a range of radical politically motivated groups such as separatists and terrorists are today also active in Southeast Asia and pose a threat to maritime security in two ways. First, the disruption of the local economy by armed conflict, as in the southern Philippines at present, may result in increased pirate attacks on vessels at sea or in ports. Second, separatists or terrorists can directly target maritime assets

such as vessels or port facilities. Radical politically motivated groups such as the Indonesia-based terrorist group Jemaah Islamiyah and international terrorist organizations such as al-Qaeda are, for instance, believed to have the potential to conduct attacks on maritime targets throughout Southeast Asia.¹⁶ While expert opinion varies on the likelihood of politically motivated attacks on maritime targets, the possibility of such an attack can never be ruled out entirely. Indeed, maritime facilities in Southeast Asia have been targeted in the past. The bombing of *SuperFerry 14* in February 2004 in the southern Philippines, which claimed more than 100 lives, is probably the most prominent example.¹⁷

Illegal fishing is also a serious security concern in Southeast Asia, as it can cause the depletion of fish stocks, the destruction of the marine environment and substantial financial losses to affected communities and countries. It can also lead to (armed) conflict between fishers and tensions between states.¹⁸ Illegal fishing encompasses a variety of activities, often summarized under the term Illegal, Unreported and Unregulated (IUU) fishing, which includes activities such as illegal fishing in protected waters, fishing without a valid licence, the under-reporting of catches and the use of banned fishing gear.¹⁹ In Southeast Asia, fishing vessels from within and beyond the region are involved in IUU fishing. One of the driving forces of illegal fishing is overfishing, as fishers whose traditional fishing grounds are overfished do venture into other countries waters to supplement their catch. Overfishing can result from the introduction of highly effective fishing technology, the destruction and pollution of marine areas and rising demand for fish and marine products. Also significant was the division of ownership of the sea, particularly the introduction of the EEZ under UNCLOS. With it fishers became, at least legally, ever more restricted in their movements. This was particularly problematic because the new boundaries rarely took into account the traditional fishing grounds of local fishers in the region, who had to adapt to the new rules or face the consequences.²⁰

State Responses

A wide range of responses is required to address these diverse maritime security threats. The literature on maritime security in Southeast Asia generally focuses on state responses and the involvement of regional organizations, particularly ASEAN, in security governance. State responses do, of course, play an important role in the region,

for two main reasons. First, states have made substantial efforts to address maritime security threats. Second, sovereignty is of utmost importance to governments in Southeast Asia, and the ability of states to demonstrate that they can successfully address security threats is a vital part of upholding sovereignty.

Economic success since the early 1990s has financially enabled, to varying degrees, Southeast Asian countries to strengthen and modernize their armed forces, including their navies. In addition, new maritime agencies such as coastguards have been established to police national waters and address non-traditional security threats.²¹ Among the initiatives taken by Southeast Asian countries to combat maritime security threats are increased patrols in waters in which pirates and sea robbers are active, and in areas where illegal fishing and smuggling operations take place. New equipment, such as smaller, faster boats that are suitable for apprehending pirates, illegal fishers or smugglers, have been acquired to support these measures.²² After the 9/11 terrorist attacks, governments in Southeast Asia also stepped up their efforts to prevent terrorist attacks, including those planned in the maritime sphere.²³ For example, a few months after 9/11, Singapore's intelligence agencies uncovered a plan by al-Qaeda to launch a series of attacks against Western interests in the country, including an assault on a US warship visiting Singapore.²⁴ Furthermore, substantive measures were introduced to improve security in some regional ports, with many initiatives driven by newly introduced international maritime regulations such as the International Ship and Port Facility Security (ISPS) Code which came into force in July 2004.

However, despite the modernization of naval forces and measures to improve security in the maritime sphere, for a variety of reasons these national efforts have shown only limited success. For one, with the exception of Singapore, Southeast Asian countries generally do not have sufficient military or civilian assets to secure their waters and coastlines. Geography certainly plays a crucial role, as it is difficult to secure the vast stretches of national waters and islands of many Southeast Asian countries. Indonesia alone, for example, consists of approximately three million square kilometres of archipelagic waters and territorial sea and a further three million square kilometres of EEZ and continental shelf. Also hindering the ability of government agencies to combat maritime security threats is the lack of professionalism. Indeed, in countries such as Indonesia and the Philippines, members of the navy and marine police are alleged to have been involved in illegal activities.

