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Explaining Indonesia's Participation in Maritime Security Cooperation

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Abstract

Indonesia's cooperation in maritime security initiatives is vitally important because half of the world's trading goods and oil pass through Indonesian waters including the Straits of Malacca, the Strait of Sunda and the Strait of Lombok. Consequently, Indonesia's active engagement in maritime cooperation is a matter of some import for the international community. However, Indonesia's varying participation across maritime cooperation arrangements is puzzling. Indonesia has joined some of these cooperation initiatives and opted out of others despite the presence of United States leadership. This thesis addresses this puzzle by carrying out a comparative analysis of 26 cooperation arrangements using government documents and elite interviews in Indonesia, Malaysia, Singapore and New York.

In addition to addressing an empirical puzzle, this thesis also contributes to the theoretical debate on international cooperation. The International Relations literature on cooperation tends to focus on great power bargaining. Whether, why and how middle powers decide to join international initiatives over which they have little influence has been overlooked. The implication of this study suggests that neither the calculation of relative gains as argued by neorealists, the constructivist expectation regarding the importance of shared identity, the neorealist or the neoliberal argument on the role of hegemonic leadership nor the bureaucratic politics approach emphasis on competing government actors' preferences can explain the variation in Indonesia's engagement with cooperation initiatives. I argue that Indonesia's decision to cooperate is formed by the calculation of absolute gains. Indonesia cooperated as long as the benefits of cooperation exceeded the costs.

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Declaration

I declare that, except where explicit reference is made to the contribution of others, that this dissertation is the result of my own work and has not been submitted for any other degree at the University of Glasgow or any other institution.

Signature:

Printed Name: Senia Febrica

List of Abbreviations

AEO	Authorized Economic Operator
AFP	Australian Federal Police
AIS	Automatic Identification System
AMF	ASEAN Maritime Forum
APA	ASEAN Port Association
APEC	Asia-Pacific Economic Cooperation
APEC TRP	Asia-Pacific Economic Cooperation Trade Recovery Programme
APT	ASEAN Plus Three
ARF	ASEAN Regional Forum
ARF ISM MS	ASEAN Regional Forum Inter-Sessional Meeting on Maritime Security
ASEAN	Association of Southeast Asian Nations
ASF	Asian Shipowners' Forum
BDC	Bomb Data Centre
BIMP-EAGA	Brunei Darussalam- Indonesia- Malaysia- The Philippines East ASEAN Growth Area
CARAT	Cooperation and Readiness Afloat
CBP	Customs and Border Protection
CIQS	Customs-Immigration-Quarantine-Security
CMPT	Combined Maritime Patrol Team
CSI	Container Security Initiative
DCA	Defence Cooperation Agreement
DGST	Directorate General of Sea Transportation
EEZ	Exclusive Economic Zone
EiS	Eyes in the Sky
FASA	Federation of ASEAN Shipowners' Associations

GAM	Gerakan Aceh Merdeka
IMB	International Maritime Bureau
IMCP	Indonesia-Malaysia Coordinated Patrol
IMO	International Maritime Organization
IMSS	Integrated Maritime Surveillance Systems
INSA	Indonesian National Shipowners' Associations
ISC	Information Sharing Center
ISCP	Indonesia Singapore Coordinated Patrol
ISPS	International Ship and Port Facility Security
JI	Jamaah Islamiyah
JCLEC	Jakarta Centre for Law Enforcement Cooperation
JWC	Joint War Committee
MFA	Ministry of Foreign Affairs
MoD	Ministry of Defence
MITA	Mitra Utama
MSP	Malacca Straits Patrol
MSSP	Malacca Straits Sea Patrol
MoD	Ministry of Defence
MoT	Ministry of Transportation
MoU	Memorandum of Understanding
NCIS	Naval Criminal Investigative Service
NGO	Non Governmental Organization
NPT	Non Proliferation Treaty
PSI	Proliferation Security Initiative
ReCAAP	Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia

RMSI	Regional Maritime Security Initiative
SOLAS	International Convention for the Safety of Life at Sea
SUA	Suppression of Unlawful Acts Against the Safety of Maritime Navigation
UN	United Nations
UNCLOS	United Nations Convention on the Law of the Sea
UNCTAD	United Nations Conference on Trade and Development
UNHCR	United Nations High Commissioners for Refugees
UNSC	United Nations Security Council
US	United States
US CBP	United States Customs and Border Protection
US ICE	United States Immigration and Customs Enforcement
WCO	World Customs Organization
WMD	Weapons of Mass Destruction

Chapter 1. Indonesia's Puzzling Participation in International Maritime Security Cooperation?

1.1 Introduction

Indonesia is a critical state in maritime security. Almost half of the world's traded goods and oil passes through the key Indonesian straits of Malacca, Sunda and Lombok.¹ These strategic sea routes are threatened by possible maritime terrorism attacks and armed robbery against ships. Indonesia participates in a number of international cooperative endeavours to deal with maritime terrorism and sea robbery, for instance the World Customs Organization SAFE Framework of Standards to Secure and Facilitate Global Trade (WCO SAFE Framework), and has even actively initiated a selection of measures and convened multiple meetings to improve maritime security cooperation, such as the Malacca Straits Patrol (MSP) agreement among others.² Yet it has also refrained from participating in a number of other cooperative arrangements, such as the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA Convention), also designed to tackle maritime terrorism and sea robbery. Given Indonesia's rigorous response towards some cooperation initiatives to address maritime terrorism and armed robbery against ships, but not others this thesis poses the question: Why does Indonesia join or not join a cooperation agreement?

The prevailing arguments in the literature on Indonesia's cooperation in maritime arrangements cannot account for Indonesia's varying participation across cases. There are three main explanations set out in the literature, but they are limited by generalizing from individual instances of success or failure. These are the functional motivations, the sovereignty concern and the economic disinterest arguments. The functional motivations argument claims that Indonesia is willing to cooperate in various initiatives to address problems related to potential maritime terrorism and sea robbery attacks.³ This argument can explain Indonesia's cooperation in some arrangements, but cannot account for Indonesia's non-participation in some others. The argument regarding Indonesia's

¹ Carana (2004:14); U.S. Department of Homeland Security (20 September 2005)

² Singapore Ministry of Foreign Affairs (MFA) (2 August 2005); Jakarta Post (9 September 2005); Interview IG05

³ B.K. Sondakh (2004: 3-26; 2006:79-90); N. Wisnumurti (2009: 333-352); H. Djalal (2004: 419-440; 2007b:51-58; 2009d: 315-332; 2009a: 8-26); T.E. Purdjianto (2009:27-42); K. Anggoro (2009: 59-80); R.A. Nasrun (2009: 115-133);

concerns over sovereignty infringement explains that Indonesia is reluctant to join some cooperation agreements if it perceives that it may compromise its sovereignty.⁴ This argument can only explain Indonesia's non-participation in some cooperation agreements but cannot explain Indonesia's willingness to join some others. The third line of argument on economic disinterest points to Indonesia's lack of economic interest in seaborne-trade as the main source of Indonesia's rejection of maritime security cooperation.⁵ The economic disinterest argument underplays the benefits of cooperation for Indonesia and, therefore, falls short in accounting for Indonesia's engagement in some cooperation agreements. Taken as a whole, the three arguments cannot explain why Indonesia joins some cooperation initiatives, but not others.

This thesis argues that Indonesia's decision to join or not to join a cooperation agreement is informed by the absolute gains calculation. Indonesia signed agreements only if it anticipated that the benefits of cooperation would exceed the costs. Indonesia is seeking core benefits such as burden sharing, equipment, access to maritime training and exercises to improve the country's maritime security measures; and it is seeking ancillary benefits, including agreement from its cooperation partners to negotiate other treaty or assistance to develop its undeveloped areas. In assessing the costs of cooperation Indonesia takes into account the sovereignty costs that refer to the degree of limitation that an agreement poses to national autonomy, and the implementation costs that point to the costs incurred in implementing the cooperation requirements. This finding is consistent with the neoliberal emphasis on the importance of absolute gains and contradicts the neorealist expectation that relative gains matter, particularly when cooperation concerns security. Neorealism, due to its emphasis on relative gains concern, would expect that a middle power such as Indonesia would be more likely to cooperate with larger or smaller states and avoid cooperating with its near-peers. In contrast to this expectation Indonesia cooperated with larger, smaller and near-peer states. In addition, this thesis shows that in contrast to the constructivist argument on the role of shared identity in influencing cooperation Indonesia had refused to participate in cooperation arrangements that exclusively involved other ASEAN states and those that included non-ASEAN states. This thesis also demonstrates, contrary to the neorealist and neoliberal emphasis on hegemonic leadership in fostering

⁴ V. Huang (2008:93); M. J. Valencia (2006b:89); T.R. Shie (2006:178); S. Bateman (2007; 2009); Bradford (2005:73-75; 2008:489); B. Bingley (2004:363-364); T.M. Sittnick (2005: 752, 754); M. Murphy (2007: 169, 174)

⁵ Huang (2008:91); J.N. Mak (2006: 135-136, 152,156-157); J. Mo (2002:351); J. Ho (2009b:734); Raymond (2007:88); C.M. Stryken (2007:139)

cooperation, leadership by the United States was neither necessary nor sufficient to explain Indonesia's participation in cooperation arrangements. Further, this thesis shows that the variation in Indonesia's participation in security cooperation cannot be explained by competition among government actors, as suggested by some foreign policy analyses, because of the Ministry of Foreign Affairs (MFA) was the dominant actor in all of the cooperation arrangements and there is no evidence of competition among other government actors. This model of MFA dominance prompts questions about whether the bureaucratic politics account of foreign policy 'travels' to Indonesia. By analyzing why Indonesia did or did not join a cooperation agreement this thesis contributes to theoretical debates on cooperation in international relations by bringing in discussion of middle power participation in international cooperation.

This thesis also makes a valuable empirical contribution by offering a comprehensive account of the measures being taken by Indonesia to address two serious threats to maritime security: maritime terrorism and armed robbery against ships. As Indonesia is an important player in maritime security, and as the security of Indonesia's sea lanes are crucial to global trade, this is worthy of our attention. This thesis covers a much broader set of Indonesia's unilateral measures and maritime cooperation arrangements. There are no works that systematically explain Indonesia's varying participation across all maritime security cooperation. Some works that provide detailed accounts of Indonesia's national measures and cooperation to deal with maritime terrorism and sea robbery concentrate mainly on successful cooperation cases and give no attention to Indonesia's non-cooperation.⁶ Others that noted Indonesia's non-participation in some arrangements do not aim specifically to explain the way Indonesia responded to maritime security cooperation.⁷ These works tend to focus on broader Southeast Asia or South China Sea maritime security and they only explain Indonesia's non-participation in certain cooperation arrangements in passing. By covering all maritime security arrangements, therefore, this thesis provides a comprehensive portrayal of Indonesia's response to the two problems that is currently lacking.

⁶ Y.D.H. Purnomo (2004: 27-40); Sondakh (2004:1-26); Purdjianto (2009:27-42); Anggoro (2009: 59-80); Nasrun (2009: 115-133); Djalal (2007b:51-58; 2009)

⁷ Bingley (2004: 353-383); Huang (2008); Valencia (2006b:89); Shie (2006); Bateman (2007; 2009); Bradford (2004; 2005; 2008); Sittnick (2005: 752, 754); Murphy (2007: 169, 174); B.Desker (2007: 14-18)

The next section explains issues and cooperation cases cover by this thesis. The third section reviews the existing literature on maritime cooperation and Indonesia's engagement in this cooperation and reveals how it fails to explain the observed variation in Indonesia's engagement in international maritime security cooperation. This section considers the plausible explanations suggested by the competing International Relations (IR) theories and the bureaucratic approach to foreign policy analysis. The fourth section provides the analytical framework of this thesis. It identifies and operationalizes the key independent and dependent variables that are analysed in this thesis. The fifth section explains the sources used and the scope of primary research conducted for the thesis. The final section of the chapter provides an overview of the structure of the thesis.

1.2 Issues and Cases

This thesis compares Indonesia's participation in all maritime security cooperation to address maritime terrorism and armed robbery against ships. In total there are twenty six cooperation arrangements dealing with maritime terrorism and armed robbery against ships capturing both cooperation and non-cooperation (see Table 1.1). These two issue areas, maritime terrorism and security and armed robbery against ships, are worth studying for two reasons. First, cooperation in both policy areas is important because the two issues have become the focus of international maritime security cooperation. Armed robbery against ships is not a new security concern for either Indonesia or the international community. It has been a recurring maritime security challenge in Southeast Asia since A.D. 414.⁸ Although armed robbery at sea is not new, this issue has received a lot of attention since 9/11. Similarly, concern over maritime terrorism attacks began to rise as an international security concern only in the wake of 9/11. Consequently, there is now extensive regional and multilateral cooperation on both issues including in the Association of the Southeast Asian Nations (ASEAN), the International Maritime Organization (IMO), the World Customs Organization (WCO) and Asia-Pacific Economic Cooperation (APEC).

Second, maritime terrorism and armed robbery against ships have the potential to significantly impact the international economy and security. If the three international Sea Lanes of Communication (SLOC) that overlap with Indonesian territory - the Straits of Malacca and Singapore, the Strait of Lombok and the Strait of Sunda - were closed, the

⁸ P. Chalk (1998a: 87)

additional transport costs for detouring around Australia would cost an extra US\$ 8 billion per year based on 1993 trade flows in these straits.⁹ The closure of adjacent ports in Singapore, Malaysia and Indonesia that are located around the three SLOCs would impede the transport of cargo worth around US\$ 232 billion.¹⁰ Acts of maritime terrorism and sea robbery would bring devastating consequences, not only in terms of economic and financial damage to affected countries and industries, but also in human losses.¹¹ Acts of maritime terrorism carried out by the Abu Sayaff Group on board the MV Super Ferry in the Sulu Sea, the Philippines, caused the death of 116 of the 900 passengers and crew.¹² Concerns have been raised over the possibility of terrorists hijacking a super tanker in a busy sea lane.

⁹ J.H. Noer and D. Gregory (1996:47)

¹⁰ Noer and Gregory (1996:47)

¹¹ J. Ho (2006: 563)

¹² T.G. Monje (25 January 2013)

Table 1.1 Population of All Cooperation Cases

Outcome	Subject of Cooperation	
	Maritime Terrorism	Parties
Cooperation	The U.S.-Indonesia Defence Framework Arrangement, 10 June 2010	Indonesia and the U.S.
	The Indonesia-Japan Joint Announcement on Fighting against International Terrorism, 24 June 2003	Indonesia and Japan
	Three Bilateral Arrangements with Australia Australia (MoU on Counter-Terrorism, 7 February 2002; Lombok Treaty, 13 November 2006; and the Defence Cooperation Arrangement, 5 September 2012)	Indonesia and Australia
	The Brunei Darussalam- Indonesia- Malaysia- The Philippines East ASEAN Growth Area MoU on Sea Linkages, 2 November 2007 and the MoU on Transport of Goods, 25 June 2009	Indonesia, Brunei Malaysia and the Philippines
	The Agreement on Information Exchange and Establishment of Communication, 7 May 2002.	Indonesia, Malaysia and the Philippines
	The ASEAN Convention on Counter-Terrorism, 13 January 2007	ASEAN member states (10 states)
	The International Ship and Port Facility Security_(ISPS) Code, 12 December 2002	148 states who are contracting parties to the Safety of Life at Sea (SOLAS) Convention including ASEAN and non-ASEAN states
	The World Customs Organization SAFE Framework of Standards (WCO SAFE Framework), 23 June 2005	164 out of 179 WCO member states including ASEAN and non-ASEAN states
	The Asia-Pacific Economic Cooperation Trade Recovery Programme (APEC TRP), 9 September 2007	7 ASEAN member states and 14 extra-regional states
Non Cooperation	The Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA Convention), 10 March 1988.	6 ASEAN States and 155 non ASEAN states
	The Proliferation Security Initiative (PSI), 31 May 2003	3 ASEAN states and 69 others extra-regional states
	The Container Security Initiative (CSI), 20 January 2002	3 ASEAN states and 33 extra-regional states
Outcome	Armed Robbery against Ships	
Parties		
Cooperation	Indonesia-Singapore Coordinated Patrol Arrangement, 8 July 1992	Indonesia and Singapore
	Indonesia-Malaysia Coordinated Patrol Arrangement, July 1992.	Indonesia and Malaysia
	Indonesia-the Philippines Defence Agreement, 27 August 1997	Indonesia and the Philippines
	Indonesia-India Defence Agreement, 11 January 2001.	Indonesia and India
	The MoU on Maritime Cooperation between Indonesia and China, 25 April 2005.	Indonesia and China
	The Malacca Straits Patrol (MSP) Agreement, 21 April 2006.	Indonesia, Malaysia and Singapore
	Two ASEAN Initiatives (The ARF Statement on Cooperation against Piracy and Other Threats to Maritime Security, 17 June 2003 and the ASEAN Maritime Forum, 23 July 2005)	ASEAN member states and 16 extra-regional states including the U.S., China, European Union and Australia
Non-Cooperation	Defence Cooperation Agreement with Singapore, 27 April 2007	Indonesia and Singapore
	The Regional Maritime Security Initiative (RMSI), November 2004.	It was intended to include all 20 countries in East Asia and Pacific.
	The Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP), 11 November 2004.	ASEAN member states (excluding Malaysia and Indonesia) and 11 extra-regional states

1.3 Literature Review: Limits of the Existing Literature

The burgeoning literature on Indonesia's maritime security cooperation can be categorized into two groups. The first group of literature is largely descriptive; focuses on Indonesia's efforts to secure its sea lanes (notably the Straits of Malacca and Singapore);¹³ and is fragmented, considering only one or a few cases of cooperation arrangements at a time. The second group of literature touches on International Relations (IR) theories on cooperation - including constructivism, neoliberalism and neorealism - as well as the bureaucratic politics explanations of different motivations and constraints on international cooperation.

The explanations suggested by the descriptive literature for Indonesia's participation in cooperation in the existing literature can be grouped into three categories: functional motivations, concerns about sovereignty costs, and economic disinterest.

The, usually implicit, functional argument describes the presence of maritime terrorism and sea robbery threats and identifies a series of policy responses. This group of scholarly works focus on the maritime security problems to be solved. They explain that Indonesia has been involved in bilateral, trilateral and regional maritime cooperation to secure key waterways, particularly the Straits of Malacca and Singapore and the Indian Ocean.¹⁴ These descriptive works of Indonesia maritime cooperation elaborate the existing maritime security threats, policies to deal with these issues and the limitations and constraints faced by the country.¹⁵ They only focus on successful cases of cooperation. Implicitly, these works show how Indonesia assesses the costs and benefits of cooperation. Their argument overstates the benefits of cooperation relative to costs suggesting that Indonesia should always cooperate. Therefore, the functional motivations argument cannot offer a satisfactory explanation on Indonesia's non-cooperation in a number of cases such as the SUA Convention and the ReCAAP.

Those that focus on non-cooperation overstate sovereignty costs. Bradford, Huang, Valencia, Shie, Bateman, Hassan, Bingley, Sittnick and Murphy point to concerns over

¹³ Y.D.H. Purnomo (2004: 27-40); B.K. Sondakh (2004:1-26); T.E. Purdjianto (2009:27-42); K. Anggoro (2009: 59-80); R.A. Nasrun (2009: 115-133); H. Djalal (2007b:51-58; 2009)

¹⁴ Sondakh (2004: 3-26; 2006:79-90); Wisnumurti (2009: 333-352); H. Djalal (2004: 419-440; 2007b:51-58; 2009d: 315-332; 2009a: 8-26)

¹⁵ Purnomo (2004: 27-40); Wisnumurti (2009: 115-133); Purnomo (2004: 27-40); Sondakh (2004:1-26); Purdjianto (2009:27-42); Anggoro (2009: 59-80); Nasrun (2009: 115-133);

sovereignty infringement as the reason underpinning Indonesia's non cooperation in a number of agreements including the RMSI, the ReCAAP, the SUA Convention, the CSI and the PSI.¹⁶ The notion of sovereignty in their works refers to government's concern and sensitivity over potential breaches of sovereignty, which they do not specify. Their works highlight the possibility of U.S. warships patrolling Indonesian waters as the main source of sovereignty concern generated by the RMSI.¹⁷ The placement of U.S. officials in foreign ports under the CSI and the PSI's interdiction activity against ships suspected of carrying WMD materials are cited as the main sovereignty concerns raised by the two U.S. led initiatives.¹⁸ These works implicitly point to the way Indonesia calculates its costs and benefits. However, by over emphasizing sovereignty concerns, these scholarly works overstate the importance of the costs of cooperation and neglect the benefits. As a consequence, they overlook Indonesia's willingness to participate in maritime security cooperation including those that involve cross-border sea and air patrols and provide to other states access to its port facilities, airspace and land territory.

The third line of argument found in the descriptive literature argues that Indonesia's lack of economic interest limits its willingness to join maritime cooperation. Raymond, Mak, Huang, Mo, Ho, Desker, and Stryken explain that Indonesia's interest in pursuing international cooperation to secure the straits is the lowest among the three littoral states that border the Straits of Malacca. They argue that this is because in comparison to Singapore and Malaysia, Indonesia has a smaller economic stake in the Straits of Malacca because it is the least dependent on seaborne international trade.¹⁹ These works pay attention to how Indonesia weighs costs and benefits but they have understated the benefits of cooperation and implied that Indonesia should always be less cooperative. As a result, they can only explain Indonesia's non-cooperation.

These descriptive works, therefore, cannot explain why Indonesia cooperates sometimes, but not others. They are, nonetheless, a valuable resource for this thesis because they provide a detailed account of various international agreements including those which Indonesia chose to join and not to join, how they were established and what Indonesia

¹⁶ V. Huang (2008:93); M. J. Valencia (2006b:89); T.R. Shie (2006:178); S. Bateman (2007:109;2009:118); Bradford (2005:73-75; 2008:489); Bingley (2004:363-364); T.M. Sittnick (2005: 752, 754); M. Murphy (2007: 169, 174)

¹⁷ M. Murphy (2007:174); Sittnick (2005:754-5); Huang (2008:93)

¹⁸ Rosenberg and Chung (2008: 62)

¹⁹ Huang (2008:91); J.N. Mak (2006: 135-136, 152,156-157); J. Mo (2002:351); J. Ho (2009b:734); Raymond (2007:88); C.M. Stryken (2007:139)

could receive in exchange for participating in these initiatives. I, therefore, use the descriptive literature on Indonesia maritime cooperation as a point of departure.

There is also a more analytically informed literature on Indonesia's cooperation that draws inspiration, at least implicitly, from International Relations accounts of international cooperation (constructivism, neoliberalism and neorealism) and foreign policy analysis (the bureaucratic politics approach).

A number of works on Southeast Asia have echoed the constructivist explanation on the origin of cooperation. Ball, Acharya, and Johnston point to the role of the so called "ASEAN spirit" or "ASEAN way" norm that mainly relies on discussion, consensus and accommodation at the high political level in solving disputes among member states and advancing security-cooperation among them.²⁰ The "ASEAN way" that is embraced by Southeast Asian states can explain the growing cooperation and the avoidance of inter-state conflict in the region. As Acharya explains, the dense networks of regional military-security cooperation in Southeast Asia were started from bilateral border security arrangements that have evolved into "an overlapping and interlocking network" of a regional security system.²¹ Ball, Acharya and Johnston advance the constructivist argument that states that share similar identities are more likely to cooperate with each other.²² They develop a collective identity that refers to positive identification with the well-being of others.²³ Collective identity provides an important foundation for cooperation by increasing willingness for states to diffuse reciprocity and act on the basis of "generalized principles of conduct, that is, principles which specify appropriate conduct for a class of actions, without regard to the particularistic interests of the parties or the strategic exigencies that may exist in any specific occurrence."²⁴ According to this line of argument, Indonesia should be more likely to cooperate with ASEAN member states.

Narine, Bradford and Kerr invoke a different constructivist argument, contending that the legitimacy of an international institution informs states' willingness to join it.²⁵ As

²⁰ Acharya (1992; 1995;1997:328-329; 1998:80;2004:249, 256); Acharya & Tan (2006:42, 53); A.I. Johnston (1999:294-295); D. Ball (1993: 53)

²¹ A. Acharya (1992: 10;1995: 191)

²² Acharya (1997: 320, 324, 327, 328-333); Ball (1993: 46-47, 53, 55, 59-60); Johnston (1999: 290-291, 295-297); see also Wendt (1995:77; 1992:400-1, 417-8); C. Hemmer and P.J.Katzenstein (2002:575-6,588-9,592-3)

²³ Wendt (1994: 386)

²⁴ J.G. Ruggie (1992:571); Wendt (1994: 386)

²⁵ I. Claude (1966: 371); Finnemore and Sikkink (1998: 903,906); M. Barnett (1997: 540-543)

legitimacy is important to a state a constructivist would expect states which seek to enhance their international reputation or are insecure about their international status to endorse new international institutions most enthusiastically and thoroughly.²⁶ International institutions that have a large number of member states, and therefore, status as “institution approximating universality” will be more legitimate, in comparison to those with fewer members.²⁷ Narine, Bradford and Kerr fail to explain why the burgeoning numbers of maritime institutions, various consultation mechanisms and cooperation organizations at international level do not mobilize Indonesia to participate in all maritime security cooperation including those that promoted by international institution that include a large number of states.

The role of shared identity and legitimacy in informing states’ cooperation are two of many core features of constructivism. Constructivism focuses on diverse features including the role of values, norms, and ideas, epistemic communities, security communities, and regional/community building.²⁸ For constructivists the role of norms, values and ideas as ideational factors not only regulate behaviour but also constitute actors’ social identity and interests.²⁹ Constructivism provides a rich explanation on the diffusion of norms, ideas and political change, and the significant impact of cooperation in building familiarity and creating patterns of institutionalized habits.³⁰ Constructivists would expect that the dense networks of maritime cooperation in the world that involved the overlapping system of bilateral, regional and multilateral cooperation would have generated a greater concern for cooperation to deal with sea robbery and maritime terrorism threats. The development of the cooperative norm to deal with transnational security issues such as piracy, sea robbery and maritime terrorism is expected to generate a significant impact to the way states cooperate in the maritime security sector. However, despite Jakarta’s acceptance of armed robbery against ships and maritime terrorism as security threats and years of participation in the dense networks of maritime cooperation, not all cooperation arrangements in counter armed robbery against ships and maritime terrorism are readily acceptable for Indonesia. The variety in Indonesia’s cooperation persists across cases. This implies the need to look for a plausible explanation elsewhere.

²⁶ Finnemore and Sikkink (1998: 906)

²⁷ Claude (1966:371-372); Barnett (1997: 543)

²⁸ T. Christiansen, K.E. Jorgensen and A. Wiener (1999:530); M. Finnemore and K. Sikkink (2001: 396-402)

²⁹ T. Risse (2002:599); M. Finnemore and K. Sikkink (1998:888, 891)

³⁰ J.T. Checkel (1998: 324); Finnemore and Sikkink (2001: 405-406)

Many constructivists have explored the involvement of epistemic communities in disseminating new ideas and enabling cooperation.³¹ Epistemic communities can decisively influence states' participation in cooperation by taking part in decision making, acting as advisors or sources of information, adding new issues to domestic or international agendas, or changing how existing issues are defined and approached.³² As these epistemic communities "decisively influence the conceptual framework in which every policy process takes place, and play a significant role in the day to day policy process," they act as powerful instruments for social construction of cooperation narratives.³³ Although constructivist research programmes on epistemic communities offers explanations on the influence of ideas on security cooperation, it is less useful in explaining Indonesia's participation in maritime arrangements. As Haas, King and Howorth argue the real limits to epistemic communities persist as such communities are able to influence policy only if they can convey their ideas and convince key politicians to champion these ideas.³⁴ A state's national administrative design can inhibit the process of learning and diffusion of new ideas from epistemic communities.³⁵ In Indonesia maritime security policy is formulated within a very restricted community. Only a handful of government agencies are responsible for deciding Indonesia's participation in maritime cooperation. With the exception of ASEAN maritime initiatives, where epistemic communities were invited by the Indonesian government to participate in designing cooperation proposals, they were not consulted and therefore, less able to influence the government's decision in other cases of maritime cooperation. The Indonesian government retains a high degree of control in assessing each cooperation agreement, forming Indonesia's position, ensuring favourable outcomes and enforcing rules. In most cooperation cases there were no attempts to discuss Indonesia's policy related to maritime security agreements with epistemic communities.

Constructivists, such as Adler and Barnett have examined the role of security communities as new forms of political organization that enable peaceful cooperation.³⁶ This thesis, however, does not use security communities as an independent variable for two reasons. First, this thesis explains the reasons underpinning Indonesia's participation or non

³¹ Finnemore and Sikkink (2001: 402); Adler (2000: 119-160); J. Howorth (2004: 211-234); P. Haas (2004: 569-592); A. Antoniadou (2003: 21-38); M. King (2005: 94-123); C.O. Meyer (2005: 523-549); Adler (1992: 101-145)

³² Antoniadou (2003: 31-33)

³³ Antoniadou (2003: 34), see also Finnemore and Sikkink (2001: 402); Howorth (2004: 212)

³⁴ Haas (2004: 587-588); King (2005: 113); Howorth (2004: 229)

³⁵ Haas (2004: 584, 587); Howorth (2004: 221, 223, 226)

³⁶ Adler and Barnett (2000: 14-15)

participation in maritime security agreements. This thesis does not intend to explain the process of community building and changes that it can bring.³⁷ The constructivist concept of the security community focuses on processes and interactions in community formation to understand changes in security practices.³⁸ A security community, however, does not provide much explanation about states' cooperation in international agreements beyond the security community. Second, it is unnecessary to treat security communities as an independent plausible explanation. Security community as a concept is too broad to explain the likelihood for a state to join a cooperation agreement. The existing literature on security communities unpacks this concept "into its most important normative, ideational and behavioural component."³⁹ The literature points to the closely inter-related nature of security communities and shared identity concepts. Scholars argue that the two concepts should not be seen as isolated variables.⁴⁰ The notion of cooperation within a security community is "deeply embedded in a collective identity."⁴¹ Scholarly work that touches upon the issue of ASEAN as a security community would make reference to "ASEAN spirit" or "ASEAN way" as the shared identity and norms governing regular interaction among Southeast Asian states.⁴² Community building in ASEAN involves the creation and manipulation of symbols and habits that led to the creation of symbols and habits that in turn promoted the development of shared identity.⁴³ The "prominent symbol" in the area of security cooperation "is the so called ASEAN spirit" or the ASEAN Way.⁴⁴ Given the importance of shared identity in explaining ASEAN community building, this thesis uses shared identity as a plausible explanatory variable and the ASEAN Way as a proxy for identity.

The existing literature does not provide much insight on the neorealist conception of relative gains. To find plausible explanations for Indonesia's participation in international cooperation this literature review proceeds with the neorealist account of the role of relative gains. According to neorealism, states are preoccupied with their survival and uncertainty about other states' future intentions and actions. This circumstance compels

³⁷ For discussion about security community see E.Adler and M. Barnett (2000: 24, 413-438);

³⁸ Adler and Barnett (2000:14)

³⁹ C.O. Meyer (2005: 529)

⁴⁰ Adler and Barnett (1998: 20, 414-416,423, 426-428); C.O. Meyer (2005:529); A. Acharya (2000: 200-201, 210-211); A.D. Ba (2005: 257, 259, 262); A. Collins (2007: 208-211); T. Christiansen, K.E. Jorgensen and A. Wiener (1999: 540)

⁴¹ A. Acharya (2000: 200-201)

⁴² S. Simon (2008: 264, 267, 279); J.F. Bradford (2005:78); S. Sharpe (2003:231-250); Acharya (2000: 209-211); Collins (2007: 213, 218); Ba (257-259)

⁴³ Adler and Barnett (2000: 423); Acharya (2000: 207); E. Colbert (1986:194)

⁴⁴ Acharya (2000: 210)

states to emphasise relative gains in cooperation.⁴⁵ States not only consider how much they gain in the deal, but also how much they obtain in comparison to the other side.⁴⁶ Giving serious attention to the gains of cooperation partners addresses the concerns about survival and uncertainty as states can achieve a more comprehensive and accurate understanding of distribution of benefits and capabilities.⁴⁷ A state will refuse to join, will leave, or will limit its commitment to a cooperation agreement if it deems that partners are achieving relatively larger gains.⁴⁸ The lack of neorealist accounts in the existing literature on maritime cooperation is surprising given that neorealism claims to explain security particularly well.⁴⁹

Given Indonesia's status as a middle power, neorealists would expect Indonesia to cooperate with either much larger or smaller states because the vast power inequality between Indonesia and these states would be less detrimental for Indonesia's survival.⁵⁰ In contrast, Indonesia would be expected to refuse to cooperate with its near-peer competitors due to the insignificant power disparity between them. If a cooperation arrangement brings greater gains for its near-peer competitors the competitor would be in a position to challenge and threaten Indonesia.⁵¹

The concept of relative gains is not the only underlying theme of neorealism. Neorealism builds upon the central characteristic of international anarchy, the security dilemma and the combination of common and conflicting national interests.⁵² This thesis does not incorporate the concept of national interest as an independent variable and uses relative gains as a plausible explanation for two reasons. First, neorealist predictions of the likelihood for cooperation focus on the calculation of relative gains.⁵³ The relative gains consideration tells statesmen and analysts how much leverage one state has over another and vice versa.⁵⁴ It provides states with a clear picture about the distribution of capabilities and benefits. This is important because the distribution of capabilities and benefits for neorealists is the most important issue in power-oriented analysis since it determines

⁴⁵ Waltz (1979:105)

⁴⁶ S.D. Krasner (2002: 139)

⁴⁷ Krasner (1991: 362); J.M. Grieco (1988: 487)

⁴⁸ Grieco (1988:499)

⁴⁹ Krasner (1992: 40)

⁵⁰ Waltz (2000: 38); Krasner (1992: 39); see also C. Elman (1996: 24)

⁵¹ See T.J. Christiansen (2001:8)

⁵² R. Jervis (April 1988: 317)

⁵³ Elman (1996: 24); S. Krasner (1991: 362); Krasner (1982: 498-499); J.M. Grieco (1995: 27); R. Jervis (1988:334)

⁵⁴ Jervis (1988: 334)

cooperation outcomes and states' behaviour.⁵⁵ As Krasner puts it, "distribution of power in international system and the place of a given state within that distribution" is the basic explanation for states' behaviour towards cooperation.⁵⁶ States are only willing to cooperate if such cooperation can provide them with a more favourable distribution of benefits that can help them to enhance their relative power capability.⁵⁷ Second, neorealism treats states as "positional, not atomistic, in character."⁵⁸ In the pursuit of national interest, states always measure "their performance...in terms of the performance of others."⁵⁹ As states protect their national interest they "concentrate on the danger that relative gains" may benefit their cooperation partner and, therefore, assist the development of a potential enemy in the future.⁶⁰ Since states' pursuit of national interest is informed by relative gains concerns, therefore, this thesis uses the relative gains consideration as a plausible explanation.

A group of works have implicitly made reference to the neoliberal absolute gains argument.⁶¹ For neoliberals it is absolute gains rather than relative gains that matter for states.⁶² States will cooperate if they would be better off than if they had not cooperated.⁶³ The costs and benefits of cooperation are influenced by the institutional design of each agreement. Bradford and Sato draw attention to the importance of the calculation of aggregate costs and benefits in informing Indonesia's non-cooperation in the ReCAAP. They claim that Indonesia did not join the ReCAAP because of low perceived benefits and high costs of cooperation.⁶⁴ This literature only mentions the costs and benefits in passing and tends to overemphasize sovereignty costs without specifying why the agreement brought high sovereignty costs or assessing the institutional design of the ReCAAP agreement. Nevertheless, the expectation would be for Indonesia to join a cooperation arrangement only if the aggregate benefits provided by the agreement outweigh the costs.

The literature on Indonesia's maritime cooperation does not make any reference to the neoliberal concept of interdependence or transnationalisation in their analysis. The concept

⁵⁵ Krasner (1991: 362); Krasner (1992: 39); Krasner (1982: 498-499)

⁵⁶ Krasner (1992:39)

⁵⁷ Krasner (1982: 498); Krasner (1991: 362); Grieco (1995: 27)

⁵⁸ Grieco (1988: 499)

⁵⁹ Grieco (1988: 499); see also Waltz (1979:105); Krasner (2002: 139)

⁶⁰ Grieco (1988: 499-500)

⁶¹ Sato (2007:1-10); Bradford (2004:480-505)

⁶² Keohane (1984:80)

⁶³ R.O. Keohane and L.L. Martin (1995: 44-45)

⁶⁴ Sato (2007:6-7); Bradford (2004: 497-498)

of interdependence provides a useful explanation regarding classical problems of political bargaining in international cooperation as it suggests that the actions of states and non state actors will impose costs on other members in the international system.⁶⁵ Keohane and Nye explain that asymmetries in dependence provide states with a source of power in dealing with one another.⁶⁶ States that are less dependent can use the interdependent relationships as a source of influence in bargaining over certain issue and maybe to affect other issues.⁶⁷ Less dependent states can make compromises at lower costs than more dependent states and can also manipulate the relationship to gain its goals not just in the area of the issue but also to obtain side payments in other issue areas.⁶⁸ Under conditions of interdependence states will try to link their own policies in certain issues with other states' policies on other issues to gain favourable outcomes.⁶⁹ Linkage strategies in political bargaining can be used both by states with strong economic and military powers and those that can be categorised as weak states to gain concessions or side payments from cooperation partners.⁷⁰ The concept of interdependence, however, offers no explanatory purchase to explain why a middle power such as Indonesia would choose to join cooperation over which it has little influence. In various maritime security arrangements including the ISPS Code, the WCO SAFE Framework, the SUA Convention, the PSI, the CSI and the RMSI Indonesia was not involved in the bargaining process to design the terms of arrangements. In these cooperation cases Indonesia was only faced with two options: to participate or not to participate. Under such conditions linkages among issues and asymmetrical interdependence as a source of bargaining power as encapsulated in the neoliberal concept of interdependence cannot explain Indonesia's varying participation across cooperation initiatives.

Neoliberals suggest that transnational interactions that involve diverse non-state entities (individuals, groups, companies, non-governmental organizations or tribunals) increase the sensitivity of societies to one another and therefore, influence states' relations.⁷¹ The neoliberal transnationalisation concept offers the most valuable explanation to understand major effects of transnational relations- contacts, coalitions and interactions- in impinging

⁶⁵ Keohane and Nye (1989:249); Keohane and Nye (1987: 737)

⁶⁶ Keohane and Nye (1989:xi, 11, 247); Keohane and Nye (1987: 728)

⁶⁷ Keohane and Nye (1989: 11)

⁶⁸ Keohane and Nye (1988: 252); Keohane and Nye (1973: 160)

⁶⁹ Keohane and Nye (1989: 30); Keohane and Nye (1973: 164)

⁷⁰ Keohane and Nye (1989: 31)

⁷¹ Keohane (1971: 332); Nye and Keohane (1974: 41); Keohane, Moravcsik and Slaughter (2000: 472)

small, middle and even great powers' policies.⁷² These effects include changes of behaviour, the linking of national interest groups in transnational structures, increases in the limitations imposed on states through dependence and interdependence, improvement in the ability of certain governments to influence others, and the emergence of autonomous private actors.⁷³ However, the neoliberal concept of transnationalisation cannot explain the reasons underpinning a middle power varying participation across different agreements. Keohane claims that in coping with constraints brought by transnationalisation small or middle power states "may well be able to make their decisions solely by considering the costs and benefits of various alternative policies to themselves, taking into account, of course, the probable reactions of other states."⁷⁴ Given the emphasis on the role of the costs and benefits calculation this thesis uses the neoliberal absolute gains rather than the transnationalisation concept as a plausible explanation.

A number of studies also touch upon the theme of neorealist and neoliberal hegemonic leadership. The hegemonic leadership concept suggests that the presence of a hegemon is sufficient to affect other states' preferences to cooperate.⁷⁵ King, Byers, Stryken, Rosenberg and Chung discuss the United States (U.S.) efforts to promote new maritime security cooperation including the Customs-Trade Partnership against Terrorism, the PSI, the CSI, and the RMSI.⁷⁶ Some authors point out that the U.S. was willing to enforce the PSI and the CSI rules by interdicting vessels suspected of carrying WMD and placing U.S. CBP monitoring teams in foreign ports, and therefore, bear the enforcement costs of cooperation.⁷⁷ Authors also note that the U.S. was willing to provide selective incentives - in the form of equipment and capacity building assistance - to other states in order to encourage participation.⁷⁸ In the case of maritime security cooperation, it is arguable that the U.S. is willing to gain less relative to others in order to secure its objectives of establishing and promoting maritime security initiatives, as suggested by U.S. offers to bear enforcement costs and provide selective incentives. This literature, however, focuses exclusively on what the U.S. did, not how it influenced the considerations of other states.