Corruption is widespread, with criminals often able to pay off local officials. Examples include the payment of “fees” to Indonesian naval personnel at sea by fishers operating illegally in Indonesian waters, and the involvement of Indonesian military personnel in people smuggling.²⁵

Many maritime security concerns in Southeast Asia are transnational, with criminals, separatists and terrorists travelling between and operating in more than one country. Efforts have therefore been made by local governments to jointly combat threats and to secure shipping and regional waters. Such initiatives include a range of multilateral and bilateral agreements aimed at enhancing maritime security. However, close and effective cooperation is often hampered by factors such as contested claims over the ownership of islands or maritime space, sovereignty concerns and conflicting national interests.²⁶ One example is the Malacca Straits Patrol, an initiative introduced by Singapore, Malaysia and Indonesia in 2004 to combat piracy in the Straits of Malacca and Singapore.²⁷ Although the three states clearly cooperate in this initiative, the depth of their collaboration remains limited. Significantly, while surveillance aircraft are allowed to fly up to three nautical miles into the territorial air space of the participating states, sensitivity over sovereignty issues means that naval patrols remain coordinated rather than joint, and hot pursuit into, and patrolling of, waters of neighbouring countries is not permitted.²⁸

Regional institutions, particularly ASEAN (and the ASEAN Regional Forum, ARF), have also played a role in addressing maritime security threats. For example, ASEAN member states are committed to the establishment of an “ASEAN Community” by 2015. This commitment includes more extensive maritime cooperation, the resolution of maritime issues and territorial disputes, and enhanced cooperation to address transnational crime, including maritime piracy and smuggling.²⁹ ASEAN’s efforts to increase security have so far, however, been constrained by the organization’s policy of non-interference in the domestic affairs of its member states.³⁰

Furthermore, given the strategic importance of Southeast Asian shipping lanes and ports, countries outside the region, such as the United States and Japan, have offered capacity building support to regional states to improve maritime domain awareness and interdiction capabilities.³¹ While some Southeast Asian countries have readily accepted this support, due to sovereignty concerns direct foreign involvement has been politely rejected.³²

Overall, restricted cooperation between countries within and beyond the region, the lack of state resources and problems such as corruption ensure that many maritime security threats persist. As a result, new actors have emerged to help address these threats.

Beyond the State: Alternative Responses to Maritime Security Threats in Southeast Asia

Rather than assuming that states are the only providers of security, this special issue investigates a broader set of actors and institutions involved in security governance in Southeast Asia. Based on extensive fieldwork in the region, the contributors detail the activities of new actors and investigate how their participation has affected the role of the state as the sole or primary provider of maritime security. Each article therefore has two interconnected aims: first, to illustrate how new actors address maritime security threats; and second, to examine whether governments in the region welcome, reject or are indifferent to their contributions. Illustrating the activities of new actors — the kind of security threats they tackle, their motivations and methods — deepens our understanding of their evolving role in security governance and also provides insights into the effectiveness of their responses to threats.

For a broad understanding of the involvement of new actors in security governance in Southeast Asia, the articles in this special issue examine the three types of new actors identified above: for-profit actors, not-for-profit actors and multilateral institutions. For-profit actors here comprise organizations that work primarily for their own profit, including international companies and small local firms, as well as “businesses” that may best be described as gangs or criminal organizations since they too act for profit. Alban Scascia’s contribution, for example, examines the involvement of a range of for-profit actors in securing the port of Belawan, Indonesia. Among these new actors are PMSCs and members of Pemuda Pancasila (PP), an organization that was originally a cultural association but is now viewed by some as nothing more than a “local mafia” specializing in extortion, trafficking and smuggling. Dirk Steenbergen, in contrast, discusses the activities of a commercial diving operator based in Raja Ampat, Indonesia, involved in combating illegal fishing.

The not-for-profit actors discussed in this special issue are organizations and loosely organized groups that do not operate primarily to generate income for themselves but are driven by a set

of objectives/ideals or a single issue. In their contribution, Michele Ford and Lenore Lyons examine the activities of the Indonesian NGO Gerakan Anti Trafficking (GAT) that has taken it upon itself to process the arrival of Indonesians returning through illegal channels from neighbouring countries. Meryl Williams and Steenbergen, in contrast, include in their discussions the role of major international NGOs in environmental security governance.

The multilateral institutions under examination comprise international and regional organizations, ranging from established bodies concerned with a wide range of issues to newly founded organizations set up to address specific problems. Looking at the International Court of Justice (ICJ), an actor well-established outside but not within Southeast Asia, John Butcher discusses the role of the Court in the dispute between Malaysia and Indonesia over the islands of Sipadan and Ligitan. The final article by Williams, in contrast, examines the involvement of three newly established multilateral actors — the Regional Plan of Action to Promote Responsible Fishing Practices including to Combat IUU (RPOA-IUU), the ASEAN–SEAFDEC Strategic Partnership, and the Coral Triangle Initiative (CTI) — in combating illegal fishing.