⁷² Keohane (1971: 337, 343)

⁷³ Keohane (1971: 337)

⁷⁴ Keohane (1971: 340)

⁷⁵ R. Gilpin (1975:85); R. Gilpin (1981: 30); Krasner (1976:322); S.Strange (1987: 555); C.Lipson (1984:19); Keohane (1984:49; 1982: 326, 330)

⁷⁶ J.King (2005:236,241); M. Byers (2004; 2003: 171-10); Stryken (2007: 136-137, 141-142); Rosenberg and Chung (2008: 53-4, 63-4)

⁷⁷ King (2005: 241); Byers (527-8); Rosenberg and Chung (2008: 53-54)

⁷⁸ Stryken (2007: 135-136); Rosenberg and Chung (2008:64)

Nonetheless, the expectation would be that states are more likely to participate when there is hegemonic leadership.

Some scholarly works have used bureaucratic politics to understand Indonesia's foreign policy making.⁷⁹ Although these works do not refer to the influence of bureaucratic politics in informing Indonesia's maritime security policy, they provide useful insight on bureaucratic politics accounts of Indonesia's foreign policy more generally.⁸⁰ Liddle, Jackson, Suryadinata and Emmerson, for instance, claim that during Suharto's rule (1966-1998) the military, particularly the army, held the most power in the decision making process and carefully controlled those parts of the bureaucracy connected to security including the Ministry of Defense, the Ministry of Home Affairs, the Ministry of Information, the Ministry of Justice, and the Ministry of Foreign Affairs.⁸¹ Nabbs-Keller draws attention to the important role of the Indonesian MFA in formulating Indonesia's foreign policy and redefining Indonesia's image as the "world's third largest democracy" following political reform in 1998.⁸² This suggests that bureaucratic politics may explain Indonesia's decisions to cooperate, but this proposition has not been systematically tested. This thesis seeks to address that gap.

The bureaucratic politics approach to the analysis of foreign policy, first introduced by Allison, focuses on assessing interaction among governmental actors in bargaining games.⁸³ Bureaucratic politics focuses on the process of formulation and reformulation of a policy decision through the interaction of various actors' competing preferences.⁸⁴ Each actor is involved in the "deadly serious games" of bargaining to advance their conception of national, organizational, group and personal interests.⁸⁵ Therefore, the bureaucratic politics approach suggests that cooperation is most likely to occur when it serves the interests of governmental actors that prevail in the internal decision making process.

⁷⁹ G. Nabbs-Keller (2013: 56, 68); L. Suryadinata (1998: 48-55); R.W. Liddle (1985: 70); D.K. Emmerson (1983: 1220, 1223); K.D. Jackson (1978: 395;1980: 10-11)

⁸⁰ G. Nabbs-Keller (2013: 56, 68); L. Suryadinata (1998: 48-55); R.W. Liddle (1985: 70); D.K. Emmerson (1983: 1220, 1223); K.D. Jackson (1978: 395;1980: 10-11)

⁸¹ Emmerson (1983: 1223, 1228, 1230); Liddle (1985: 70-71); Jackson (1978:10-11); Suryadinata (1998:50-51)

⁸² Nabbs-Keller (2013: 56, 68)

⁸³ G. Allison and P. Zelikow (1999: 255); W. Carlsnaes (2006: 338)

⁸⁴ Allison and Zelikow (1999: 255)

⁸⁵ Allison and Zelikow (1999: 295, 302)

Among government ministries the Indonesian MFA plays a central role in foreign policy formulation. Nabbs-Keller explains that the Indonesian foreign ministry is the main actor responsible in formulating foreign policy, managing Indonesia's external relations and carrying out country's diplomacy.⁸⁶ Ruland confirms that despite much reform, the Indonesian foreign ministry views treaty-making as an executive prerogative.⁸⁷ In the Reform Era the government issued a series of laws that provides the MFA with the authority to formulate and implement national policies in the field of foreign policy.⁸⁸ In this context, the MFA is the leading institution in international maritime security diplomacy, although other ministries have input.⁸⁹ The MFA organizes inter-ministerial meetings to settle Indonesia's decision towards international security cooperation.⁹⁰ The inter-ministerial meetings involve other government agencies including the Ministry of Defence (MoD), Navy, Ministry of Transportation (MoT), the Ministry of Marine and Fisheries, Customs and Excise and the Coordinating Ministry for Political, Legal and Security Affairs.⁹¹ As is often the norm with maritime security when international cooperation concerns activities that fall under the remit of this ministry the MFA shares leadership, both in representing the government internationally and in discussing them domestically.⁹² The MFA would likely share leadership with other relevant government institutions if a cooperation initiative covers technical matters for instance regulation of security in ports or on board vessels registered under Indonesian flags, interdiction at sea, customs laws or naval patrol coordination.

⁸⁶ G. Nabbs-Keller (2013:56, 58)

⁸⁷ Ruland (2009: 399). Despite this existing legislation requiring the government to seek agreement from the parliament on international agreements, particularly those related to defence and security, a large proportion of such agreements have been implemented at national level without prior ratification by the parliament, see also Parthiana (2008: 470) and H. Juwana (2008:450). In a large number of maritime security cooperation cases, members of the parliament have little knowledge and show a lack of interest in Indonesia's conduct towards maritime security arrangements. The parliament tends to focus on problems related to preservation of territorial integrity including separatist movements in Aceh, Moluccas and West Papua; and number of issues that reflect deep anti-Israeli and anti-American sentiments among the Moslem-majority public such as the relation between Arab nations and Israel, responses to the 9/11 attacks and the 2002 Bali bombings (Interview IE23; Interview IG40; Suhartono (2001: 165); Dosch (2006: 62); Indonesian Parliament (28 May 2007; 25 September 2006; 25 June 2007; 25 January 2007; 26 February 2007; 9 July 2007); Sherlock (2003:20); Parthiana (2008: 470); E-mail correspondence with a former expert staff of the Indonesian Parliament 24 April 2013).

⁸⁸ Indonesian Ministry of Foreign Affairs (MFA) (6 September 2009); Indonesian MFA (2006:13); Indonesian MFA (1 August 2009). These laws are the Presidential Regulation No 9 of 2005 regarding the Position, Duties, Roles, Structure, and Work Procedure of the State Ministries of the Republic of Indonesia (Articles 31 and 32); Law No 39 of 2008 on State Ministries (Article 7) and Law No. 37 of 1999

⁸⁹ Indonesian MFA (2005b: 19; 2005a:21); Indonesian Coordinating Ministry of Political, Legal and Security Affairs (2007: 31)

⁹⁰ Interview IG40; Interview IG04; Interview IG05; Interview IE23; Interview IE22

⁹¹ Interview IG40; Interview IG21; Interview IG02

⁹² Interview IG04; Interview IG11; Interview IG12; Juwana (2008:449)

The existing literature does not pay attention to other approaches in contemporary security studies such as the Copenhagen School (CS) securitization theory and the English School (ES). The CS aspires to present a security studies framework based on a wider agenda that will incorporate the traditionalist position.⁹³ The CS begins by broaching the topic of international security in a traditional military milieu. "Security is about survival."⁹⁴ The security-survival proposition then expanded to the five sectors of security: military, environment, economic, societal and political.⁹⁵ This process of staging something as an existential threat is what the CS called as speech act. The CS concept of the speech act suggests that "it is the utterance itself that is the act. By saying the words, something is done (like betting, giving a promise, naming a ship)."⁹⁶ For the CS, security is perceived as a self-referential practice, since "it is in this practice that the issue becomes a security issue - not necessarily because a real existential threat exists but because the issue is presented as such a threat."⁹⁷ What is essential from the speech act is not the utterance of the word "security," but the designation of an existential threat requiring emergency action or special measures and the acceptance of that designation by a significant audience that defined the speech act.⁹⁸

The securitization approach is useful in explaining the framing of issues such as migration, intrastate conflict and transnational crimes into recognized new security threats through speech-acts.⁹⁹ As Emmers explains, securitization theory guides us to the construction of security conceptualization where threats can occur in many different areas.¹⁰⁰ Therefore, the CS securitization theory would be useful to explain the social construction of armed robbery against ships and maritime terrorism as security threats. This theoretical approach however, offers no explanatory purchase to examine why Indonesia chose to join some cooperation arrangements but opt out of others similar agreements.

There is no reference made to the English School (ES) literature in the existing works on Indonesia's maritime cooperation. The ES theorists develop a new frame of reference that recognizes the presence of the elements of international system, international society and

⁹³ B.Buzan, O.Weaver, and J. de Wilde (1998: 4)

⁹⁴ Buzan, Weaver and de Wilde (1998: 21)

⁹⁵ R. Emmers (2007:110)

⁹⁶ Buzan, Weaver and de Wilde (1998: 26)

⁹⁷ Buzan, Weaver and de Wilde (1998: 24); T. Balzacq (2005: 171-172)

⁹⁸ Buzan, Weaver and de Wilde (1998: 27)

⁹⁹ See also C. Wilkinson (2007:6); M.C. Williams (2003:513); J. Huysmans (2000: 753-753); H. Stritzel (2012:550-552); G. Karyotis (2012: 390-408)

¹⁰⁰ Emmers (2007:110)

world society in international politics.¹⁰¹ Bull defines the international system as a system composed of two or more states who are linked by contact and interaction between them, and their interactions have a significant effect towards each other's decision.¹⁰² A society of states (or international society) exists when a group of independent political communities perceive themselves to be bound by a common rules and common institution.¹⁰³ The ES theory is most useful in explaining change from a society of states to a world society of individuals. World society here refers to a political system where states are not the main actors in international relations, political activities are mainly centred upon individuals and normative progress is defined in universal terms.¹⁰⁴ The ES explains how change occurs, the normative desirability of such change and the normative agenda inherent within it.¹⁰⁵ Similar to the way an international system comes into being as states develop significant interactions and they accept one another's presence, change to world society emerges "when established mechanisms and institutions of international society have to take into account processes, institutions and normative critiques rooted in global practices and conceptualizations."¹⁰⁶ The ES is useful in explaining the interface between international society and world society, particularly the debate about humanitarian intervention. Notions like humanitarian intervention and cosmopolitan ethics link to "debates about sources of changes that may lead to world society."¹⁰⁷ They propose institutions and ideals that are incompatible with the notion of international society and its basic assumption on the existence of sovereign states.¹⁰⁸

Despite the ES strength in explaining changes in international relations, this theory does not provide a useful explanation to explain why a middle power state chooses to join some cooperation agreements but refuse others. This is for three reasons. First, causation is not the centrepiece of the ES theory.¹⁰⁹ To quote Buzan, "the main thrust of the English School's work has been to uncover the nature and function of international societies, and to trace their history and development."¹¹⁰ The ES explains the nature of change and

¹⁰¹ H. Butterfield and M. Wight (1968:12-13)

¹⁰² H. Bull (1977:9)

¹⁰³ Bull (1977:13)

¹⁰⁴ Williams (2005:20)

¹⁰⁵ Williams (2005: 19); see also Bull (1977: 225)

¹⁰⁶ Williams (2005: 21)

¹⁰⁷ Williams (2005: 25)

¹⁰⁸ Williams (2005: 21)

¹⁰⁹ M. Finnemore (2001: 510)

¹¹⁰ B. Buzan (2001: 477)

transformation in society of states particularly well.¹¹¹ However, major ES scholars do not present their work in causal form.¹¹² Finnemore argues that “most ES work does not fit well into the independent/dependent variable language” nor does it make causal arguments.¹¹³ Bull’s anarchical society, for instance, explains various institutions within international system including balance of power, diplomacy, international law and war without explaining causal connections between them.¹¹⁴ Second, the ES explanation of rules, institutions and standards of civilization is essentially Eurocentric.¹¹⁵ Although current ES scholars have sought to break the Eurocentric limitations of this approach, most of their works focuses on major power relations, particularly between China and the United States. They offer no explanation on the reasons underpinning emerging middle power participation in international cooperation. Third and finally, due to its focus on international society the ES has overlooked a range of important questions about “state, community, nation that could never be satisfactorily addressed solely from the perspective of the society of states.”¹¹⁶ One of the fundamental questions that has been largely ignored by the ES is why an aspiring middle power participates or not in cooperation arrangements.

In conclusion there are five plausible explanations offer by constructivism, neorealism, neoliberalism and the bureaucratic politics approach.

- First, following the constructivist argument on collective identities Indonesia would be more likely to cooperate with other ASEAN states.
- Second, in line with the neorealist argument on the importance of relative gains consideration Indonesia would likely refuse to cooperate with its near-peer(s) and agree to cooperate with larger and smaller states.
- Third, according to the neoliberal claim on the role of absolute gains calculation Indonesia would only join a cooperation arrangement where the benefits of cooperation outweigh the costs.
- Fourth, the neorealist and neoliberal idea of hegemonic leadership implies that the presence of a hegemon would increase the likelihood that Indonesia would cooperate.

¹¹¹ A. Hurrell (2001:489)

¹¹² Finnemore (2001: 510)

¹¹³ Finnemore (2001: 510)

¹¹⁴ Finnemore (2001: 510)

¹¹⁵ A. Watson (2001: 467); A. Hurrell (2001: 490)

¹¹⁶ A. Hurrell (2001: 493)

- Finally, the bureaucratic politics approach suggests that Indonesia is most likely to cooperate when the arrangement benefits key government actors.

1.4 Analytical Framework

This thesis examines Indonesia's participation in maritime security cooperation; the dependent variable. It does so by considering all arrangements dealing with maritime terrorism and armed robbery against ships both formal and informal arrangements. Cooperation in formal arrangements is determined from the signing of an agreement. Cooperation in informal arrangement is established from the implementation of cooperation programmes or activities. Cooperation materializes when Indonesia joins a cooperation initiative and non-cooperation takes place when Indonesia refuses to join a cooperation initiative.

This thesis tests the explanations suggested by the literature including the calculation of the overall costs and benefits of cooperation, the relative gains calculation, shared identity, hegemonic leadership and government actors' preferences to assess the reasons underpinning Indonesia's participation in international maritime security cooperation.

As the role of the absolute gains calculation is important for neoliberal theory, this thesis treats the consideration of overall costs and benefits as a possible explanation of Indonesia's participation in maritime cooperation. The term benefit in this thesis is defined as the net advantage obtained by a participant from cooperation.¹¹⁷ As extensively explained in the literature on maritime security, some benefits gained from cooperation arrangements contribute directly to Indonesia's counter maritime terrorism and sea robbery efforts. These benefits include burden sharing with neighbouring countries to secure important sea lanes, opportunities to gain maritime capacity building training and new equipment from others cooperation partners.¹¹⁸ The existing literature also acknowledges the existence of some side benefits, such as developing undeveloped border areas, facilitating negotiation of other treaties and developing the country's military industry.¹¹⁹ The benefits of cooperation are categorized as high or low. High benefits emerge when the incentives of cooperation are tangible/concrete and are not available elsewhere. In contrast,

¹¹⁷ See definition of benefits in Oxford dictionary (2006)

¹¹⁸ Djalal (2009a: 21-22; 2009c:327-329); Sondakh (2006:88-89); Ho (2007b: 29-30); Sjaastad (2007: 11-12); Stryken (2007:135); Ho (2007a: 213-216)

¹¹⁹ Bakti (2010:300); J. Kristiadi (17 July 2007); A.Elisabeth (2008: 43-44)

low benefits occur when there are no identifiable benefits or if the benefits of cooperation are available elsewhere.

As argued by some IR scholars the costs of cooperation are constituted by the sovereignty and implementation costs.¹²⁰ The sovereignty costs are symbolic and material costs that are associated with the lessening of national autonomy.¹²¹ In assessing sovereignty costs this thesis groups sovereignty costs into two categories: high and low. Under the condition of high sovereignty costs states have to accept external authority over significant decisions making or in more extreme conditions external authority interference in the relations between state and its citizens or territory.¹²² The cooperation agreement may explicitly or implicitly insert international actor to participate in national decision procedures or may require states to change domestic legislation and structure of governance.¹²³ In this regard, in assessing sovereignty costs the degree of costs are considered high if the cooperation agreement explicitly limits state rights to govern its territory, delegates authority to settle disputes to an international tribunal or places a third party to monitor Indonesia's compliance to a cooperation arrangement. Under the condition of low sovereignty costs Indonesia is not required to make significant legal and governance changes at domestic level or accept external authority in its decision making process.¹²⁴

The second component of costs that need to be considered is the implementation costs. This type of cost is incurred in "the process of putting international commitments into practice: the passage of legislation, creation of institutions (both domestic and international) and enforcement of rules."¹²⁵ Accordingly, implementation costs are measured into two categories: high and low. High implementation costs occur when Indonesia needs to carry out extensive policy changes, create new legislation and institutions at domestic level and therefore, exhausts economic resources to meet cooperation requirements. Low implementation costs takes place under a circumstance where an international commitment is already compatible with Indonesia's current practice. Thus, adjustment is "unnecessary and compliance is automatic."¹²⁶

¹²⁰ K.W. Abbott (1999); M. Kahler (2000); Abbott and Snidal (2000); K. Raustiala and A.M. Slaughter (2002)

¹²¹ Abbott (1999:375)

¹²² Abbott and Snidal (2000: 437)

¹²³ Abbott and Snidal (2000: 437)

¹²⁴ Abbott and Snidal (2000: 437)

¹²⁵ Raustiala and Slaughter (2002: 539)

¹²⁶ Raustiala and Slaughter (2002: 539)

This thesis also treats the neorealist argument regarding the role of relative gains concerns as a plausible explanation for variation in Indonesia’s participation in cooperation arrangements. In assessing relative gains concerns this thesis looks at Indonesia and its cooperation partners’ position in the power spectrum.¹²⁷ Indonesia’s cooperation partners will be categorized into three categories: larger, near-peer and smaller states. Following convention, this thesis uses military spending as a proxy for power.¹²⁸ (see Table 1.2).

Table 1.2 Category of Cooperation Partners Based on Comparison of Defence Expenditure

Larger States	Near-Peer States	Smaller States
United States	Singapore	the Philippines
China	Malaysia	Brunei
Japan	Thailand	Cambodia
India		Lao
South Korea		
Australia		

Source: Military Balance (2013: 548-554)

Note:

1. Larger states are countries that in the world’s top 15 defence budgets in 2012. The defence budgets of these states are at least 300% higher than Indonesia’s defence budget.
2. Near-Peer states are countries with defence’s budget that deviate by either plus or minus 50% of Indonesia’s total defence budget.
3. Smaller states are countries that defence’s budget deviates by more than minus 50% of Indonesia’s total defence budget.

In order to incorporate the constructivist argument on the reason affecting state’s willingness to cooperate this thesis considers ASEAN membership as a proxy for the independent variable of shared identity.

¹²⁷ Christensen (2001: 6)

¹²⁸ Christensen (2001: 6); Handberg (2013: 209); Kurth (2007:597)

In line with the existing literature,¹²⁹ this thesis assesses hegemonic leadership by whether the U.S. advanced and promoted cooperation initiatives; was willing to bear enforcement costs; or provided incentives such as providing training and equipment to encourage participation.¹³⁰ Hegemonic leadership is considered high when the U.S. proposes and promotes a maritime security initiative, bears the enforcement costs and/or offers selective benefits. Low hegemonic leadership takes place when the U.S. does not carry out much action in a cooperation initiative that involves it.

The final point to consider is governmental actors' preferences. As explained earlier the assessment of government actors' preferences is based on the literature on Indonesia's bureaucratic politics which highlights the importance of leading governmental actors in informing Indonesia's decision.¹³¹ Governmental actors' preferences are clustered into two different categories: first, "in favour," and second, "not in favour." The first category, "in favour" means that the government actors leading the negotiation at the international level and deliberations at national level stated their support for the cooperation initiative and carried out programmes to promote Indonesia's participation in it. The second category, "not in favour," means that the government actors that are assigned with principal tasks as leading agencies stated their opposition to Indonesia's participation in a cooperation initiative.

There is variation across all of the independent variables and the dependent variable across the range of cases. This enables me to identify absolute gains as the key consideration and to rule out the causal significance of the other plausible explanations.

1.5 Research Methods

My data gathering concentrated on the information I needed to evaluate my variables as I have operationalized them. I relied on qualitative and quantitative types of information from primary and secondary sources.