The new actors discussed in this special issue therefore include small, locally operating entities as well as global players. Attention is paid to actors that often have a positive image, such as NGOs or community organizations, and to those that are viewed more critically, including PMSCs and criminal gangs. Yet, it has to be acknowledged that the boundaries between the three different kinds of actors are occasionally blurred. Ship-owners' associations, for example, which are often registered as NGOs and present themselves as not-for-profit actors, clearly prioritize the commercial interests of ship-owners. Despite the blurring of the categories, we distinguish between the different kinds of actors because their objectives and motivations shape their relationships with states and influence the nature of their involvement in addressing maritime security threats.

As the contributions in this special edition illustrate, the nature of the involvement of new actors ranges from active to more passive responses to maritime security threats.³³ Active responses include the use of private (armed) guards to protect merchant ships and port facilities examined by Sciascia, and the patrolling of local waters and the capture of illegal fishers by a commercial dive operator discussed by Steenbergen. Passive responses encompass the efforts by the CTI to combat IUU fishing by improving fisheries management

as explored by Williams, and the involvement of the ICJ in the Sipadan/Ligitan dispute discussed by Butcher. Furthermore, some responses aim to address the symptoms of threats — for example, by setting up border posts to document the arrival of migrant workers returning to Indonesia illegally, as Ford and Lyons examine — while others target the root causes of security concerns.

The responses of new actors that aim at the root causes of security threats are generally broader than government responses, which often target only the symptoms of problems. While addressing root causes is crucial to eradicate threats, it is often not an easy task. For example, poverty in coastal communities, the lack of job opportunities and overfishing of local waters can drive people to become involved in criminal activities such as piracy, smuggling or illegal fishing. Armed conflict that affects local populations and hinders economic development may have the same effect or encourage people to join radical politically motivated groups. Acknowledging the importance of addressing the root causes requires a change in how maritime security threats are contextualized and perceived. For instance, even though maritime security threats actualize in the maritime domain, their root causes are partly to be found on land. Pirates and illegal fishers operate at sea but it is on land that they have their homes and bases, and sell their booty and illegal catch. Further, some of the problems that drive perpetrators to illegal maritime activities, such as violent conflict or the pollution of water areas, originate from the land. In order to fully understand and respond to maritime security threats, both sides need to be considered, balancing the special character of the maritime environment with social, political and economic developments on land.

New Actors and the State

The second objective of this special issue is to examine the relationship between these new actors and states in Southeast Asia, and to reassess the role of the state in providing security. Two questions, which will be addressed in the order posed, are of particular importance in this context. First, why have the new actors become active in Southeast Asia in recent years? And second, who initiated their involvement?

The contributors to this special issue demonstrate that “windows of opportunities” have emerged in recent years that made the involvement of new actors in addressing maritime security threats

possible. These “windows” opened as a result of global, regional and local political changes. The global changes include increased globalization, the end of the Cold War, the introduction of new technology and the spread of the neo-liberal revolution. The neo-liberal revolution, for example, sought to extend the assumptions of neo-classical economics into general policy prescriptions and facilitated the privatization of state sector enterprises and public services, including in the security sector.³⁴ This allowed new actors such as PMSCs to provide a wide range of security services that were hitherto the responsibility of government agencies. The global trend of privatizing security also spread to Southeast Asia, with a number of PMSCs from Europe and the United States offering maritime security services in the region.³⁵

Regional, national and local political changes in Southeast Asia also played a very significant role. Over the past two decades, economic growth, changing perceptions of security threats, security sector reforms, and political changes towards more democratic systems of governance resulted in better equipped armed forces and the establishment of new government agencies in regional countries. It also led to a re-definition of the role of the military and police in some Southeast Asian countries, which generally reduced the involvement of the military in both politics and internal security.³⁶ These developments opened the security sectors of many Southeast Asian countries, allowing a wider variety of “players” to be involved in (maritime) security governance.

As the contributors to this special issue reveal, often a combination of global and local dynamics have enabled the involvement of new actors. For example, Steenbergen explains that two factors in particular facilitated the increasing participation of profit-seeking actors in marine management and maritime security governance in Indonesia. First, the national government reform in 1999 brought a shift of decision-making authority from central to district level administrations, and provided political space for new actors that could now liaise with district level authorities and circumvent the “red tape of central authorities in Jakarta”. Second, the support for “green” tourism initiatives by international conservation NGOs facilitated foreign investments in this sector and encouraged foreign investors with a strong interest in marine conservation to operate in countries such as Indonesia. One such investor is the dive operator discussed by Steenbergen who cooperates closely with international NGOs and patrols local waters to discourage illegal fishing.

Yet, the opening of the security sector in Southeast Asian countries and the emergence of windows of opportunity do not necessarily imply that governments in the region have wholeheartedly welcomed the involvement of new actors. The contributions in this special issue therefore examine whether the activities of these new actors are endorsed, tolerated or opposed by regional governments. A central issue under investigation is whether established institutions of political authority are being consolidated, by-passed, replaced, or whether the absence of established regulations is creating opportunities for new shared public-private authority governance arrangements.³⁷ While no simple, overarching conclusion can be drawn, all new actors examined in this special issue have some sort of a relationship with “the state”, and a range of findings emerge.

First, most of these studies reveal that it is difficult to determine the relationship between the state and new actors because in Southeast Asia most states cannot be clearly defined as an entity but must be seen as a network of state actors representing very different ideas and “state” interests. For example, divisions clearly exist between state interests represented by military leaders and those represented by civilian authorities, and between the interests of central and local authorities. New actors conform a close working relationship with certain state actors, such as local authorities, but may not interact with others, such as central government representatives. Steenbergen’s paper, for instance, demonstrates that new actors can cooperate closely with local authorities. He suggests that local government agencies in Raja Ampat have partnered with the dive operator and handed over certain law enforcement operations to him because they themselves lack the resources to patrol waters effectively. It is therefore the dive operator who arrests illegal fishers, but then hands them over to the local authorities for prosecution. While cooperation in this case is working on the local level (at least to some degree), it is uncertain how central (civilian) authorities regard the involvement of a for-profit diving operator in patrolling national waters and arresting suspected illegal fishers.

Second, taking into account the difficulty of talking about “the state” in Southeast Asia, the contributors show the very different types of relationships that new actors can have with the state. What clearly affects the relationship is who initiated the new actor’s involvement. As the articles illustrate, new actors can be employed directly by states or cooperate with government authorities. In other cases government agencies are part of a new actor, indicating a

close, if not necessarily positive relationship between the parties involved. Alternatively, new actors can be self-motivated or their involvement can be initiated by third parties, such as commercial enterprises. Here the relationship between state and new actors may be more problematic, with these new actors able to operate more independently from state authorities.

The multilateral actors involved in combating illegal fishing described in Williams' paper consist of state representatives, even if their emergence was partly driven, and their agendas shaped, by international NGOs. In Butcher's contribution, the decision to involve the ICJ in the dispute between Indonesia and Malaysia over the ownership of Sipadan and Ligitan was made by the two national governments. In both Williams' and Butcher's cases, a close working relationship exists between the new actors and the state, with these new actors working, at least in part, on behalf of governments. However, Butcher's contribution also clearly indicates how the relationship between the state and new actors can change, with Indonesia looking less favourably at the ICJ after it ruled that the islands belonged to Malaysia.

Steenbergen looks at a new actor that cooperates with government authorities, albeit at the local level. Significantly, the new actor in this case is not hired by, nor does he work directly for, the state. Instead, the dive operator is self-motivated, but actively initiates interactions with state authorities. While the cooperation between this new actor and "the state" works to some degree on the local level, Steenbergen illustrates that even where new actors and local authorities have similar aims — the eradication of illegal fishing — cooperation can be problematic. In this context, Steenbergen argues that the dive operator is active only within a space bestowed upon him by the district government, and he must invest considerably in this relationship to uphold this position.

Ford and Lyons also examine a new actor that is self-motivated. Largely because its members believe that the Indonesian government does not adequately meet the demands of border security, the Indonesian NGO GAT described in their paper has, on its own initiative, become involved in "monitoring or apprehension of undocumented labour migrants who use the services of people smugglers to return to Indonesia". GAT set up its own, independent immigration centres in the Riau Islands, where it collects data such as names and dates of birth from returnees, and performs "customs checks" that aim to identify contraband goods. While the NGO is seeking some cooperation with local authorities by forwarding

collected data to all relevant government agencies in the Riau Islands, local and central authorities seem to largely ignore the organization. This implies that there is no open conflict between GAT and the state, which appears to at least tolerate the NGO's activities. The authors' therefore conclude that GAT does not pose a challenge to the state, but simply operates in an area where the state chooses to be absent.