As part of my data gathering I conducted two periods of field work to gather both quantitative and qualitative data related to Indonesia's participation in maritime security

¹²⁹ Byers (2004); King (2005); Stryken (2007); Raymond (2007); Rosenberg and Chung (2008: 64)

¹³⁰ Stryken (2007: 135-136); Rosenberg and Chung (2008: 64)

¹³¹ G. Nabbs-Keller (2013:56, 58); L. Suryadinata (1998: 48-55); R.W. Liddle (1985: 70); D.K. Emmerson (1983: 1220, 1223); K.D. Jackson (1978: 395)

cooperation. The first field work was carried out in Jakarta, Singapore and Kuala Lumpur from June to September 2010. The last field work was in Jakarta and Surabaya from August to December 2011. During my field work I carried out 63 interviews. Interviews were conducted with ASEAN officials, Indonesian officials, Indonesian NGOs representatives, Indonesian industry representatives, third country officials, foreign policy and maritime security experts based in Jakarta, Kuala Lumpur and Singapore, representatives of international organizations dealing with armed robbery against ships and piracy and third country industry representatives. Interviews with Indonesian officials, former officials, and representatives of NGO and industry were carried out in the Indonesian language.

I interviewed Indonesian active-duty and retired officials dealing with maritime security from the key bureaucratic actors in the field of maritime security: the MFA, the MoD, the Maritime Security Coordinating Board, the Navy, the Coordinating Ministry of Political, Legal and Security Affairs, the National Development Planning Agency, the Marine Police, the Ministry of Industry, the Ministry of Trade and Customs. I identified officials in these institutions from their writings, newspaper articles, discussions with other interviewees, and consultations with lecturers at the Department of International Relations, Universitas Indonesia, who facilitated my fieldwork in Indonesia. I tried to interview representatives from the Indonesian Chamber of Commerce, Jakarta and the Southeast Asia Regional Centre for Counter-Terrorism, Kuala Lumpur but could not gain access. I managed to get one reply from one of the representative of the Indonesian Chamber of Commerce but he was unable to allocate his time during my visit to Jakarta. In regards to the Regional Centre for Counter-Terrorism they were unable to speak with me because of concerns over security and confidentiality. During both periods in the field in-depth interviews were conducted to seek the views of public and private stakeholders involved in counter maritime terrorism and armed robbery against ships control. Interviews used a semi structured interview method where a combination of general and more specific questions related to interviewees' area of expertise in maritime cooperation was used.

This thesis also uses the texts of agreements, Indonesian government documents, official speeches, and company reports. Some of these materials are only available in Indonesian language. This thesis draws on over 220 primary documents. The government documents used include transcripts of official speeches, annual ministry accountability reports, defence white papers, draft legislation, meetings reports, inter-ministerial correspondence,

national and regional development blueprints, transcripts of parliamentary meetings, and notes and guidelines published by government ministries. I also used statistics on defence expenditure, trade, maritime transportation and armed robbery against ships published by the Indonesian government and by international organizations including UN bodies and the International Maritime Bureau (IMB). Some of these documents can be accessed online, while others are available from the Indonesian MFA and the Coordinating Ministry of Political, Legal and Security Affairs libraries in Jakarta. For documents that are not made available publicly this thesis has benefited from the generosity of some of my interviewees who granted me access. Due to the sensitivity of some cooperation texts I did not manage to gain access to the texts of two coordinated patrol agreements between Indonesia-Singapore and Indonesia-Malaysia, and the two defence arrangements with Australia. Therefore, analyses of these agreements are based on interview results, articles written by government officials and newspaper articles. Claims that officials and industry representatives made were corroborated by the documentary record.

1.6 Outline of the Thesis

The next chapter emphasizes the main question of this thesis and provides detailed background for the chapters that follow. It establishes the importance of Indonesia in maritime security and describes Indonesia's unilateral policies, including the allocation of resources, to address maritime terrorism and sea robbery. It also details the various maritime threats faced by Indonesia to contextualize maritime terrorism and armed robbery against ships against wider issues that Indonesia faces.

Chapter three explains Indonesia's participation in cooperation initiatives to address maritime terrorism. This chapter aims to explain Indonesia's efforts to address maritime terrorism in detail. By discussing all available cooperation channels for Indonesia, this chapter provides evidence of Indonesia's willingness to cooperate in counter maritime terrorism initiatives. This chapter argues that Indonesia's decision to join cooperation arrangements dealing with maritime terrorism was consistent with the neoliberal account of the calculation of absolute gains. This chapter highlights that the neorealist relative gains consideration cannot explain Indonesia's participation in cooperation arrangements. Indonesia was willing to cooperate not only with larger and smaller states but also with its near-peers. It highlights that the constructivist argument on shared identity cannot account for Indonesia's participation in maritime arrangements. Indonesia cooperates with ASEAN

member and non-ASEAN members. It also shows that bureaucratic politics analysis does not offer an alternative explanation, as Indonesia's governmental actors' preferences were not informed by self-interest. Rather, their preferences were consistent with the calculation of costs and benefits. This chapter demonstrates that Indonesia participated in bilateral, sub regional and regional counter maritime terrorism cooperation because the benefits of all these initiatives outweighed the costs to join.

Chapter four focuses on the instances of cooperation on maritime terrorism in which Indonesia chose not to participate including the SUA Convention, the PSI and the CSI. This chapter argues that Indonesia chose not to participate because the costs outweighed the benefits. The neorealist relative gains consideration cannot account for Indonesia's non-participation in these U.S. led initiatives. In contrast to the neorealist expectation for Indonesia to cooperate with the U.S. as a "larger state" Indonesia chose not to join these arrangements. Indonesia's non-cooperation in the SUA Convention, the PSI and the CSI conforms to the constructivist argument regarding the role of shared identity only insofar as the U.S. as the leading state and the majority of participating states in these three initiatives are non-ASEAN states. However, as explained in Chapter Three, since Indonesia also agreed to cooperate with non-ASEAN states (for instance in the case of the WCO SAFE Framework) shared identity cannot offer a useful explanation across cases. The chapter highlights that U.S. leadership was not enough to change Indonesia's calculation of gains sufficiently for it to cooperate. The chapter also suggest that, in contrast to bureaucratic politics theory, Indonesian governmental actors' preferences were not informed by the benefits for their own agencies but instead by the consideration of costs and benefits for the entire nation.

Chapter five provides a detailed discussion of Indonesia's participation in maritime cooperation to address armed robbery against ships. It explains not only Indonesia's enthusiasm to participate in these various cooperation channels but also Indonesia's role as a leading actor in initiating and convening various initiatives. The objective of this chapter is to provide a comprehensive explanation of alternative avenues for cooperation that Indonesia has embarked upon to address sea robbery. It also accounts for substantial resources that Indonesia has invested in this cooperation. In doing so this chapter challenges the scholarly argument which points to Indonesia's hostility to anti-sea robbery cooperation and Indonesia's lack of seriousness in dealing with the issue. This chapter highlights that Indonesia's participation in cooperation arrangements was in line with the

neoliberal argument on the absolute gains consideration. The presence of substantial incentives across most initiatives helps to explain Indonesia's keenness to join arrangements dealing with sea robbery discussed in this chapter. In contrast, the neorealist argument on relative gains calculation cannot explain Indonesia's participation in counter sea robbery cooperation. Indonesia cooperated with both larger and smaller states as well as near-peer states. This chapter shows that Indonesia's participation in cooperation initiatives dealing with armed robbery against ships cannot advance the constructivist argument on the role of shared identity in influencing states' willingness to cooperate. Indonesia joined cooperation arrangements that exclusively involved ASEAN members and those that included non-ASEAN states. The evidence presented in this chapter also shows that Indonesian governmental actors' preferences were not informed by self-interests. Contrary to the bureaucratic politics theory that emphasizes on the "pulling and hauling" among self-interested actors, Indonesian governmental actors' preferences were informed primarily by the calculation of costs and benefits for the entire nation.

Chapter six deals with arrangements to counter armed robbery against ships that Indonesia refused to participate. The discussion focuses on Indonesia's rejection to join the defence agreement with Singapore, the ReCAAP and the RMSI. This chapter examines the same five variables as discussed in the previous chapters informing Indonesia's decision to join or not to join a cooperation arrangement. It argues that Indonesia's non-cooperation across the three cases was in harmony with the neoliberal conception of the calculation of aggregate costs and benefits. The evidence shows that Indonesia's decision not to participate in the three arrangements dealing with sea robbery corresponds with the absolute gains consideration across cases. Indonesia did not cooperate in either the defence agreement with Singapore, the ReCAAP or the RMSI because the aggregate incentives to cooperate were low. This chapter points out that the neorealist argument on the role of relative gains in affecting cooperation is unable to explain Indonesia's rejection of these three arrangements. Indonesia refused to cooperate both with larger states - including Japan and the U.S. in the context of the ReCAAP and the RMSI - and its near-peer in the case of the defence agreement with Singapore. The findings presented in this chapter point out that the constructivist argument on shared identity cannot explain Indonesia's refusal to join all three agreements. Indonesia chose not to join a cooperation arrangement involving only another ASEAN member state as well as those which involved extra-regional states. This chapter shows that hegemonic leadership cannot explain Indonesia's non-participation in counter sea robbery initiatives. Although the U.S. designed, initiated and agreed to bear

the costs of the RMSI, Indonesia refused to cooperate. The analysis of Indonesia's bureaucratic politics in this chapter also shows that competing governmental actors' preferences did not inform Indonesia's policy decision. Governmental actors' preferences were primarily shaped by the costs and benefits calculation for country as a whole.

Chapter seven brings together the threads of argument and main findings presented in the core chapters. This chapter reiterates the place this research has in the current literature and its contribution both to the IR literature on cooperation and the middle power literature. It then proceeds with a section for identification of areas for future research. This section explains both the contribution of this thesis to the IR discipline, maritime security and Indonesian studies.

Chapter 2. Indonesia and Maritime Security Threats

2.1. Introduction

As explained in Chapter One the most important question to pose in this thesis is why, despite its keenness to address maritime terrorism and armed robbery against ships through national efforts and participation in some international cooperation arrangements, Indonesia is reluctant to partake in some others. This chapter presents empirical data regarding the importance of maritime security for Indonesia and the nature of maritime terrorism and armed robbery against ships threats. This chapter also emphasizes the underlying puzzle of this thesis and provides detailed background for the chapters which follow.

It sets out to meet three objectives. First, this chapter establishes the importance of Indonesia to maritime security and the importance of maritime security for Indonesia. It establishes the significance of potential maritime terrorism and armed robbery against ships issues both for Indonesia and the world.

Second, it explains how both Indonesia and the international maritime community view maritime security threats, focusing in particular on the two areas which are the focus of the thesis: maritime terrorism and armed robbery against ships. It identifies how Indonesia prioritizes its security threats and notes that Indonesia's prioritization differs from that of the international community. It contextualizes maritime terrorism and armed robbery against ships against wider issues that Indonesia faces as well as the development of maritime security after 9/11. This discussion of Indonesia's perception of threat and its security priority will provide the basis for analyzing Indonesia's participation in maritime security cooperation which will serve as a focus in the following chapters.

Third, this chapter maps changes in Indonesia's response and the engagement of the international community in dealing with potential maritime terrorism and sea robbery. There are two key changes, first, throughout the time Indonesia has adopted more rigorous measures and displayed a more flexible approach in cross-border pursuit of criminals. This chapter shows that at national level Indonesia takes the problem seriously and allocates resources to deal with both maritime terrorism and sea robbery. Second, in regards to the response of the international community, despite a general acknowledgment of the threat

of armed robbery and the potential of maritime terrorist attack prior to 9/11 there had been limited concerted international cooperation to address the two issues. Most maritime security cooperation initiatives were launched a few years after 9/11.

This chapter is structured as follows. Section two explains the importance of Indonesia for international maritime security. Section three discusses two maritime security issues, maritime terrorism and armed robbery against ships, which the international community focuses on and which are ultimately are the focus of maritime security cooperation. It explains the trends of maritime terrorism and armed robbery against ships. The term trends used in this chapter refers to patterns and changes in maritime terrorism and sea robbery incidents. This section also examines the changes in the Indonesian policy and the way the international community engages with these two issues overtime. Section four maps a number of other maritime issues that take place in Indonesian waters. It analyzes Indonesia's perception of each security issue and compares it with Indonesia's perception of threat posed by maritime terrorism and sea robbery. The concluding section highlights key points to take away from this chapter. It points out that the development of maritime security cooperation does not coincide with Indonesian concerns over maritime terrorism and sea robbery. The concluding section also draws attention to Indonesia's national efforts to deal with maritime terrorism and sea robbery.

2.2 The Importance of Indonesia in Maritime Security

Indonesia has always been important in international maritime security. Almost half of the world's trading goods and oil supply pass through key Indonesian straits including the Straits of Malacca and Singapore, the Strait of Sunda and the Strait of Lombok.¹³² This largest archipelago state in the world which comprises of 17,480 islands, with a maritime territory measuring close to 6 million square kilometers, is located between the two key shipping routes of the Pacific and Indian Ocean, and between two continents, Asia and Australia.¹³³ It also sits at the crossroads of busy maritime traffic between Europe and the Far East, between Australia and Asia, and between the Persian Gulf and Japan.¹³⁴

¹³² Carana (2004:14); U.S. Department of Homeland Security (20 September 2005)
¹³³ Indonesian Department of Defence (2008: 145)
¹³⁴ P.L. Coutrier (1988:186)

Three major sea-lanes in Southeast Asia overlap with Indonesia's maritime jurisdiction.¹³⁵ These are the archipelagic sea-lanes I, II and III (see Figure 2.1 below). Archipelagic sea-lane I facilitates navigation from the Indian ocean through the Sunda Strait to Natuna Sea and eventually reaches the South China Sea.¹³⁶ Archipelagic sea-lane II assists the flow of maritime transport from the Indian ocean through the Lombok Strait to the Makassar Strait and then finally to the Sulawesi Sea and the Pacific Ocean and Philippine waterway.¹³⁷ Finally, sea-lane III links the Timor Sea and Arafuru Sea to the Pacific Ocean through the Sawu Sea, the Banda Sea, the Seram Sea and the Moluccas Sea.¹³⁸

The region's major sea-lanes are centred on key straits such as the Malacca, the Singapore and the Lombok Straits.¹³⁹ Of these three straits the Straits of Malacca and Singapore is the most important trading route. The majority of Middle-East oil exports to Asia and most commerce between Asia and Europe pass through this 610 mile long strait.¹⁴⁰ At least 600 ships navigate through the Straits of Malacca and Singapore every day.¹⁴¹ This includes 72 per cent of super-tankers and other vessels plying between the Indian and Pacific Oceans making these Straits the busiest Sea-Lane of Communication globally.¹⁴² Most of the imported oil for Asia-Pacific countries, including around 80 per cent of Japan's and China's imported oil originating from the Persian Gulf transits through the Straits of Malacca and Singapore.¹⁴³ This is because this sea-lane is the shortest sea route between the Middle East and Asia.¹⁴⁴ Currently, 45 per cent of the world's annual merchant fleet tonnage passes through the Straits of Malacca and Singapore, the Sunda Strait and the Lombok Strait.¹⁴⁵ The total value of goods transported via these waters reaches US\$ 1.3 trillion annually.¹⁴⁶ Indonesian waters also serve as an important sea-lane of oil trade. Half of the world's oil navigates through Indonesian waterways.¹⁴⁷ The significance of Indonesia's sea-lanes was clear in July 2007 when the supply of tankers decreased on all

¹³⁵ J. Ho (2007a: 205)

¹³⁶ Djalal (2009b:63)

¹³⁷ Djalal (2009b:63)

¹³⁸ Djalal (2009b:63)

¹³⁹ Ho (2007a: 205)

¹⁴⁰ U.S. Department of the Homeland Security (20 September 2005); Coutrier (1988: 186)

¹⁴¹ Indonesian MFA (2006: 14)

¹⁴² U.S. Energy Information Administration (22 August 2012); U.S. Department of Defense (DoD) (2006:33); U.S. DoD (2005: 33); U.S. DoD (2007:8); Interview IG05; Indonesian MFA (2006: 14)

¹⁴³ U.S. Energy Information Administration (22 August 2012); U.S. DoD (2006:33); U.S. DoD (2005: 33); U.S. DoD (2007:8)

¹⁴⁴ U.S. Energy Information Administration (22 August 2012); U.S. DoD (2006:33); U.S. DoD (2005: 33); U.S. DoD (2007:8)

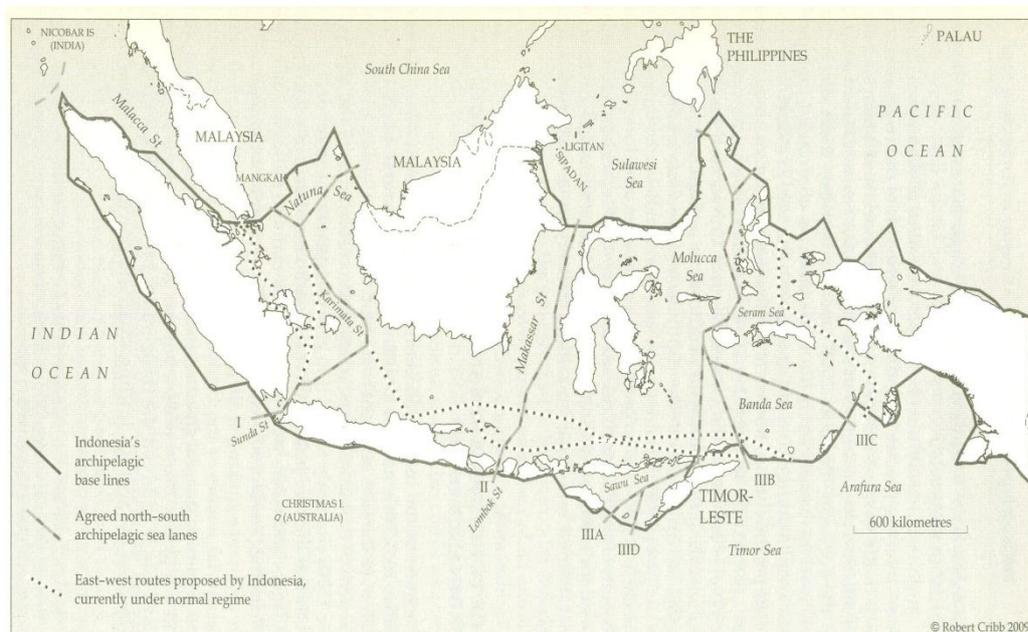
¹⁴⁵ Carana (2004:14); U.S. Department of Homeland Security (20 September 2005)

¹⁴⁶ Bakorkamla (2009:34)

¹⁴⁷ Carana (2004:14); U.S. Department of Homeland Security (20 September 2005)

major shipping routes because of limited cargo availability the Indonesia-Far East route did not experience any decline.¹⁴⁸

Figure 2.1
Map of Indonesia



Source: J.G. Butcher. (2009). “Becoming an Archipelagic State: The Juanda Declaration of 1957 and the Struggle to Gain International Recognition of the Archipelagic Principle,” in *Indonesia beyond the Water’s Edge: Managing an Archipelagic State*. Cribb, Robert & Ford Michele (eds). Singapore: ISEAS Publishing, p. 29

As the Strait of Malacca, the Strait of Lombok and the Strait of Sunda overlap with Indonesia’s maritime jurisdiction, Indonesia has great importance in securing these maritime passages. According to the United Nations Convention on the Law of the Sea (UNCLOS) the responsibilities for security and safety of navigation lie within the purview of Indonesia as a coastal state.¹⁴⁹ The UNCLOS Part III Article 34 (1) provides a legal basis for sovereignty and jurisdiction of the coastal states bordering straits used for international navigation. This article states as follow:

The regime of passage through straits used for international navigation established in this Part shall not in other respects affect the legal status of the waters forming such straits or the exercise by the States bordering the straits of their sovereignty or jurisdiction over such waters and their air space, bed and subsoil.¹⁵⁰

148 UNCTAD (2008: 73)
149 A.H. Oegroseno (2006: 30)
150 Article 34 (1) of the UNCLOS 1982

Indonesia's status as coastal state not only implies Indonesia's responsibility to secure its waterway but also suggests international community expectation for Indonesia to take up the responsibility seriously.

Indonesia's importance in maritime security also lies in its role as a flag state. Indonesia is amongst the 35 flags of registration with the largest registered deadweight tonnage.¹⁵¹ Indonesia's position as one of the largest states of registration or flag state indicates three important points. First, Indonesia's status as flag state provides legal and diplomatic leverage for this archipelagic state since the flag state has pre-dominant, or even exclusive, jurisdiction over all vessels flying its flag on the high seas.¹⁵² Consequently, the international community expects Indonesia to exercise its jurisdiction thoroughly to improve maritime security, including for interdiction of suspected vessels in the high seas. The UNCLOS Part IX Article 92 stipulates flag state jurisdiction over a vessel flying its national flag.¹⁵³

Second, the flag state is also the primary enforcer of international standards.¹⁵⁴ The flag state's role to ensure ships compliance with international rules at different levels, sub regional, regional and global is clearly articulated in the UNCLOS Article 94 on duties of the flag state.¹⁵⁵ As a result Indonesia is a key state in the success of the implementation of maritime security initiatives. Third, Indonesia's position as one of the main flag state in the world suggests that there are strong economic interests to participate in maritime security cooperation. In addition to a significant proportion of vessels registered under Indonesian flag, Indonesian shipowners also have significant control of world merchant fleet. Out of the total world merchant fleet of 1.12 billion deadweight tons (dwt) in 2008, shipowners from Indonesia control 7.3 million dwt.¹⁵⁶ This implies the presence of economic interests for Indonesian government to address sea robbery and maritime terrorism.