Unlike the other new actors discussed in this special issue, some of the for-profit actors involved in providing security in the port of Belawan, which Sciascia examines, are hired by third parties. PMSCs active in the port work for ship-owners and the port's security guards are employed by the government-owned port management company Pelindo I. The PMSCs' relationship with the state is shaped by their close ties with the Indonesian military, with many companies set up by serving or retired military officers. Perhaps more complex is the relationship between the state and the members of PP who are hired to protect the port but are known to be engaged in smuggling and other illegal activities. Yet, that these "guards" remain employed suggests an arrangement has been made between PP and government officials present at the port. Sciascia's case study also demonstrates that a large number of state and non-state actors can be responsible for the protection of one facility — in this case the port of Belawan — resulting in an atmosphere of competition between the different actors present over benefits and profits made from providing security.

Conclusion

The articles in this special issue illustrate that new actors are addressing a wide range of maritime security threats in Southeast Asia and that they have very different relationships with "the state". Their activities in Southeast Asia provide insights into changes in both security governance in the region and the nature of Southeast Asian states, demonstrating some continuity despite significant changes over the past two decades.

The involvement of new actors shows a move away from a heavy emphasis on state-provided security to an opening of the security sectors of Southeast Asian countries, creating space where new actors also can be active. This marks a significant change in a region where government forces have long played such a dominant, and often controversial, role. It is noteworthy that central governments, as well as local authorities, have displayed some interest in involving

new actors. For example, Southeast Asian central governments have, by themselves or with participation from governments from outside the region, created multilateral institutions such as CTI or RPOA (IUU), to tackle specific threats such as illegal fishing. Significantly, NGOs are engaged in shaping the agendas of some of these multilateral organizations. Regional governments have also sought assistance from new actors in resolving conflicts, as exemplified in Malaysia's and Indonesia's decision to ask the ICJ to settle the dispute over Sipidan and Ligitan. At the local level, government agencies have also created space for new actors, with authorities permitting a dive operator to patrol local Indonesian waters.

The opening of security sectors to new actors is in line with reform efforts of several regional countries. Of relevance is that the new actors include local as well as international actors with different perspectives on how security threats should be addressed. While security matters were previously seen predominantly as "domestic affairs", the involvement of international actors may represent an emerging openness to contributions from "outsiders" — at least as long as their involvement does not challenge established authorities. Furthermore, among the local and international new actors engaged in security governance in Southeast Asia are some that promote non-military responses to security threats, including efforts to address their root causes. This is particularly significant in countries such as Indonesia and the Philippines, where government forces have at times used heavy-handed military responses, often targeting parts of their own populations. Alternative, non-military efforts that address the root causes of threats could in contrast make a real contribution to easing local tensions and solve existing problems.

On the other hand, the nature of the involvement of new actors also demonstrates that some long-standing characteristics and concerns still remain in Southeast Asia. These include restricted cooperation, the limited resources of government agencies, corruption and competition over the rewards to be gained by providing security. For instance, the dive operator is allowed to patrol local waters and arrest illegal fishers because Indonesian naval forces in the area do not have the capacity to do so effectively, while PMSCs active in the Straits of Malacca are able to use armed guards to protect vessels in national waters because they can pay local authorities to turn a blind eye.³⁸ The fact that PP members known to be involved in illegal activities such as

smuggling are hired as security guards in the port of Belawan also indicates that it remains possible to pay off officials to conduct criminal operations. Furthermore, the lack of cooperation between the large number of state and non-state security providers active in Belawan demonstrates not only the rivalry between these different actors but also that profits to be made from providing security remain important for state security forces in Indonesia.

However, such direct competition between state and non-state actors may be the exception. In fact, the question arises as to whether or not new actors are allowed to operate primarily in areas where states are largely absent because they lack the capacity or willingness to respond. States may choose to be absent because an issue is given low priority or because government agencies do not find it profitable to be engaged themselves. The Indonesian NGO GAT, for instance, operates in an area ignored by the state. State agencies have little to gain from facilitating the irregular return of undocumented Indonesian overseas workers and have, with the exception of the navy, not sought to seek rent from them. As long as GAT does not interfere with the navy's efforts to make money from the returnees, the NGO can operate freely.

The working practices of GAT also raise questions regarding oversight of security providers in Southeast Asia and the problematic issue of just how much "space" should be given for new actors to operate. The activities of GAT and the dive operator indicate that some new actors are able to operate with little oversight, and while they roughly follow and enforce state objectives (in this case the protection of borders and combating illegal fishing) it is uncertain how the efforts of these actors affect those who they target. GAT, for instance, collects fingerprints of returnees and searches their possessions without oversight or state approval. While these efforts can be seen as positive in regard to enforcing government objectives or addressing security threats, it can equally be interpreted as infringements on personal rights and attempts by organizations or individuals to take the law into their own hands. It is noteworthy that new actors such as NGOs that often enjoy a positive image are also engaged in such activities. The fact that the Indonesian authorities are aware of GAT's actions may indicate that, as in the past, government control is primarily directed towards those actors that the state identifies as problematic, while it ignores others that clearly overstep boundaries but operate in support of state interests.

Clearly, while this special issue raises and answers some questions regarding the involvement of new actors in maritime security governance, it also opens the field to further studies. Research is undoubtedly needed on issues such as the accountability of non-state actors in Southeast Asia, to add further to our understanding of the role of new actors in national, regional and international security governance.

NOTES

- ¹ The articles in this special issue were originally prepared for the workshop “New Actors and the State: Addressing Maritime Security Threats in Southeast Asia” organized and funded by the Griffith Asia Institute and the Centre for Governance and Public Policy, Griffith University.
- ² See Deborah Avant, Martha Finnemore and Susan K. Sell, *Who Governs the Globe?* (Cambridge: Cambridge University Press, 2010); Daphne Josselin and William Wallace, *Non-State Actors in World Politics* (New York, NY: Palgrave Macmillan, 2001); and Rodney Bruce Hall and Thomas J. Biersteker, eds., *The Emergence of Private Authority in Global Governance* (Cambridge: Cambridge University Press, 2003).
- ³ Trevor Jones and Tim Newburn, *Private Security and Public Policing* (Oxford: Clarendon Press, 1998); and Elke Krahmman, *States, Citizens and the Privatization of Security* (Cambridge: Cambridge University Press, 2010).
- ⁴ Elke Krahmman, “From State to Non-state Actors: The Emergence of Security Governance”, in *New Threats and New Actors in International Security*, edited by Elke Krahmman (Palgrave Macmillan, 2005), <<http://eis.bris.ac.uk/~poxek/NewThreatsChap1.pdf>>, p. 9.
- ⁵ H.H. Gerth and C. Wright Mills, *From Max Weber: Essays in Sociology* (London: Routledge & Kegan Paul Ltd., 1970), p. 78.
- ⁶ See, Peter Warren Singer, *Corporate Warriors: The Rise of the Privatized Military Industry* (Ithaca, NY: Cornell University Press, 2003), pp. 19–48; David Shearer, *Private Armies and Military Intervention*, Adelphi Papers 316 (New York, NY: Oxford University Press, 1998), pp. 13–22.
- ⁷ See, Janice E. Thomson, *Mercenaries, Pirates, and Sovereigns: State-Building and Extraterritorial Violence in Early Modern Europe* (Princeton, NJ: Princeton University Press, 1996).
- ⁸ See, for example, Singer, *Corporate Warriors*, op. cit.; Thomas Jäger and Gerhard Kümmel, eds., *Private Military and Security Companies: Chances, Problems, Pitfalls and Prospects* (Wiesbaden: Vs Verlag, 2007); Rita Abrahamsen and Michael C. Williams, *Security beyond the State: Private Security in International Politics* (Cambridge: Cambridge University Press, 2011).
- ⁹ The exception is the growing attention paid to the employment of PMSCs to protect vessels from pirate attacks off the coast of Somalia. There is also literature available on the efforts made by NGOs, such as Greenpeace, to address illegal and overfishing. The focus of this literature is, however, mostly not on the role

of such NGOs in security governance but on environmental and environmental management issues and related topics.