¹⁵¹ UNCTAD (2008:46)

¹⁵² S. Suchharitkul (2006: 415)

¹⁵³ Article 92 (1) of the UNCLOS1982 states that : Ships shall sail under the flag of one State only and, save in exceptional cases expressly provided for in international treaties or in this Convention, shall be subject to its exclusive jurisdiction on the high seas. A ship may not change its flag during a voyage or while in a port of call, save in the case of a real transfer of ownership or change of registry.

¹⁵⁴ J.E. Vorbach (2001: 34)

¹⁵⁵ Suchharitkul (2006: 420); Article 94 of the UNCLOS on duties of the flag state

¹⁵⁶ UNCTAD (2008:44)

In conclusion, the importance of Indonesian waterways as routes of global trade and oil, and its right and responsibility both as coastal and flag state have established Indonesia as a key player in international maritime security. The role that Indonesia plays in international maritime security arrangements, therefore, can be seen as a key to the success of maritime regulations and significant achievement for the protection of international maritime domain.

2.3. Maritime Terrorism and Armed Robbery against Ships

Sea transportation plays a major role in the economic growth and development of Indonesia. Most of the state's domestic (88 per cent) and international trade (90 per cent) are transported via waterways.¹⁵⁷ Nonetheless, the transport of goods by sea is not trouble free. In the aftermath of the 9/11 attacks maritime terrorism and sea robberies have received greater worldwide attention and generated a number of international arrangements. The increase of armed robbery against ships in Indonesian waters and the potential for maritime terrorism in this archipelagic state have become the main concern for international businesses and foreign governments as these illicit activities posed dangers to the safety and security of navigation. These two issues became the focus of this thesis because of the amount of attention given by the international community and the various maritime security initiatives developed to counter potential maritime terrorism attacks and armed robbery against ships incidents. This section will elaborate the definition of maritime terrorism and armed robbery against ships, Indonesia's response and perception on maritime terrorism and sea robbery issues, and the discrepancy between Indonesia and other international maritime stakeholders in viewing these two issues.

2.3.1 Maritime Terrorism

Maritime terrorism is a recently developed concept.¹⁵⁸ A common legal definition of maritime terrorism does not yet exist.¹⁵⁹ Despite the absence of an agreed definition, Tiribelli defines maritime terrorism as "the systematic use or threat to use acts of violence against international shipping and maritime services by an individual or group to induce fear and intimidation on a civilian population in order to achieve political ambitions or

¹⁵⁷ Dewan Maritim Indonesia (2007c:44); S.Dam (2006: 96)

¹⁵⁸ J.Power (2008: 121)

¹⁵⁹ C. Tiribelli (2006: 136); Power (2008: 121-122)

objectives.”¹⁶⁰ The Council for Security Cooperation in the Asia-Pacific (CSCAP) at their working group on maritime cooperation in 2002 has provided another broad definition of maritime terrorism as follow:

the undertaking of terrorist acts and activities (1) within the maritime environment, (2) using or against vessels or fixed platforms at sea or in port, or against any one of their passengers or personnel, (3) against coastal facilities or settlements, including tourist resorts, port areas and port towns or cities.¹⁶¹

Both definition of maritime terrorism explicitly points to the use of violence that can take place in vessels, ports and coastal facilities to serve the perpetrators political objectives.¹⁶²

2.3.1.1. The Trends of Maritime Terrorism

The first incident which generated international attention on the danger posed by maritime terrorism occurred in 1985. Four Palestinian terrorists hijacked an Italian flag cruise ship Achille Lauro with 454 passengers in Egyptian territorial waters.¹⁶³ The terrorists initially had planned to attack the Israeli port of Ashdod but later decided to change their plan when a crew member discovered them.¹⁶⁴ They demanded the release of Palestinian prisoners detained by the Israeli government.¹⁶⁵ The terrorists killed one American passenger in this incident before surrendering to the Egyptian authorities.¹⁶⁶ Fifteen years later, in October 12th, 2000 an attack on the USS Cole brought maritime terrorism back to the world’s attention. Two suicide bombers used a small boat to come alongside the Navy warship which was calling at the Yemeni port of Aden to refuel and later detonated a high explosive bomb killing six and injuring 36 U.S. sailors.¹⁶⁷ Although these two maritime terrorism attacks were widely reported by the media it was only after the 9/11 attacks that this issue began to draw international attention.¹⁶⁸

¹⁶⁰ Tiribelli (2006: 145)
¹⁶¹ Power (2008:122); S. Quentin (20 January 2003); G.G. Ong (2004:17)
¹⁶² Power (2008:122); Tiribelli (2006: 145); Ong (2004:17)
¹⁶³ Times (14 October 1985)
¹⁶⁴ P. Clough (18 October 1985)
¹⁶⁵ S. Greaves and G. Hill (30 December 1985)
¹⁶⁶ Greaves and Hill (30 December 1985)
¹⁶⁷ I. Brodie, M. Theodoulou and I. Cobain (13 October 2000)
¹⁶⁸ C.Z. Raymond (2006: 240)

Although a maritime terrorist attack having never taken place in Indonesian territory, terrorism is not a new security issue.¹⁶⁹ Since the hijacking of the Indonesian airplane registered under the Garuda Airline in its flight from Jakarta to Bangkok in 1980, a number of terrorist attacks had taken place in Indonesia.¹⁷⁰ At least 34 bomb attacks had happened in Indonesia since the resignation of Suharto in May 1998.¹⁷¹ Despite Indonesia's experience of a long history of terrorist incidents, only after 9/11 did governments around the world began to highlight the possibility of terrorist attack in Indonesian waters. Although in the immediate aftermath of the 9/11 attacks international attention focused on the security of air transport, however, soon after it began to turn to the vulnerability of port facilities and marine transport to terrorist attacks.¹⁷² The United States (U.S.) began to express its concern that "Muslim extremist in Indonesia, Malaysia, the Philippines and Thailand" as a possible threat to world trade navigating through Southeast Asian waterways.¹⁷³

Parallel to this the U.S rapidly embarked on a global campaign against terrorism. Identifying and intercepting maritime terrorist threats way before they reach the U.S. becomes the goal of the U.S. maritime strategy in the war on terror.¹⁷⁴ Thus, under this extensive global campaign, the U.S. promoted a number of international cooperation arrangements to improve the security of maritime transport including the Proliferation Security Initiative (PSI) and the Container Security Initiative (CSI). Each of these initiatives will be explained in more detail in Chapter Four. A number of the U.S. led cargo security initiatives that require direct government involvement were introduced one to two years after 9/11. The CSI was launched in 2002 and the PSI was introduced in 2003. Although there was no long delay between 9/11 attacks and the launching of international maritime arrangements, nevertheless by the end of 2002, mainly as a response to the 2002 Bali bombing, Indonesia already had a number of anti terrorism measures in place and they started to show positive results.¹⁷⁵

¹⁶⁹ P. Chalk (1998b: 122-124)

¹⁷⁰ Indonesian Ministry of Defence (MoD) (2008:19)

¹⁷¹ Desk Koordinasi Pemberantasan Terorisme (DKPT) (2008:40); for discussion on Soeharto resignation and Indonesia's political reform see R.W. Liddle (1999:39)

¹⁷² Raymond (2006:239)

¹⁷³ M. J. Valencia (2006a:97)

¹⁷⁴ U.S. Coast Guard (2002:i)

¹⁷⁵ Indonesian Coordinating Ministry for Political, Legal and Security Affairs (2006a: 25,38); DKPT (2008:41); Indonesian Coordinating Ministry for Political, Legal and Security Affairs (2007: 132); Interview IG25; Interview IB38; Interview IG03; B.Singh (2004:59)

After the 2002 Bali bombing that killed 202 people Indonesia adopted numerous counter-terrorism measures at national level to prevent terrorist attacks over its key ports and offshore facilities, and to improve the security of its maritime supply chains.¹⁷⁶ Currently there are 141 ports and over 1000 special terminals which mainly serving mining and oil drilling companies involve in both domestic and export- import activities.¹⁷⁷ By May 2003 as a result of Indonesia's counter-terrorism efforts, the arrest of the bombing suspects and members of the *Ji (Jamaah Islamiyah)* had reached thirty-three people.¹⁷⁸ By 2008, the anti terrorism coordinating body, the *Desk Koordinator Pemberantasan Terorisme* reported that 325 terrorists had been detained, 200 of them had undergone legal process, 5 persons had received the death sentence, 85 suspects were freed and one was killed.¹⁷⁹ At present the Indonesian government has arrested 750 terrorist suspects and successfully prosecuted 500 of them.¹⁸⁰

As the level of threat posed by terrorism has fallen there has, from the Indonesian perspective, been a corresponding fall in the benefits of cooperation. The benefits of cooperation for Indonesia are further reduced because although the issue of maritime terrorism attracts international attention Indonesia has been struggling to deal with other maritime issues. An Indonesian official confirmed this as he characterized the threat of terrorism as not the major security threat to Indonesia.¹⁸¹ There are four maritime issues that sit at the top of national security priorities list. These issues are highlighted in almost every government documents and government official's statements.¹⁸² These are illegal fishing, border disputes, illegal seaborne migrants, and smuggling. An Indonesian Navy official named maritime terrorism as the fifth most dangerous threat to Indonesia's maritime security, following illegal fishing, illegal migrants, potential border disputes and smuggling.¹⁸³ The government officials' claim over the nature of maritime terrorism is also reflected in Indonesian shipowners' statement. The chairman of Indonesian shipowners association suggested that "as long as there are sovereign littoral states surrounding the

¹⁷⁶ DKPT (2008:41); Interview IG25; Interview IB38; Interview IG03; Singh (2004:59)

¹⁷⁷ ASEAN (2009:153); Interview IG20

¹⁷⁸ National Institute for Defense Studies (2004:126)

¹⁷⁹ DKPT (2008:33)

¹⁸⁰ Australian Department of Defence (5 September 2012)

¹⁸¹ S.Febriana (2010: 582)

¹⁸² Interview IG04; Interview IG05; Indonesian Ministry of State Secretariat (2004); Indonesian MoD (2008:28, 145); Dewan Maritim Indonesia (2007c:2,17); Dewan Maritim Indonesia (2007a:4-4, 4-9); Bakorkamla (2010:6,8); Indonesian Coordinating Ministry for Political, Legal and Security Affairs (2008:51-52); Indonesian Coordinating Ministry for Political, Legal and Security Affairs (2006b:35); Indonesian MFA (2006: 6)

¹⁸³ Interview IG05

strategic waterways like the Straits of Malacca and Singapore such incidents would never materialize.”¹⁸⁴

Adding to the puzzle of this thesis, a number of interviews carried out with international shipping lines, international chamber of commerce, international marine insurance and re-insurance companies corroborated the Indonesian government and businesses perception of maritime terrorism. For instance, a chief executive of a Singapore-based international chamber of commerce claimed that “regional governments have improved the ability to work together. The threat [of maritime terrorism] is real, yet there is the ability of government to contain it.”¹⁸⁵ This is also confirmed by a senior marine underwriter of an international re-insurance company. As he put it: “the littoral states have been active to mitigate the threat of maritime terrorism. The threat becomes minimal and at reasonable level.”¹⁸⁶ The Indonesian government and businesses perception of maritime terrorism as elaborated above show that there has been a discrepancy not only between Indonesia and the international community but also among various stakeholders within the international maritime community. For the shipping lines, shipping operators, insurance and re-insurance companies, and non-governmental organization that concern with shipping issues the risk poses by maritime terrorism is not the highest level risk.¹⁸⁷

For the shipping businesses the issue related to the safety of navigation is deemed as more immediate concern because the risk of collision, grounding, and near misses particularly at the shallow and narrow Straits of Malacca and Singapore are higher than potential maritime terrorist attacks.¹⁸⁸ This shows a disjuncture between the perception of maritime terrorism within the shipping businesses and the U.S. that puts maritime terrorism high on its security agenda.

2.3.1.2 Responses to Maritime Terrorism Problem

Indonesia’s preoccupation with other maritime issues as mentioned above does not suggest that Indonesia denies the existence of a maritime terrorism threat or does nothing to prevent it. The government has not discounted the possibility of maritime terrorism. A

¹⁸⁴ Interview IB01
¹⁸⁵ Interview SB15
¹⁸⁶ Interview SB13
¹⁸⁷ Interview SB11
¹⁸⁸ Interview SB11; Interview SB13

Navy official claimed that although “there is only a small possibility for maritime terrorism attacks in Indonesian waters. Nevertheless, Indonesian authorities remain cautious.”¹⁸⁹ A particular concern is on the security and safety of the Straits of Malacca and Singapore, the world’s busiest sea-lane. Around 60 to 70 per cent of vessels plying through the Straits of Malacca and Singapore are tankers carrying oil from Middle East to East Asia.¹⁹⁰ A terrorist attack on a tanker navigating through this water would have a devastating impact harming Indonesia’s inter-islands and international supply chains. The Indonesian Maritime Security Coordinating Board and the Navy have anticipated a number of worst scenario maritime terrorism incidents that may take place in Indonesian key waterways.¹⁹¹ These include: sea robbery and hostage taking carried out by terrorist groups to generate funding, terrorists hijacking and exploding a super tanker to block the key Strait or to use it as a floating bombs to be directed at a nearby port city or sunk at the Strait of Malacca’s narrowest part, the destruction of undersea pipelines and communication cables, and the spreading of sea mines in Indonesia’s strategic waterways.¹⁹²

In terms of responses this section highlights two main points: First, Indonesia has shown its willingness to address this issue. Second, there has been a disjuncture between the U.S. approaches to maritime terrorism and Indonesia’s understanding of threat posed by maritime terrorism. In terms of willingness to take action Indonesia’s policies to address maritime terrorism comprise five important aspects: first, the establishment of a new security structure and policy; second, the issuance of new legislation; third, the institutionalization of counter-terrorism training exercises; fourth, the implementation of container security programmes; and finally, the launch of counter-terrorism operation. These now will be discussed in more detail.

First, Indonesia’s efforts to improve its counter-terrorism ability can be seen from the establishment of new institutions. To deal with terrorism, Jakarta established an Anti-terrorism Task Force that comprises of the Ministry of Justice, the Ministry of Home Affairs, the Ministry of Foreign Affairs, the Ministry of Finance, the Attorney General’s

¹⁸⁹ Interview IG05

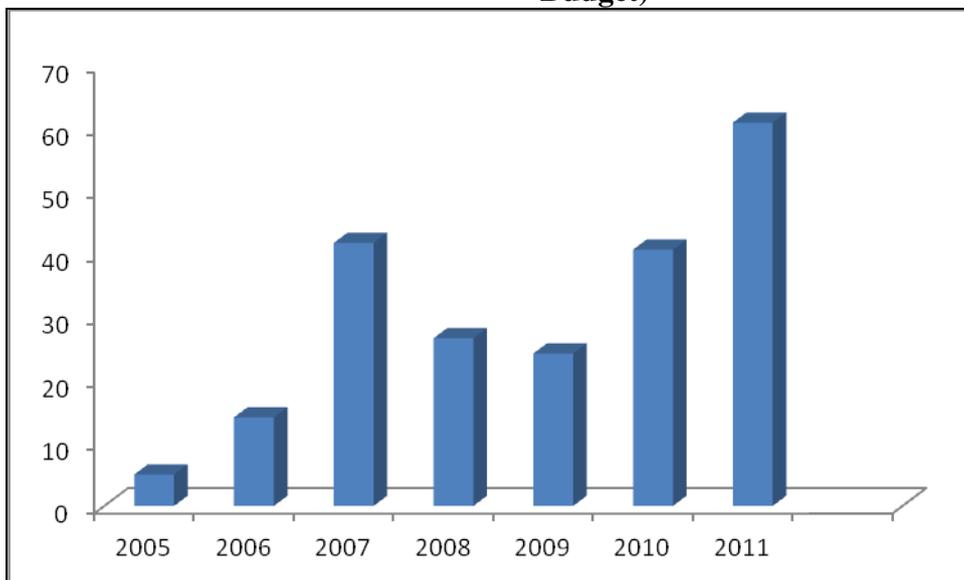
¹⁹⁰ Dewan Maritim Indonesia (2007c:25)

¹⁹¹ B.K. Sondakh (2004:7); Bakorkamla (2004:5); DKPT (2008:11); Bakorkamla (2010: 99)

¹⁹² Sondakh (2004: 7); Bakorkamla (2004:5); for explanation of a number of worst scenario maritime terrorism incidents in the Straits of Malacca and Singapore see also M. Richardson (19 January 2004) and United States Energy Information Administration (22 August 2012)

Office, the Armed Forces, and the National Intelligence Agency.¹⁹³ The purpose of the task force is to coordinate action and information sharing from intelligence units of various government institutions. Parallel with the establishment of the Task Force, the government strengthened the Maritime Security Coordinating Board (Bakorkamla) to coordinate the country's maritime security policy. The Coordinating Board serves as a focal point to coordinate government institutions involved in maritime security including the Ministry of Foreign Affairs, the Ministry of Home Affairs, the Ministry of Defence, the Ministry of Justice, the Ministry of Finance, the Ministry of Transportation, the Ministry of Marine and Fisheries, the District Attorney, the Armed Forces, the Police and the National Intelligence Agency.¹⁹⁴

Figure 2.2 The Indonesian Maritime Security Coordination Board 2005-2011 Budget (Percentage of the Coordinating Ministry for Political, Legal and Security Affairs Budget)



Source: Adapted from Badan Perencana Pembangunan Nasional (Bappenas) (2005-2011)

A high government official responsible in determining security budget claimed that there has been a significant increase in the government allocation of funding to deal with terrorism since 9/11.¹⁹⁵ As Figure 2.2 shows, the government has allocated substantial resources for the development of Bakorkamla from 2005 to 2011. By 2011, the allocation of resources for this institution increased by more than 99 per cent.¹⁹⁶

¹⁹³ International Crisis Group (ICG) (24 October 2002); Indonesian Coordinating Ministry of Political, Legal and Security Affairs (2007: 132)

¹⁹⁴ Bakorkamla (2010:18)

¹⁹⁵ Interview IG19

¹⁹⁶ Bappenas(2011)

Second, Indonesia's response to maritime terrorism can also be traced from the launch of new legislation. Following the Bali bombing, Jakarta promulgated a Presidential Emergency Decree on the Prevention of Terrorism, and implemented a new anti-terrorism law.¹⁹⁷ Although the legislation does not empower the Indonesian central government to the same degree as Singapore's Internal Security Act, it enables the security personnel to detain suspected terrorists for twenty days, which could be extended for another six months based on preliminary evidence reported by intelligence services.¹⁹⁸ In addition, the government legislation 1/2002 and 2/2002 on Combating Criminal Acts of Terrorism deals with maritime terrorism related issues including the proliferation of WMD and acts of terrorism on Indonesian flagged ship.¹⁹⁹ The Article 4 of the 2002 anti-terrorism legislation empowers the Indonesian central government to detain terrorists that carry out attacks on board of ships that fly Indonesian flag.