- ¹⁰ See, for example, the special issue on the South China Sea Dispute, *Contemporary Southeast Asia* 33, no. 3 (2011).
- ¹¹ See John Butcher's contribution in this special issue.
- ¹² See UNCLOS Article 47, which includes the following statement: "An archipelagic State may draw straight archipelagic baselines joining the outermost points of the outermost islands and drying reefs of the archipelago provided that within such baselines are included the main islands and an area in which the ratio of the area of the water to the area of the land, including atolls, is between 1 to 1 and 9 to 1." United Nations, "United Nations Convention on the Law of the Sea of 10 December 1982", 1982, <http://www.un.org/Depts/los/convention_agreements/convention_overview_convention.htm>.
- ¹³ Eric Tagliacozzo, "Smuggling in Southeast Asia: History and Its Contemporary Vectors in an Unbounded Region", *Critical Asian Studies* 34, no. 2 (June 2002): 193–220; John Bruni, "Border Crossing: People-smuggling into Australia", *Jane's Intelligence Review*, 29 October 2010; "Australia and Indonesia Co-operate to Combat People Smuggling", *Jane's Intelligence Weekly*, 16 October 2012.
- ¹⁴ In this special issue we use the IMB's broad definition of piracy. The IMB includes in its analysis any "act of boarding any vessel with the intent to commit theft or any other crime and with the intent or capability to use force in the furtherance of that act." ICC, "Piracy and Armed Robbery against Ships. A Special Report. Revised Edition — March 1998", International Maritime Bureau, London, 1998, p. 2.
- ¹⁵ In those cases the vessel's original cargo is disposed of and the original crew either killed, thrown overboard, or put into life rafts and set adrift. The ship is then registered under a different name. Equipped with a new identity, the vessel is then offered to an anxious shipper to transport his cargo. The cargo, however, will never arrive at its destined port, as the vessel is diverted and the cargo off-loaded at another port and sold to another consignee. The vessel is then once again re-registered under a different name and the scam begins again. See, ICC annual piracy reports 1992–2012. ICC, "Piracy and Armed Robbery against Ships. Annual Report 1 January–31 December 2010", International Maritime Bureau, London 2011; Carolyn Liss, *Oceans of Crime: Maritime Piracy and Transnational Security in Southeast Asia and Bangladesh* (Singapore: Institute of Southeast Asian Studies and International Institute for Asian Studies, 2011).
- ¹⁶ John F. Bradford, "The Growing Prospects for Maritime Security Cooperation in Southeast Asia", *Naval War College Review* 58, no. 3 (Summer 2005): 70.
- ¹⁷ Juliet Labog-Javellana and Philip Tubeza, "SuperFerry 14 Bombing Solved, Says Arroyo", *Philippine Daily Inquirer*, 12 October 2004.
- ¹⁸ N. Ganesan, "Illegal Fishing and Illegal Migration in Thailand's Bilateral Relations with Malaysia and Myanmar", in *Non-traditional Security Issues in Southeast Asia*, edited by Andrew T.H. Tan and J.D. Kenneth Boutin (Singapore: Select Publishing for Institute of Defence and Strategic Studies, 2001), pp. 507–27; John G. Butcher, *The Closing of the Frontier: A History of the Marine Fisheries of Southeast Asia c.1850–2000* (Singapore: Institute of Southeast Asian Studies,

- 2004). John G. Butcher, "Getting into Trouble: The Diaspora of Thai Trawlers, 1965–2002", *International Journal of Maritime History* 14, no. 2 (December 2002): 85–121.
- ¹⁹ High Seas Task Force, "Closing the Net: Stopping Illegal Fishing on the High Seas", Governments of Australia, Canada, Chile, Namibia, New Zealand, and the United Kingdom, WWF, IUCN and the Earth Institute at Columbia University, March 2006, <http://www.high-seas.org/docs/HSTFfinal/HSTFFINAL_web.pdf>, p. 23. Organization for Economic Co-operation and Development, *Fish Piracy: Combating Illegal, Unreported and Unregulated Fishing* (Paris: OECD, 2004).
- ²⁰ See, Butcher, *The Closing of the Frontier*, op. cit.
- ²¹ Sam Bateman, "Naval Balance in Southeast Asia — Search for Stability", *Jane's Defence Weekly*, 11 May 2005; Sam Bateman, "Coast Guards: New Forces for Regional Order and Security", *Asia Pacific Issues*, no. 65 (2003), <<http://www.eastwestcenter.org/stored/pdfs/api065.pdf>>. Richard A. Bitzinger, "Recent Developments in Naval and Maritime Modernization in the Asia-Pacific: Implications for Regional Security", in *The Chinese Navy: Expanding Capabilities, Evolving Roles*, edited by Phillip C. Saunders, Christopher Yung, Michael Swaine and Andrew Nien-Dzu Yang (Washington, D.C.: Center for the Study of Chinese Military Affairs, National Defense University Press, 2011), pp. 23–40; Christian Le Miere, "Policing the Waves: Maritime Paramilitaries in the Asia-Pacific", *Survival* 53, no. 1 (2011): 133–46.
- ²² Ibid.
- ²³ Peter Alford, "Last Bali Bomber Umar Patek Arrested", *The Australian*, 31 March 2011, <<http://www.theaustralian.com.au/news/world/last-bali-bomber-arrested/story-e6frg6so-1226030991684>>.
- ²⁴ Bradford, "The Growing Prospects for Maritime Security Cooperation", op. cit., p. 67.
- ²⁵ "Indonesian Soldier Jailed for People Smuggling into Australia", *Jane's Intelligence Weekly*, 25 September 2012; Liss, *Oceans of Crime*, op. cit., pp. 55–89; Butcher, "Getting into Trouble", op. cit.; Michael Heazle and John G. Butcher, "Fisheries Depletion and the State in Indonesia: Towards a Regional Regulatory Regime", *Marine Policy* 31, no. 3 (May 2007): 276–86.
- ²⁶ See, Mak Joon Num, "Unilateralism and Regionalism: Working Together and Alone in the Malacca Straits", in *Piracy, Maritime Terrorism and Securing the Malacca Straits*, edited by Graham Gerard Ong-Webb (Singapore: Institute of Southeast Asian Studies, 2006), pp. 134–62.
- ²⁷ Mark J. Valencia, "The Politics of Anti-piracy and Anti-terrorism Responses in Southeast Asia", in *Piracy, Maritime Terrorism*, op. cit., pp. 84–102.
- ²⁸ Catherine Zara Raymond, "Piracy and Armed Robbery in the Malacca Strait. A Problem Solved?", in *Piracy and Maritime Crime: Historical and Modern Case Studies*, Naval War College Newport Papers no. 35, edited by Bruce Elleman, Andrew Forbes and David Rosenberg (Newport, RI: Naval War College Press, 2010).
- ²⁹ ASEAN documents covering the security community and other ASEAN documents relating to security can be found in the annual *ASEAN Documents Series* available in hard copy or from the ASEAN website. For example: Section II "ASEAN Political-Security Community", *ASEAN Documents Series*

- 2011, ASEAN Secretariat, Jakarta, 2011. See also Christopher Roberts, "ASEAN Institutionalisation: The Function of Political Values and State Capacity", RSIS Working Paper no. 217 (Singapore: S. Rajaratnam School of International Studies, 2010), p. 2.
- ³⁰ Ralf Emmers, "ASEAN and the Securitization of Transnational Crime in Southeast Asia", *Pacific Review* 16, no. 3 (2003): 430. See also, Ralf Emmers and See Seng Tan, "The ASEAN Regional Forum and Preventive Diplomacy: A Failure in Practice", RSIS Working Paper no. 189 (Singapore: S. Rajaratnam School of International Studies, 2009).
- ³¹ One example is Japan's decade-old programme to build up regional coastguards. See Martin Fackler, "Japan is Flexing its Military Muscle to Counter a Rising China", *New York Times*, 26 November 2012, <<http://www.nytimes.com/2012/11/27/world/asia/japan-expands-its-regional-military-role.html?pagewanted=all&r=0>>.
- ³² Ian Storey, "China's 'Malacca Dilemma'", *China Brief* VI, Issue 8 (12 April 2006), <http://www.jamestown.org/images/pdf/cb_006_008.pdf>, p. 4; John Bradford, "US Strategic Interests and Cooperative Activities in Maritime Southeast Asia", in *Maritime Security in Southeast Asia: US, Japanese, Regional, and Industry Strategies*, edited by John Bradford, James Manicom, Sheldon Simon and Neil Quartaro, NBR Special Report 24 (November 2010), pp. 17–30.
- ³³ In the literature, active services are those that involve a military or policing component, while passive services include consultation and other non-violent activities.
- ³⁴ See Christopher Colclough and James Manor, *States or Markets? Neoliberalism and the Development Policy Debate* (Oxford: Clarendon Press, 1991); John Harriss, *Depoliticizing Development: The World Bank and Social Capital* (London: Anthem Press, 2002); Joseph Stiglitz, *Globalization and Its Discontents* (Camberwell: Penguin, 2002); Garry Rodan, Richard Robison and Kevin Hewison, eds., *The Political Economy of South-East Asia*, 2nd ed. (Melbourne: Oxford University Press, 2001).
- ³⁵ Carolyn Liss, "Private Security Companies in the Fight against Piracy in Asia", Working Paper 120, Asia Research Centre, Murdoch University, June 2005, <<http://www.warc.murdoch.edu.au/wp/wp120.pdf>>; Liss, *Oceans of Crime*, op. cit., pp. 321–47.
- ³⁶ Tim Huxley, *Reforming Southeast Asia's Security Sectors* (London: Conflict, Security and Development Group, 2001), Chapter 2.
- ³⁷ These discussions are related to broader debates concerning non-state authority and the state in global governance. Scholars differ over whether and to what extent there has been a diffusion of authority from states to other actors.
- ³⁸ Liss, "Private Security Companies in the Fight against Piracy in Asia", op. cit.; Liss, *Oceans of Crime*, op. cit., pp. 321–47.