Responding to the bombing of parliament building on July 14th, 2006, the Ministry of Political, Legal and Security Affairs issued the Ministry Instruction on Prevention, Detection and Prosecution of Acts of Terrorism in Indonesia.²⁰⁰ The Ministry Instruction highlights two important points. First, it points out to the need to improve the security of government premises and public facilities including ports and monitoring of weapons and explosive devices. Second, the instruction underlined the importance of cooperation between Police, Intelligence agency, Immigration, Customs and local government, particularly in Central Java, Jakarta, Bogor, Tangerang and Bekasi.²⁰¹ The Ministry Instruction highlighted that cooperation between these agencies is deemed crucial as terrorists are likely to begin their operation by entering main gateways such as ports.²⁰² As part of government efforts to safeguard its territory, Indonesia has also introduced the Shipping Law Number 17/2008. Article 276 of the shipping law provides a legal basis for the establishment of the Sea and Coast Guard. The new agency will assist the Navy in port security, naval counter intelligence and coastal patrol and in protecting the country's offshore facilities.²⁰³ Currently, Indonesia is still in process of establishing its Sea and

¹⁹⁷ Singh (2004:59)

¹⁹⁸ S.S. Tan and K. Ramakrishna (2004:96)

¹⁹⁹ Law No. 1 of 2002 on Combating Criminal Acts of Terrorism and Law No. 2 of 2002 on the Enforcement of Government Regulation number 1 of 2002 on Combating Criminal Acts of Terrorism

²⁰⁰ DKPT (2008:6)

²⁰¹ DKPT (2008:7)

²⁰² DKPT (2008:7)

²⁰³ Indonesian Directorate General of Sea Transportation (DGST) (2010d:1-3)

Coast Guard. The Ministry of Transportation has been assigned with a task to form this new institution.²⁰⁴

Third, the government has been conducting counter-terrorism training exercises to improve government agencies capabilities in responding to terrorism threat. The training exercises include intra-agency training and combined exercise. The combined exercise involves a number of government agencies including the Marine Police, Navy, Customs, MoT, Search and Rescue Unit, and Immigration agency.²⁰⁵

Fourth, as part of the government efforts to safeguard its maritime supply chains, Indonesia also has introduced container security policies including harmonization of advance electronic cargo information and adoption of a risk management approach. First, to achieve the harmonization of advance electronic cargo information Indonesia has adopted the WCO Data Model for its customs clearance system.²⁰⁶ Indonesia's advance electronic information programme requires all ships carrying import goods bound for an Indonesian port to provide manifest information 24 hours prior to their arrival.²⁰⁷

Second, in terms of employing a risk management approach Indonesia has developed a database of importers, exporters, customs brokers, criminal records and transport units.²⁰⁸ Through this database Customs developed a profiling system for shippers, customs brokers and forwarders.²⁰⁹ The Indonesian Customs simplifies customs' procedures for economic actors that have a good record of compliance with Customs regulations. The risk management principles adopted in the inspection of import and export cargo, packages delivered through mail service, passengers' goods, post clearance audit, as well as the inspection of ships and other vehicles.²¹⁰ In terms of risk profiling system the government issued the Decree of the Director General of Customs and Excise No:P-11/BC/2005 concerning Priority Line and the Decree of the Director General of Customs and Excise NoP-24/BC/2007 concerning MITA (Mitra Utama) to improve the security of maritime trade.²¹¹ The Priority Line and MITA risk profiling systems are determined by the

²⁰⁴ Interview IG02; Interview IG03; Interview IG13; Indonesian DGST (2010d:1-3)

²⁰⁵ Interview IG02; Interview IG05; Interview IG30; Supriyadi (2010:48-49)

²⁰⁶ APEC Desk of the Indonesian Customs (2011:19)

²⁰⁷ APEC Desk of the Indonesian Customs (2011:27)

²⁰⁸ APEC Desk of the Indonesian Customs (2011:21)

²⁰⁹ APEC Desk of the Indonesian Customs (2011:21)

²¹⁰ APEC Desk of the Indonesian Customs (2011:20)

²¹¹ M. Polner (2010:33)

shippers' previous track record, the nature of commodity, the nature of their business and the Customs intelligence information.

To complement these risks profiling systems Indonesia also uses non intrusive cargo inspection devices including Hi-Co, Gamma and X-Ray scanners in its major international ports. Non intrusive devices such as X-Ray scanners have been used in a number of major ports before 1990.²¹² In 2009-2010 Indonesia installed more advanced instruments to carry out inspection. These include a number of new Gamma Ray and Hi-Co Scan devices. An Indonesian official claimed that Indonesia allocates their national budget to purchase this equipment.²¹³ Indonesia currently has six Gamma Ray devices. These devices are installed in three international ports including Tanjung Priok, Tanjung Emas and Tanjung Perak.²¹⁴ In comparison to other type of scanners, Hi-Co devices provide a more accurate scan result. Indonesia purchased four of this item and operated them in Tanjung Priok and Tanjung Perak ports. These two ports are Indonesia main international gateways. Tanjung Priok port alone is responsible for managing 65 per cent of Indonesia's export and import activities.²¹⁵ The X-Ray devices are used to scan imported cargos. Gamma Ray scanner that has higher accuracy in comparison to X-Ray scanner is used in export cargo inspection.

Finally, in the operational domain the government also has been undertaking a thorough investigation to unravel terrorist activities. Indonesia's counter-terrorism efforts has been low key and largely focused on intelligence operations.²¹⁶ For counter-terrorism operation the government has equipped and set up counter-terrorism units from the Armed Forces and Police. The specialist counter-terrorism units include Detachment 81 of the Army Elite Force, Detachment Jala Mengkara of the Navy, Detachment Bravo Paskhas of the Air Force and Detachment 88 of the National Police.²¹⁷ Indonesia has also responded quickly to international warnings on possible maritime terrorism attack as exemplified in the March 2010 incident. In early March 2010, the International Maritime Bureau (IMB) had sent out warnings to Indonesian maritime authorities noting that Islamic extremists in Indonesia plan to carry out attacks on two petroleum super tankers and five Very Large

²¹² Interview IG32

²¹³ Interview IG32

²¹⁴ Interview IG30

²¹⁵ Interview IG24

²¹⁶ Jakarta Post (30 September 2002)

²¹⁷ DKPT (2008:2); Indonesian Coordinating Ministry of Political, Legal and Security Affairs (2007: 132)

Crude Carrier (VLCC) vessels, which pass through the Strait of Malacca.²¹⁸ Responding to the IMB warning on the possible terrorist attacks, Indonesia has increased the security and step up patrols in that area.²¹⁹ This provides a counter argument to the widespread perception that Indonesia has not done enough in the war against terrorism.²²⁰

The economic costs for the national counter-terrorism initiatives are high. Indonesia has allocated substantial resources to support its policies.²²¹ An official in charge of the country's foreign and security policy budget claimed that concern over maritime terrorism has an impact on state's allocation of resources.²²² She explained: "we do not know whether terrorist only use maritime gateways to operate. Nevertheless, we identified that there are indication that they are travelling through maritime passages to enter our territory. The budget for countering-terrorism is currently on the increase."²²³ The costs incurred cover the expenses to improve counter-terrorism institutions including the Indonesian Maritime Security Coordinating Board and the Anti Terrorism Desk that later become the Counter-Terrorism Coordinating Body (*Badan Nasional Penanggulangan Terorisme*), enhance the existing institutions, purchase new inspection devices such as X-Ray, Gamma Ray and Hi-Co scanning devices, and improve its risk management system through the implementation of MITA. The government bears the costs to finance the development of these counter-terrorism measures.

Having explained Indonesia's responses to deal with the threat of maritime terrorism, the second key point being made in this sub section emphasizes that Indonesia has different concerns and priorities regarding maritime terrorism in comparison to the U.S. After 9/11 the U.S. maintained its concentration on the alleged link between terrorism, WMD and maritime transport security.²²⁴ A significant concern for the U.S. is the possibility for terrorist groups to abuse the vulnerabilities of the maritime trade system to transport WMD related materials to the U.S or use a container ship bound to the U.S. as a floating bomb. Another concern is over smuggling of WMD to non-state actors which will enable them to

²¹⁸ Email correspondence between the International Maritime Bureau, Kuala Lumpur with Indonesian Marine Police Command and Info Centre; Indonesian Navy Headquarter; Jakarta Marine Police Headquarter; Bakorkamla, subject: Possible Terror threat, Wednesday, 3 March 2010.

²¹⁹ Interview IG02; Reuters (4 March 2010)

²²⁰ Sittnick (2005: 752-755); Singh (2004: 59); R.Emmers (2003:429); J.T. Chow (2005:309)

²²¹ Indonesian Coordinating Ministry of Political, Legal and Security Affairs (2006a: 25, 37-38); Bappenas (2011); Interview IG19

²²² Interview IG19

²²³ Interview IG19

²²⁴ A.R.Hussin (2007:39); M. J. Valencia (2005:18)

use these weapons to launch an attack against the U.S. or its overseas installation.²²⁵ Consequently, the US, working both with international organizations and unilaterally, has made attempts to establish various measures to prevent the smuggling of WMD materials. The U.S. global campaign to secure vulnerable links in the international supply chain by way of numerous initiatives such as the CSI and the PSI are mainly designed to halt proliferation attempts by terrorist groups or to prevent smuggling of WMD.²²⁶ In contrast to the U.S., Indonesia's perception of maritime terrorism is more locally focused.²²⁷ It does not focus on a concern over the possibility of terrorist group smuggling WMD materials to acquire more sophisticated weapons capability or to smuggle WMD materials to other countries. Instead, Indonesia gives more attention to the potential of collision, grounding or blocking of its important maritime passages cause by maritime terrorism. This is validated in government documents and a statement made by Ansyaad Mbai, the Head of the Anti Terrorism Coordinating Desk, the Coordinating Ministry for Political, Legal and Security Affairs.²²⁸ Ansyaad Mbai stated that due to Indonesia's vast waters, the state is vulnerable to maritime terrorism. He explained "if terrorists managed to hijack a tanker and use the tanker into a "floating bomb or turn it over," the sea-lane will be paralyzed."²²⁹

The different perceptions between Indonesia and the U.S. as explained above underline different priorities between the two parties in dealing with maritime terrorism. Cooperation arrangements to address maritime terrorism mainly focus on preventing the smuggling of WMD into the U.S. or their acquisition by terrorist groups. These cooperation arrangements' focus, however, does not coincide with Indonesia's concern over maritime terrorism that mainly emphasizes the possibility of terrorist attack at its strategic maritime passages.

In conclusion, the maritime terrorism section draws attention to four main points. First, it points out that cooperation arrangements to address maritime terrorism do not correspond with Indonesia's concern over this matter. Key initiatives such as the CSI and the PSI were launched by the U.S. in late 2002 and 2003 when Indonesia already had a number of counter-terrorism mechanisms in place and these measures had already begun to show positive results. This has reduced the benefits for cooperation. More importantly, when the

²²⁵ Valencia (2005:18)

²²⁶ Valencia (2005: 18, 25); M.B. Nikitin (2010:1)

²²⁷ see Valencia (2005: 18-19)

²²⁸ DKPT (2008:11); Sondakh (2004: 7); Bakorkamla (2004:5-6)

²²⁹ DKPT (2008:11)

international community started to embark upon these initiatives Indonesia has been facing other maritime issues that it deemed as more immediate maritime threats. Second, Indonesia has invested its resources to address maritime terrorism issues. This goes some way to challenge the widespread perception that Indonesia has been hostile in acknowledging and addressing maritime terrorism. Third, there are discrepancies between Indonesian and U.S. perceptions of maritime terrorism. Indonesia focuses on the possibility of terrorist attack upon its key strategic sea-lanes and ports that can disrupt not only its national economy but also the flow of international trade. By contrast, international arrangements, particularly those that are led by the U.S. such as the PSI and the CSI focus on preventing the smuggling of WMD in ships bound to U.S. This point reinforces the first finding that maritime security arrangements do not coincide with Indonesia's concerns over maritime terrorism. Fourth, there is a disjuncture between shipping businesses and the U.S perception of maritime terrorism. For the shipping businesses, although they treat maritime terrorism as a risk for the shipping industry, it is not their top priority issue. For the shipping businesses issues related to the safety of navigation such as concerns of grounding and collision pose an immediate threat to their business. In comparison, for the U.S. since 9/11 maritime terrorism has become the top maritime concern.

2.3.2 Armed Robbery against Ships

This sub section seeks to map trends in sea robbery incidents, changes in the Indonesian and international community's response to this threat over time and the discrepancy between both parties' perception of threat. The International Maritime Organization Code of Practice for the Investigation of Crimes of Piracy and Armed Robbery against Ships (Resolution A. 1025(26)) defines armed robbery against ships as any of the following acts:

- “1. any illegal act of violence or detention or any act of depredation, or threat thereof, other than an act of piracy, committed for private ends and directed against a ship or against persons or property on board such a ship, within a State's internal waters, archipelagic waters and territorial sea;
2. any act of inciting or of intentionally facilitating an act described above.”²³⁰

²³⁰ IMO Assembly 26th Session A 26/Res.1025 Code of Practice for the Investigation of Crimes of Piracy and Armed Robbery Against Ships, adopted on 2 December 2009. The IMO defined armed robbery against ships against the UNCLOS definition of piracy. According to Article 101 of the UNCLOS piracy consists of any of the following acts: (a) any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed: (i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or

The IMO's definition of armed robbery against ships will be used to define the term armed robbery against ships that used interchangeably with the term sea robbery in this thesis.

2.3.2.1 The Trends of Armed Robbery against Ships

The early 1990s was a critical period in the trends of armed robbery against ships incidents in Indonesian waters. From 1981 to 1988 the number of piratical incidents in Indonesian waters was very low. During this period, with 1982-1983 as exception, no more than a dozen incidents a year took place in the Strait of Malacca and the Strait of Singapore through to the southern part of South China.²³¹ This trend changed in the early 1990s as armed robbery at sea attacks increased from 1990 to 1992.²³² The most sea robbery prone areas at that point in time were the Philip Channel, the Strait of Malacca and around the whole Indonesian Riau archipelago with its main islands of Batam and Bintan.²³³

Indonesia carried out unilateral and bilateral attempts to address this armed robbery surge. In 1992 Indonesia established a series of bilateral arrangements with Malaysia and Singapore to crack down on the armed robbers in the areas where incidents were concentrated.²³⁴ As can be seen from Figure 2.3 below these attempts successfully reduced the number of attacks in 1993 by one fifth that of the previous year. Nevertheless, as seen in Figure 2.3 as early as 1994 the statistics on armed robbery in Indonesia showed a relatively slow and steady increase of armed robbery incidents. Later, as Figure 2.3 and 2.4 below show, the twin problems of the Asian 1997 economic crisis and rebel military operations in Aceh from 1998 have fuelled a surge of armed robbery attacks in Indonesian waters. The Aceh separatist group, Gerakan Aceh Merdeka (GAM) had been reported carrying out maritime robberies in the Strait of Malacca to fund their movement.²³⁵ At the same time Indonesia was facing various issues on the domestic front. In the late 1990s to early 2000s the Indonesian government was faced with not only the Aceh separatist

aircraft, (ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State; (b) any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft; (c) any act inciting or of intentionally facilitating an act described in sub-paragraph (a) or (b).

²³¹ J. Vagg (1995: 69)

²³² IMB (1992: 5-6); J. Vagg (1995: 70); N. Rencwick & J. Abbott (1999: 184); G.G. Ong (2007: 49)

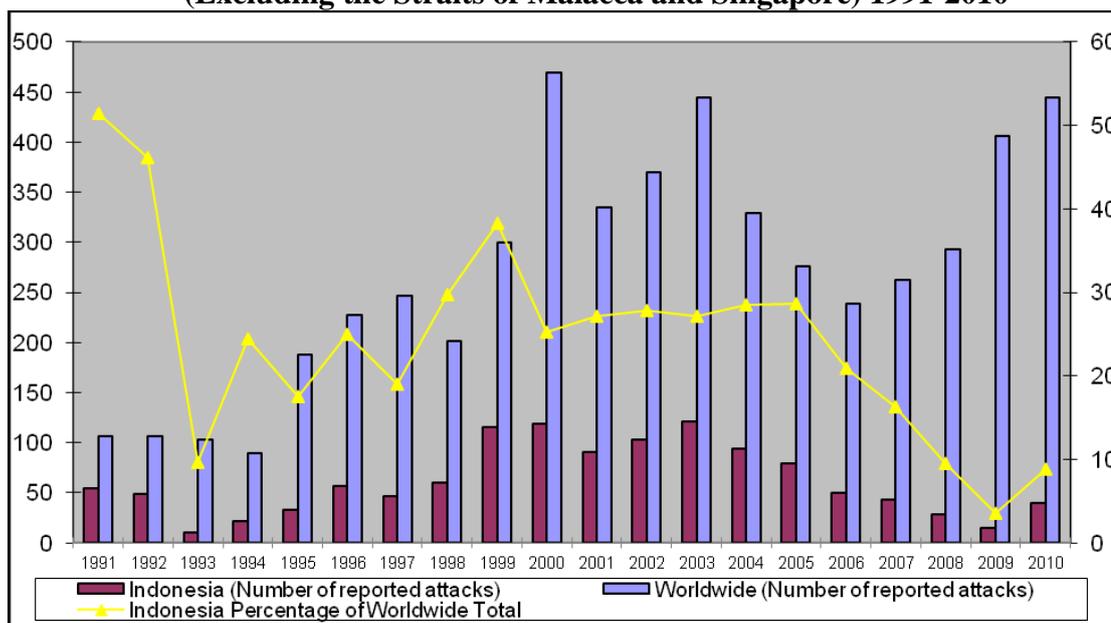
²³³ IMB (1992: 6); N. Rencwick & J. Abbott (1999: 184)

²³⁴ IMB (1992: 9)

²³⁵ Interview IG04; Interview IB01; J. Burton (9 August 2006); Sudrajat (2005: 82); H.B. Siregar et.al (2004:14); J. Power (2008:117); J. Chen (2007: 139, 148) G.G. Ong-Webb (2007: 78); J.N. Mak (2007: 206-207)

movement at the western end of the archipelago but also a number of domestic challenges including the Papua separatist movement at its eastern end;²³⁶ the upsurge of religious conflict in Maluku and Poso as well as ethnic violence elsewhere which have left thousands of people dead, injured and many others as internally displaced persons. The economic crisis had forced the Indonesian defence force to tighten its budget putting pressure on an already undermanned, ill-equipped and overstretched force.²³⁷

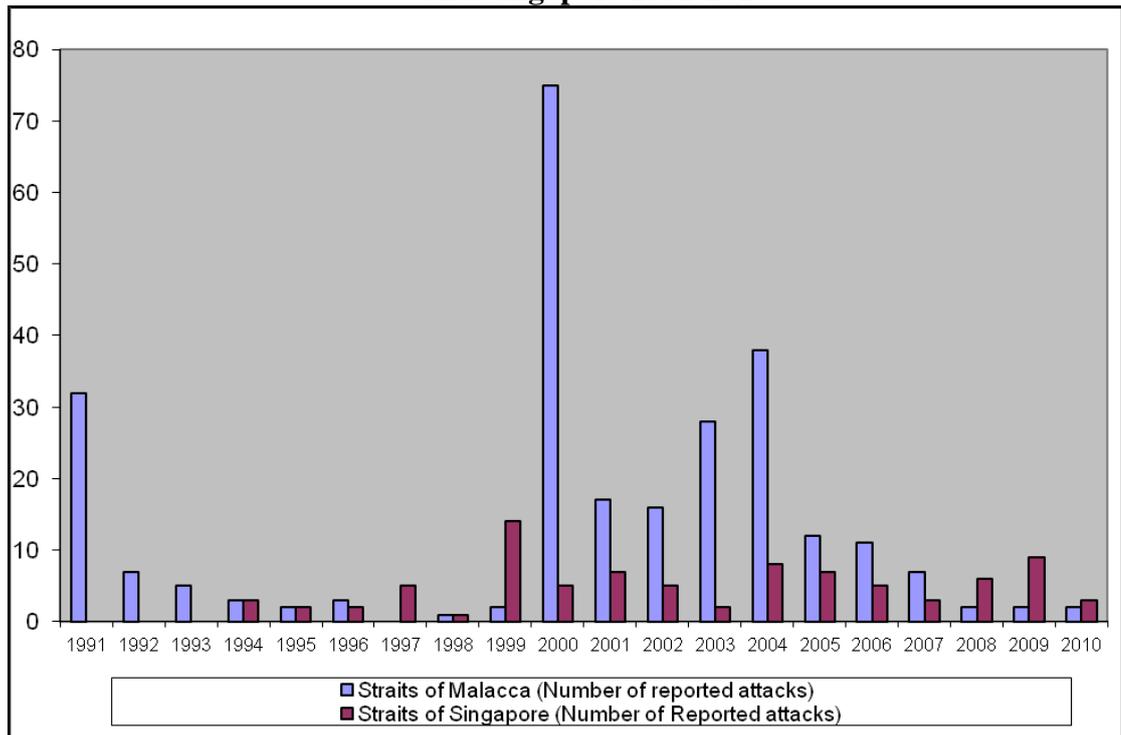
Figure 2.3 Armed Robbery Attacks and Attempted Attacks in Indonesian Waters (Excluding the Straits of Malacca and Singapore) 1991-2010



Source: ICC-IMB (2001; 2006; 2009; 2010)

²³⁶ R. Halloran (2 August 2003)
²³⁷ Meredith (24 May 2000)

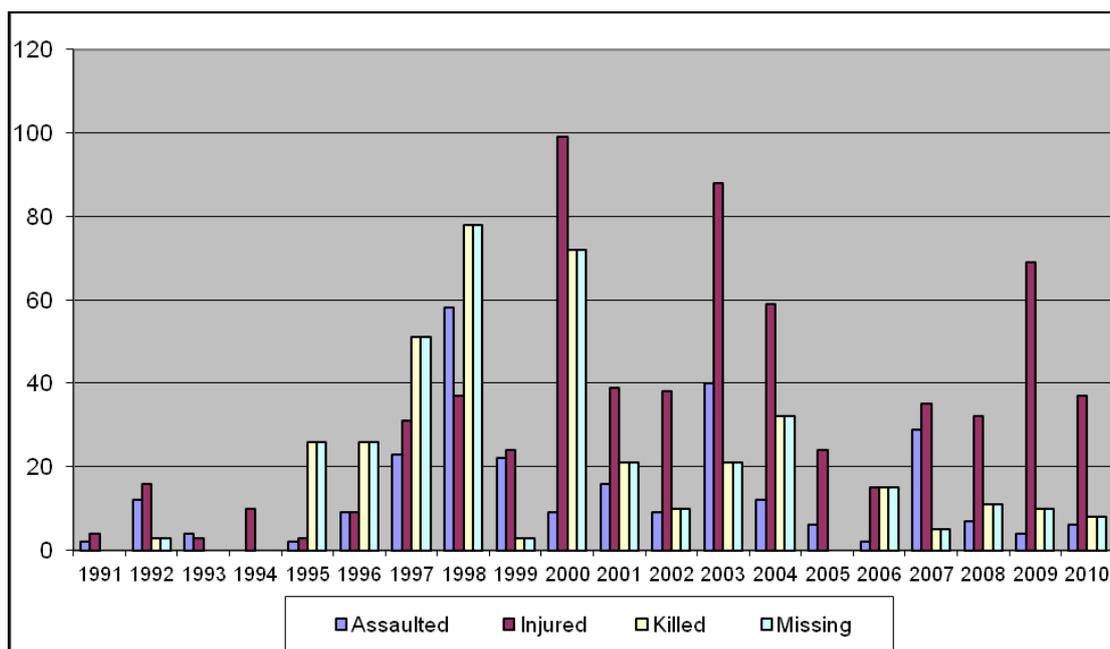
Figure 2.4 Armed Robbery Attacks and Attempted Attacks in the Straits of Malacca and Singapore 1991-2010



Source: ICC-IMB (2001; 2006; 2009; 2010)

By 1999 Indonesian waters accounted for more than one third of the reported sea robbery incidents in the world. As can be seen from Figure 2.3, in 1999, Indonesian waters accounted for 38 per cent of worldwide incidents. A close observation of the increase of incidents during this period is interesting because it shows that armed robbery issues had been on the rise many years prior to the introduction of maritime cooperation to address sea robbery. Two important cooperation initiatives to halt sea robbery, the RMSI and the ReCAAP, were launched in 2004 and 2006 only after the problems began to decrease. As can be seen from Figure 2.3 and Figure 2.4 the sea robbery incidents in Indonesian waters in general and in the Strait of Malacca and Singapore in particular have begun to decline since 2001. This trend showed that cooperation arrangements to address sea robbery do not coincide with the increase of armed robbery problems in Indonesia.

Figure 2.5 Violence to Crew Worldwide (Assaulted, Injured, Killed, Missing), 1991-2010



Source: ICC-IMB (2001; 2006; 2009; 2010)

The evidence of increased level of violence used in armed robbery actions during 1996 to 2000 is even more striking. During the end of the 1990s and 2000 the degree of violence inflicted upon ship's crew during the act of robbery had reached an alarming level. As shown in Figure 2.5 from 1996 to 1997 there was a 96% increase in number of crews murdered by sea robbers and from 1997 to 1998 there was a 52% rise. Although the number of crew killed dropped significantly from 78 crews in 1998 to 3 crews in 1999, however, this number increased dramatically in 2000 to 72 seamen killed.²³⁸ Yet, despite the increased level of violence, during this period there were no international cooperation initiatives launched to halt sea robbery. There was a lag of several years before the introduction of RMSI and ReCAAP in 2004 and 2006. This evidence confirmed the earlier finding that maritime security cooperation to address sea robbery do not coincide with the increase of armed robbery problems in Indonesia. As explained above, cooperation initiatives come only after sea robbery incidents have started to decrease. This circumstance reduces the benefits of cooperation for Indonesia. In particular, at the same time when the international community began to embark upon international counter sea robbery cooperation Indonesia has been facing other security problems. Armed robbery at sea is a serious maritime concern for Indonesia. Yet, this issue is not the only problem for

²³⁸

IMB (2001)

Indonesia when it comes to maritime security. As previously explained there are four main maritime issues that always appear in every government documents and government official's statements. These are illegal fishing; border disputes, illegal seaborne migrants; and smuggling.²³⁹

Government officials are aware of sea robbery incidents in Indonesian waters but do not perceive it as a main threat. Currently, the main concern for sea robbery attack is in Palembang, Berhala Strait, the South China Sea, particularly, in the triangle between Indonesia's island of Natuna, Anambas, up to off Tioman and Eastern OPL (Outside Port Lines) of Singapore.²⁴⁰ The Indonesian waterways surrounding Anambas and Natuna are gateways for ships to enter and exit the Malacca Straits.²⁴¹ The waterways near Anambas and Natuna are situated in one of the most important Sea-Lane of Communication connecting the South China Sea via Indonesia's territory of the Karimata Straits, the Java Sea, and the Sunda Straits to the Indian Ocean (see Figure 2.6).²⁴²

Figure 2.6 Map of the Strait of Malacca



Source: Adapted from <http://saripedia.files.wordpress.com/2010/12/malaysia.jpg?w=570>. Last accessed 15 May 2014

A indicates the waters near Anambas Island.

B indicates the waters near Natuna Island.

C indicates the Strait of Malacca.

²³⁹ Interview IG04; Interview IG05; Indonesian MFA (2004: 3); Indonesian Ministry of State Secretariat (2004); Indonesian MoD (2008:28); Dewan Maritim Indonesia (2007c:2,17); Dewan Maritim Indonesia (2007a:4-4,4-9); Bakorkamla (2010:6.8); Indonesian Coordinating Ministry for Political, Legal and Security Affairs (2008); Indonesian Coordinating Ministry of Political, Legal and Security Affairs (2006a: 11); Indonesian Coordinating Ministry of Political, Legal and Security Affairs (2007:207, 234)

²⁴⁰ Interview MI02; Interview IG11

²⁴¹ Interview IG05

²⁴² Interview IG02; Dewan Maritim Indonesia (2007c:18)

Although the Indonesian government acknowledges the threat of sea robberies in the archipelagic waters the issue is no longer a primary security concern. This is due to the decline in the number of sea robbery attacks in the Indonesian waterways, including the Strait of Malacca and Singapore. According to an official from the Indonesian Navy the issue of piracy and armed robbery at sea has declined significantly. He suggested, “even in 2009 there was no armed robbery against ships incident, and so far there is no incident reported in 2010,”²⁴³ although, the IMB Piracy Reporting Centre noted 15 incidents had taken place in Indonesian waters in 2009 and 16 incidents from January to June 2010 alone.²⁴⁴ In addition, businesses in Indonesia do not deem sea robbery a serious concern. A representative of the Indonesian National Shipowners’ Association described the Strait of Malacca and Singapore as a “safe waterway” because the number of piratical incidents has dropped significantly. To quote him: “Most of the incidents only take the form of petty thefts. The armed robbers in these cases do not seize the ship for ransom.”²⁴⁵

The peace process between the Indonesian government and the Aceh separatist movement (GAM), in particular after the 26 December 2004 tsunami further contributed to the decreasing number of armed robbery attacks in the Strait of Malacca. The 2004 tsunami brought a tremendous devastation to Aceh province. It was reported that 166,080 people were killed in Aceh and 617,159 Acehnese became internally displaced persons.²⁴⁶ Under this circumstance the Indonesian government and GAM opted to restart peace negotiations in May 2005 to enable Aceh’s reconstruction efforts.²⁴⁷ Successful peace talks between the two parties have put an end to the separatist group’ armed robbery activities in the Strait of Malacca.²⁴⁸ As a representative of the Indonesian shipowners association put it:

In the past, seizure of freight ships in the Straits are often linked with GAM supporters... the successful peace settlement between the Indonesian government and GAM has significantly reduced the seizures against ships in the Straits.²⁴⁹

Moreover, there is a widespread perception among government officials that Indonesia has performed sufficient cooperation and commitment to combat sea robbery. Government

²⁴³ Interview IG05

²⁴⁴ IMB (2010:5)

²⁴⁵ Interview IB01

²⁴⁶ Indonesian Ministry of Health (20 May 2013)

²⁴⁷ Chen (2007: 143)

²⁴⁸ Interview IB01; Interview IG04; R.A. Kurniawan (17 December 2008)

²⁴⁹ Interview IB01

officials perceive that Indonesia's national measures and cooperation with other littoral states of the Straits of Malacca and Singapore have managed to secure the waterways. As the Indonesian Minister of Defence, Juwono Sudarsono put it, "Indonesia believes that it is under no pressure to ratify [any agreement to counter sea robbery]. Currently Indonesia, Malaysia and Singapore undertake coordinated patrols to secure the Malacca Strait."²⁵⁰ The chairman of Indonesian National Shipowners Association (INSA) echoed this stance. He claimed that armed robbery against ships is no longer a main threat, the security of waterways has improved after the littoral states carried out coordinated patrols.²⁵¹

Nevertheless, over time there has been a disjuncture between Indonesia's perception of threat and the way the international community perceives sea robbery threat. The 9/11 attacks have driven the maritime sector to re-evaluate its vulnerability against the probability of attacks or other forms of sabotage. The 9/11 attacks have raised the profile of armed robbery against ships. As can be seen in Figure 2.3 and Figure 2.4, in 2005 armed robbery activities in Indonesian waters and the key Straits of Malacca and Singapore were already declining. Nevertheless, in 2005, the London-based Lloyd's Market Association's Joint War Committee (JWC) declared the Strait of Malacca as a war risk zone, together with Iraq, Lebanon and Nigeria despite the incidents of sea robbery in the Strait of Malacca showing a declining trend.²⁵² This point is confirmed in an interview with a Singapore local shipowner that actively involved in protesting and lobbying the JWC to remove the Strait of Malacca from the war risk list. He pointed out the JWC decision as a unilateral decision. According to the shipowner when the JWC made the announcement the sea robbery incidents in the Strait of Malacca and Singapore had already "calmed down," since Indonesia, Malaysia and Singapore had taken action to combat armed robbery at sea.²⁵³ Sustain efforts to secure the Straits and protests from the Indonesian, Singaporean and Malaysian governments and their shipping associations against Lloyd's JWC finally resulted in the removal of the Strait of Malacca from its list of war and related perils areas in 2006.²⁵⁴

The removal of the Strait of Malacca and Singapore from the JWC list can be seen as an external validation to Indonesia assessment of the problem. Although the Indonesian

²⁵⁰ BBC (27 September 2006)

²⁵¹ Interview IB01

²⁵² Jakarta Post (13 July 2005)

²⁵³ Interview SB02

²⁵⁴ Lloyds (11 August 2006); Interview SB02

government officials claim armed robbery against ships is no longer a problem for Indonesia and the JWC decision to remove the Strait of Malacca and Singapore validates Indonesia's perception, sea robbery in Indonesian waters has continued to be of international concern. Even though the IMB statistics of piratical incidents from 2005 to the present time show a dramatic decrease in the number of incidents in Indonesia's waterways, the international community still concern over a sustained spate of armed robbery against ships continues to take place in its territorial waters, in particular in the Strait of Malacca and Singapore and tri-border areas (bordered by Indonesia, Malaysia and the Philippine) in the Sulawesi sea.²⁵⁵ Non-governmental organizations that have concern over the security and safety of navigation, scholars, international shipping lines government officials and media point out to the increased levels of violence and degrees of sophistication, taking into account "faster and more military-type craft and weapons," even though as Figure 2.5 showed, the use of violence from 2001 onwards has begun to show a significant decline in comparison to the use of violence employed in armed robbery against ships in 1998 to 2000.²⁵⁶

2.3.2.2 The Responses to Armed Robbery against Ships

There are three key points that will be highlighted in this section. First, Indonesia is willing to take action to address armed robbery against ships. Second, Indonesia is not hostile to cooperation. In dealing with armed robbery at sea issues Indonesia carries out national efforts and shows its willingness to cooperate with neighbouring countries and user states. Indonesia's willingness to cooperate debunks the arguments put forward by scholars which claim Indonesia is less interested in cooperation.²⁵⁷ Third, there has been a significant change of the international community response to sea robbery. Prior to 9/11 Japan was the only user state actively seeking for greater involvement to address armed robbery against ships in Southeast Asia.

First, in terms of Indonesian commitments to halting sea robbery the reduction of armed robbery against ships incidents and the level of violence used in the attacks can be attributed to increased national security measures and cooperation between Indonesia and

²⁵⁵ Interview SG04; Interview SB03; Straits Times (20 October 2010); A.J. Young & M. J. Valencia (2003: 271); Intertanko (16 August 2005)

²⁵⁶ Sittnick (2005: 744); Straits Times (20 October 2010); A.J. Young & M. J. Valencia (2003: 271); Intertanko (16 August 2005)

²⁵⁷ Huang (2008: 91,93); Raymond (2007:88); Stryken (2007:134,139); Mak (2006:137-138,148); Frecon (2011:3)

its neighbouring states to patrol key waterways. At national level, responding to the first surge of sea robbery in 1990-1992, the Indonesian Navy infiltrated a number of local sea robber communities which successfully resulted in arrests throughout 1992. The operation resulted in the arrest of 86 to 133 suspects in May, June and July 1992.²⁵⁸ During the second surge of armed robberies from 1996 to early 2001 propagated by the 1997 financial turmoil and military operations in Aceh Indonesian authorities responded in several ways. At national level Indonesia intensified its patrols. The Indonesian Navy dedicated 15 Special Forces boats to help curb sea robbery around Batam, Bintan and Singapore.²⁵⁹ The Navy also set up an armed robbery monitoring centre in Batam. The initial intention was to register all vessels plying through the Strait of Malacca with the centre.²⁶⁰ In order to support the Batam command centre in 2000, the Navy developed operational bases and supporting facilities in Semampir, Surabaya, Belinyu Bangka and Batam; and built two ships.²⁶¹ The Navy also carries out routine maintenance and modification of its Garret Nbell-412 helicopters and Propeller Nomad N-22 surveillance aircraft to support its maritime patrol.²⁶² The details of Indonesia's national initiatives to deal with sea robbery can be seen in Table 2.1 below.

²⁵⁸ J. Vagg (1995:77); Chalk (1998a: 98)

²⁵⁹ Straits Times (3 August 2000)

²⁶⁰ Straits Times (3 August 2000)

²⁶¹ Indonesian Ministry of State Secretariat (2001: X-7)

²⁶² Indonesian Ministry of State Secretariat (2001: X-7)

Table 2.1 Indonesia's National Initiatives to Address Armed Robbery against Ships

Initiative	Frequency	Duration	Location	Government Agency
Octopus Operation (Operasi Gurita)	Five times a year	30-90 days	The Strait of Malacca and Singapore; eastern part of Indonesia and waters surrounding Anambas	Lead by the Indonesian Maritime Security Coordinating Board and involves the Navy, the Marine Police, Customs, the Ministry of Marine Affairs and Fisheries (KKP) and the Air force
Bakorkamla Routine Patrol	Four times a year. Once in every three months	30 days	All Indonesian sea-lanes. The Batam work unit covers archipelagic sea-lane I; Manado work unit covers archipelagic sea-lane II and Ambon work unit covers archipelagic sea-lane III.	Maritime Security Coordinating Board
Operasi Sepanjang Tahun	Every day	365 days, 24 hours patrol	Indonesian waters with particular emphasis in the Strait of Malacca	Navy
Operasi Kamla	Every day	365 days, 24 hours patrol	Strait of Malacca	Navy; Marine Police, Customs, KKP
Operasi Trisila	Once a year	90 days	Indonesian waters	Navy
Operasi Satuan Tugas Muara Perairan (Satgas Mupe)	n/a	n/a	Waters surrounding Aceh (northern end of the Strait of Malacca)	Navy
Operasi Satgasla Koopslihkam	Bi-annual	180 days	The northern end of the Strait of Malacca (from Sabang to North of Aceh)	Navy
Air Patrol	Everyday	365 days	Strait of Malacca	Air Force (West

				Squadron)
Stand by Air Force	Everyday	365 days	Tanjung Pinang, Belawan and Sabang (near Strait of Malacca)	Air Force (West Squadron)
Search and Rescue Units Air Patrol	n/a	n/a	Tanjung Pinang, Belawan, Dumai and Mentigi	Search and Rescue Units
Deployment of Armed Forces at Islands Bordering Key Waterways	Everyday	365 days	The designated points of deployment along the Strait of Malacca are (1) Sabang; (2) Lhokumawe (which covers the waterways of Pidie-Loksumawe-Jamboaye-Tanjung Peureula and Tanjung Tamiang); (3) Belawan (which covers the waterways of Tanjung Tamiang-Belawan-Pulau Berhala and Pulau Pandang); (4) Tanjung Balai Asahan (which covers the waterways of Pulau Pandang-Tanjung Balai Asahan-Jemur-Bagan siapi-api); (5) Dumai; (6) Iyu Kecil (the area of coverage is Iyu Kecil waterway); (7) Tanjung Balai Karimun (which covers the Philips Strait); (8) Tolop; (9) Sambu; (10) Batam; and (11) Tanjung Pinang.	Army
Operation Bakti (Poverty reduction programme in areas that border key sea-lanes)	n/a	n/a	Regencies of Rokan, Hilir, Bengkalis, Siak, Palawan, Indragiri Ilir and Karimun which border the Straits of Malacca and Singapore are the key priority areas. ²⁶³ Second in the welfare programme's priority list are other regencies that border Lombok Strait and Sunda Strait. ²⁶⁴	Navy

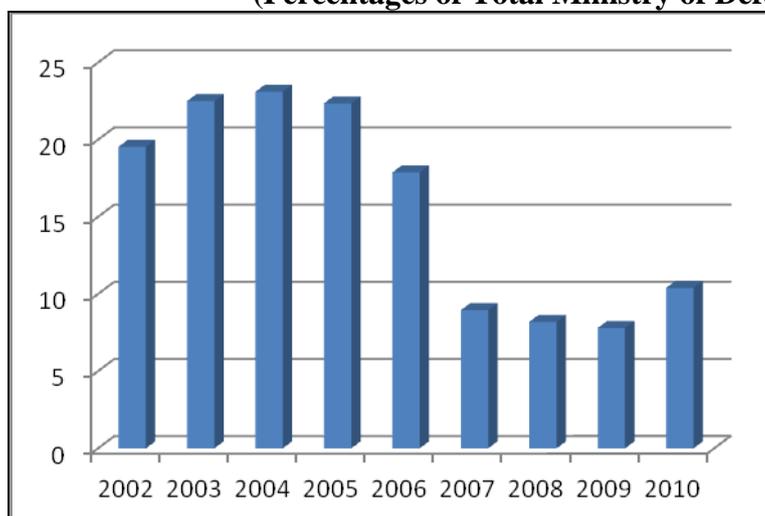
Sources: Badan Koordinasi Keamanan Laut (2004); J. Ho (2007a:211); Interview IG05; L.P.E. Nuswantoro (2005); Bakorkamla (2010); B.K. Sondakh (2004)

²⁶³ J. Ho (2007a:211)

²⁶⁴ Ho (2007a:211)

These counter armed robbery against ships initiatives generate high economic costs. Figure 2.7, below, shows that even prior to the launched of international initiatives dealing with armed robbery against ships in 2004, Indonesia has allocated substantial resources to tackle this issue.²⁶⁵

Figure 2.7 The Indonesian Ministry of Defence Maritime Security Budget (Percentages of Total Ministry of Defence Budget)



Source: Adapted from Badan Perencana Pembangunan Nasional (2011)

This is also confirmed by Admiral Edhi Nuswantoro and two MoD officials who are in charge in planning defence expenditure. They claim that Indonesia has long allocated substantial resources from its national budget to halt armed robbery against ships, particularly in the Straits of Malacca and Singapore despite most vessels passing through the Straits not being bound for Indonesian ports.²⁶⁶ As explained earlier, this resource allocation has been used to purchase fuel, surveillance and patrol devices; develop and maintain information sharing centre and naval operation bases, finance maritime patrols and funds welfare improvement programme for areas surrounding important waterways.²⁶⁷ A major counter sea robbery operation such as Octopus, for instance absorbs enormous resources as it takes up to 3 months and involve 90 patrol boats and naval ships, four planes, two helicopters, and 2,973 personnel including marine and infantry units, amphibious scouts, frogman teams, and intelligence teams.²⁶⁸ The government also bears the costs to conduct routine patrols that most have been established before 1998 such as

²⁶⁵ Indonesian Ministry of State Secretariat (2001: X6-7); Bappenas (2011)

²⁶⁶ L.P.E. Nuswantoro (2005:5); Interview IG34

²⁶⁷ Indonesian Ministry of State Secretariat (2001: X-6); Bakorkamla (2004:8-12); Nuswantoro (2005); Interview IG34; Sondakh (2004: 23-26)

²⁶⁸ Jakarta Post (13 July 2005)

“Operasi Kamla,” “Operasi Hiu Macan,” and “Operasi Sepanjang Tahun.”²⁶⁹ Each operation involves between 5 to 7 boats and three aircraft.²⁷⁰

As a result, when the international community began to pay greater attention to the vulnerability of maritime transport plying through Indonesian waters after 9/11 at national level Indonesian maritime agencies already have counter sea robbery mechanisms in place. As mentioned in Table 2.1 Indonesian maritime agencies have been carrying out various unilateral patrols throughout the year and establish “a welfare programme” which aims to improve the local economic conditions of regencies which borders Indonesian strategic sea-lanes. An Indonesian Navy official claimed that the government dissuasion programme through empowering the locals has been very effective in reducing armed robbery at sea activities.²⁷¹ Overtime Indonesia’s efforts at national level as explained above are important since it has shown how this archipelagic state has taken the issue of sea robbery seriously and put resources to address this issue. The IMB 2005 Piracy and Armed Robbery against Ships report validated this claim. The IMB complimented Indonesia for its effort to police the Strait of Malacca through several ways including unilateral patrols on the Indonesian side of the strait and intensive bilateral patrols with Malaysia that has caused dramatic reduction in armed robbery.²⁷²

Second, in halting armed robbery against ships Indonesia is not hostile to cooperation. Indonesia signed bilateral arrangements with Singapore and Malaysia in 1992 to set up direct communication between their navies. Details of these arrangements will be provided in Chapter Five. In the beginning of the 1990s, Indonesia and the Philippines also begun to plan increased surveillance in the Sulawesi Sea based on the existing Border Crossing and Border Patrol Agreement between the two countries.²⁷³ In 2000 Indonesia, Malaysia and Singapore already began coordinated patrols to guard against sea robbers involving each country patrol vessels patrolling its own territorial waters.²⁷⁴

In the aftermath of the 9/11 attacks there was a growing interest among extra regional states, particularly the U.S., in taking a bigger part in securing the strategic sea-lanes. Indonesia perceived that it had already begun to reap the benefits from bilateral

²⁶⁹ Interview IG04; Interview IG34; Bakorkamla (2004: 8-12)

²⁷⁰ Sondakh (2004: 23)

²⁷¹ Interview IG05; see also J. Ho (2007a:211)

²⁷² IMB (2005:31)

²⁷³ Rencwick & Abbott (1999:190)

²⁷⁴ Straits Times (24 May 2000)

arrangements already in place as sea robbery incidents started to decline since 2001 (as Figure 2.3 and 2.4 show). In contrast the international community maintained that armed robbery attacks in Indonesian waters remained at a worrying level since it still accounted for almost 30 per cent of all incidents globally. Dealing with international concerns over armed robbery against ships the Indonesian government maintained its stance that responsibility to patrol the Straits lies solely among the littoral states of the Straits and conveyed its suggestion to Malaysia and Singapore to conduct round-the-clock coordinated patrols.²⁷⁵ Thus, as part of the response, the Indonesian Chief of Armed Forces, together with his Malaysian and Singaporean counterparts launched coordinated naval patrols in 2004 in and the Eyes in the Sky (EiS) air patrol in 2005 under the initiative known as the MSP agreement. In a bid to improve the Straits security, the three littoral states took a step further by inviting Thailand to take part in MSP.²⁷⁶ In April 21st, 2006, Indonesia, Malaysia and Singapore signed the Terms of References and Standard Operating Procedure of the Malacca Straits Patrol (MSP) that links the naval patrol and EiS air patrol. In comparison to other form of cooperation agreement signed in the past, the MSP agreement will allow one country patrol vessel to cross over to other country territorial waters in the event of hot pursuit as long as the patrol vessel does not open fire or conduct other military actions.²⁷⁷

Indonesia's increased flexibility in addressing sea robbery has been shown in various measures including: the EiS initiative that allows patrol aircraft to transgress boundaries up to three nautical miles inside the territorial waters; the 2006 Standard Operation Procedures of the Malacca Straits Patrol (MSP) that allows a degree of flexibility to cross borders when carrying out hot pursuit against suspected vessels as long as the patrol vessel does not open fire or conduct other military action; and Indonesia together with Malaysia and Singapore agreement to extend the invitation to Thailand to join the MSP in 2006. These progresses imply a willingness to strengthen counter sea robbery measures at a practical level. This was confirmed in an interview with a government official from the Singapore Maritime and Port Authority. He claimed that cooperation between the three littoral states became stronger in 2005 and 2006.²⁷⁸ Nevertheless, prior to this period there has been "coordination between the armed forces and police of Indonesia, Malaysia and Singapore, and also informal cooperation between the three countries coast guards, police and

²⁷⁵ Interview IG05; G.G.Ong-Webb (2007:88)

²⁷⁶ D. Boey (22 April 2006)

²⁷⁷ Raymond (2007:74)

²⁷⁸ Interview SG05

military.”²⁷⁹ A senior official from the Singapore Ministry of Foreign Affairs also shared this opinion. She suggested that over the years Indonesia has successfully cooperated with other littoral states and this cooperation between the littoral states is still ongoing.²⁸⁰ A director of an international shipping line in an interview claimed that one initiative that seemed to be effective in reducing the number of sea robbery is the agreement between the littoral states to work together to try to police the Straits of Malacca and Singapore.²⁸¹ He pointed out that “the united pooling of resources between Singapore, Indonesia and Malaysia to secure the Strait of Malacca and Singapore has been a constructive commitment and that appear to be having benefit for all shipowners.”²⁸² Indonesian participation in various maritime arrangements to address sea robbery also points to the main puzzle of this thesis: Indonesia is willing to cooperate through some arrangements but less inclined to take part in others. This will be developed further in Chapters Five and Six.

The third key point of this sub section points out to the international community engagement to halt armed robbery against ships over time. The act of sea robbery constitutes a number of threats to the international community as various ships pass through Indonesian waters. It poses a direct threat to the life and safety of citizens of various flag states, serves to increase insurance premiums, and has the potential to cause environmental pollution if the attacks take place in busy sea-lanes against super-tankers.²⁸³ The international community, however, have been showing different pattern of involvement throughout the time. In the late 1990s to 2001 among all the user states Japan was the only state that has played the most assertive role to address armed robbery against ships in Indonesian waters and the Straits of Malacca and Singapore. This sub-section briefly explains what Japan has done to address armed robbery against ships to highlight the differences in international community approach to this issue prior to the 9/11 attacks and after the attacks.

Prior to 9/11 Japan was the only user state that sought for greater engagement to address armed robbery against ships in the region. The Japanese Prime Minister, Keizo Obuchi in 1999 articulated an idea to set up a regional framework to address armed robbery against

²⁷⁹ Interview SG05
²⁸⁰ Interview SG01
²⁸¹ Interview SB03
²⁸² Interview SB03
²⁸³ Chalk (1998a: 90-91)

ships and piracy. At the 1999 ASEAN Plus Three (APT) Summit in Manila, Obuchi proposed “a meeting of coast guards of Asian countries to discuss possible counter-measures” to fight sea robbery.²⁸⁴ In March 2000 Japan hosted a meeting which involved coast-guard officials from Brunei, Cambodia, India, Indonesia, Japan, South Korea, Laos, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Vietnam meeting to discuss the possibility for joint anti sea robbery patrols in the region.²⁸⁵ At the 2000 APT Summit in Singapore, Obuchi’s successor Prime Minister Yoshiro Mori proposed a similar counter piracy measure. Mori proposed to start a joint anti sea robbery patrol of the Straits of Malacca and Singapore. The parties involved would include Japan, China, South Korea, and the three littoral states of Indonesia, Malaysia and Singapore.²⁸⁶ Indonesia opposed this idea of joint patrols.

The 9/11 terrorist attacks served as a turning point marking a reinterpreting of the threat posed by armed robbery at sea. Heads of state, media and analysts statements that often conflated the threat of sea robbery and maritime terrorism had raised public attention and enabled more resources to be put into counter sea robbery efforts.²⁸⁷ In the years after 9/11 international attention turned to three specific maritime areas: the vast Indonesian archipelago, the busy Strait of Malacca and the poor coast of Bangladesh as homes to groups of sea robbers who were responsible for carrying out three-quarters of maritime hijackings.²⁸⁸ Various elements of the international maritime community comprising of shipping business, international shipping insurance companies, and international maritime organizations such as the IMB, IMO and user states exercised pressure on the littoral states of the Strait of Malacca and Singapore to crack down on armed robbery in their waters. Apart from Japan other extra regional states including the U.S., Japan, India and China showed their growing interest in this issue and sought a bigger role when engaging in counter sea robbery efforts.²⁸⁹

Among the extra regional actors a significant change could be seen from the U.S. reaction to sea robbery in the Straits of Malacca and Singapore after 9/11. Since pulling out of

²⁸⁴ Straits Times (18 February 2000)

²⁸⁵ Straits Times (18 February 2000)

²⁸⁶ Straits Times (18 February 2000)

²⁸⁷ Interview MI02; a number of government statements and media publications often treats maritime terrorism and sea robbery as similar issues see A. J. Young & M. J. Valencia (2003: 269); M. Richardson (25 May 2005); S.Powell (24 September 2004); D. Urquhart (19 November 2004); S.K. Lee (3 August 2005); Sunday Times (20 November 2005)

²⁸⁸ R. Chandrasekaran (18 June 2001)

²⁸⁹ C. Rahman (2007:195); S. Rekhi (3 June 2006)

Vietnam in 1973-75 the U.S. only maintained a low profile engagement in the region.²⁹⁰ Prior to 9/11 the U.S. government did not pay much attention to the issue of sea robbery in Indonesian waters. A number of elements within the U.S. administration including the Navy, the Maritime Administration (MARAD), the Department of Energy and the Defence Mapping Agency (DMA) response to sea robbery in Southeast Asia had been limited to developing a number of databases and communication links that were made available to ship masters, shipowners and operators who requested them.²⁹¹ In addition, these agencies issued advisories periodically to all U.S. flag merchant ships navigating through Southeast East Asian waters, including Indonesian territorial waterway.²⁹² In the aftermath of 9/11 the U.S. revised this practice. In 2004 the U.S. proposed the Regional Maritime Initiative (RMSI) to play an active role in safeguarding the key Straits of Malacca and Singapore. However, as showed in Figure 2.4 the number of sea robbery incidents in the Straits has started to decline since 2001. At bilateral level maritime security issues became one of the main topics during U.S. Defence Secretary Donald Rumsfeld's discussions with Indonesian President Susilo Bambang Yudhoyono, Foreign Minister Hassan Wirayuda and Defence Minister Juwono Sudarsono in 2006.²⁹³ The U.S. also provided assistance to assist Indonesia in setting up radar system across the Strait of Malacca and Singapore and Sulawesi Sea. Adding to the puzzle of this thesis, Indonesia rejected the U.S. RMSI with sovereignty concerns articulated as its main reason, but cooperates extensively with the U.S. through bilateral defence arrangement.

In conclusion, there are three important key points to take away from the armed robbery against ships section. First, maritime security cooperation initiatives do not coincide with Indonesian concerns over armed robbery against ships. When two main anti-sea robbery initiatives, the RMSI and the ReCAAP, were launched in 2004 and 2006, Indonesia already has national measures and cooperation to halt sea robbery with neighbouring countries in place. Although cooperation was still strictly limited to coordinate naval patrol at bilateral and trilateral level but Indonesia began to reap some benefits out of them as armed robbery incidents have begun to decrease. Consequently, this circumstance reduces the benefit for Indonesia to take part in maritime security cooperation. Moreover at the same time that the international community began to launch cooperation initiatives Indonesia has been facing other maritime problems at domestic front including illegal

²⁹⁰ L. Dittmer (2007: 530)

²⁹¹ Chalk (1998a:101)

²⁹² Chalk (1998a:102)

²⁹³ S. Rekhi (3 June 2006)

seaborne immigrants and illegal fishing. Second, Indonesia has used resources and showed willingness to join some cooperation agreements. This poses the main question: why Indonesia takes part in some arrangements but not in others. The fact that Indonesia is not hostile to cooperation and shows willingness to take action also debunks the alternative arguments which claim that Indonesia is hostile to cooperation arrangements. Finally, the international community responds shows significant changes over time. In particular, in the years following 9/11 there has been a growing interest from user states to be involved in the management of key straits such as the Straits of Malacca and Singapore. Two maritime security initiatives to address sea robbery, the RMSI and the ReCAAP, were launched in 2004 and 2006 when armed robbery against ships incidents had already started to decline. Here, the international community change of response reinforces the first key point on how international maritime security cooperation do not coincide with Indonesia concerns over armed robbery against ships.

2.4. Maritime Security Issues in Indonesia's Archipelago

As explained in the previous section, apart from potential maritime terrorism and armed robbery against ships. Indonesia is facing various other maritime security challenges. Indonesian documents and government officials identify four main maritime issues in Indonesian waters.²⁹⁴ These are illegal fishing, illegal migrants travelling through its waters, maritime border issues and smuggling. There is no exact priority rank among the four maritime issues. To provide a comprehensive discussion this section explores these maritime challenges affecting Indonesian waters. Understanding maritime threats facing Indonesia and Indonesia's perception of them is important when seeking to comprehend Indonesia's reaction towards a number of cooperation initiatives in maritime security. This sub section begins by explaining first, illegal fishing problem in Indonesia; second, illegal seaborne immigration; third, maritime border problem and fourth, smuggling.

First, in terms of illegal fishing a large volume of marine products from the archipelago are illegally fished. A substantial portion of these products are fished by foreign vessels operating without permit or with a permit that is illegally transferred from an Indonesian

²⁹⁴ Interview IG04; Interview IG05; K.B.P. Suristyono (2005: 47, 70-71); Dewan Maritime Indonesia (2007a:4-4, 4-9); Sudrajat (2005: 80-81); Indonesian MFA (2004: 3); Indonesian Ministry of State Secretariat (2008:29); Indonesian Coordinating Ministry of Political, Legal and Security Affairs (2008: 51-52); Indonesian MFA (26 August 2009)

permit holder to foreign fishermen.²⁹⁵ Each year the state loses US\$ 3-4 billion due to illegal fishing.²⁹⁶ Illegal fishing has also depleted Indonesian fish stocks although Indonesia has only used 48 per cent out of its 6.7 million tons total allowable catch.²⁹⁷ As a consequence of illegal fishing overfishing has become a common phenomenon in almost all the archipelagic waters. Details on fisheries products that have been overfished in Indonesian waterways can be found in Appendix I. Indonesia takes part in international cooperation to address illegal fishing. Indonesia is a signatory to the 1995 UN Fish Stocks Agreement and the Food and Agriculture Organization International Plan of Action to Deter, Prevent and Eliminate Illegal, Unreported and Unregulated Fishing.²⁹⁸ Indonesia's participation in international arrangements to address illegal fishing suggests that Indonesia is willing to join arrangements to solve issues that it considers as prime maritime challenges.

Second, in regards to maritime border problems, Indonesian sensitivity over this issue is derived from its perception of threat. In 2002 in a territorial dispute with Malaysia Indonesia lost Sipadan and Ligitan islands through an International Court of Justice decision.²⁹⁹ Due to unsettled maritime boundaries there has been a growing concern over possible claiming of Indonesia outermost islands by neighbouring states, as shown in the Sipadan and Ligitan islands case.³⁰⁰ Indonesia shares a maritime border with 10 countries: Malaysia, Thailand, India, Singapore, Vietnam, the Philippines, Palau, Papua New Guinea, Timor Leste and Australia.³⁰¹ Out of 92 Indonesia's outermost islands there are 22 islands in the border between Indonesia and Malaysia; 4 islands are located near the border with Singapore; 2 islands sit on the border between Indonesia and Vietnam; 11 islands are located near to the Philippines; 7 islands in the border between Indonesia and Palau; 23 islands are close to Australia; 10 islands near the border of Indonesia and East Timor; 12 islands are close to the border of Indonesia and India; and one island rests near to the border of Papua New Guinea.³⁰² Details on the status of maritime border agreements between Indonesia and its neighbouring countries can be seen in Appendix II. Indonesia categorized 12 of its outermost islands as top priority to be secured as these islands mark

²⁹⁵ Williams (2007) as cited in R. Cribb and M. Ford (2009:16); E.R.Agoes (2005:43)

²⁹⁶ Dewan Maritim Indonesia (2007c: 66)

²⁹⁷ Dewan Maritim Indonesia (2007a: 4-1,5-6-5-7)

²⁹⁸ D.M.Sodik (2009a:250); Sodik (2009b: 77-78)

²⁹⁹ Straits Times (8 March 2005)

³⁰⁰ Jakarta Post (17 November 2009)

³⁰¹ Jakarta Post (24 September 2010)

³⁰² Indonesian Coordinating Ministry of Political, Legal and Security Affairs (2007:73,124)

Indonesian territories. These twelve outermost islands, their locations and the bordering states are outlined in the Appendix III. Even though there has been no open border conflict, Indonesia is concerned over unsettled maritime borders with neighbouring states. Although Indonesia has acknowledged its loss over the Sipadan and Ligitan islands, there remain several border disputes to settle between Indonesia and Malaysia. These include the dispute over the oil rich Ambalat Block in the Makassar Strait and maritime border in the Strait of Malacca.³⁰³ Due to the bilateral nature of this issue, to manage or seek a solution over maritime disputes Indonesia mainly carries out bilateral negotiations.

Third, illegal seaborne immigration has posed a significant challenge to Indonesian authority. There are two groups of illegal immigrants that pass through Indonesian waters. The first group is illegal migrant workers from Indonesia who are trying to cross to Malaysia. The huge volume of illegal crossers from Indonesia to Malaysia has been a source of diplomatic tensions between the two governments.³⁰⁴ The second group of people crossing Indonesian waters is asylum seekers from South Asia and the Middle East. Indonesia together with Malaysia, India, Thailand, and Hong Kong (China) is among the top 15 United Nations High Commissioners for Refugees Refugee Status Determination (UNHCR RSD) operation in the world in terms of applications received and decisions given.³⁰⁵ In 2009 with 3,230 claims Indonesia has experienced the largest increase in asylum applications in the world.³⁰⁶ This statistics increased to 3,900 in 2010.³⁰⁷ According to an Indonesian Navy official groups of immigrants that frequently plying through the Strait of Malacca are mainly asylum seekers arriving from Sri Lanka.³⁰⁸ In addition to asylum seekers from Sri Lanka, Indonesia has also become an important staging point for people coming from Bangladesh, Pakistan, Middle East and Afghanistan that intended to enter Australia and New Zealand.³⁰⁹ The Indonesian provinces of East Nusa Tenggara, the Riau Islands, West Kalimantan, North Sulawesi particularly Miangas island are common corridors for illegal migrants to travel in and out of Indonesia's territory.³¹⁰ Indonesia cannot easily deport these immigrants because most of them are looking for asylum protection and are protected by international convention. This circumstance has burdened

³⁰³ Straits Times (8 March 2005)

³⁰⁴ Cribb and Ford (2009:9)

³⁰⁵ UNHCR (2010:39)

³⁰⁶ UNHCR (2010:39)

³⁰⁷ UNHCR (2011: 43)

³⁰⁸ Interview IG05

³⁰⁹ OECD (2003: 115); Interview IG04

³¹⁰ Dewan Maritim Indonesia (2007c:33); OECD (2003: 112)

the Indonesian government, although the International Organization of Migrants (IOM) assists with the provision of the migrants basic needs.³¹¹ More importantly, there is a growing concern that some of the asylum seekers could be members of terrorist organizations, as most of the immigrants do not carry a clear identification documents.³¹² Indonesia participates in international cooperation arrangements to address undocumented immigrant issues. Indonesia has ratified the United Nations Convention against Transnational Organized Crime and two protocols that supplement it, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; and the Protocol against the Smuggling of Migrants by Land, Sea and Air. Indonesia attempts to address illegal seaborne immigration by taking part in these initiatives imply that this archipelagic state is willing to address issue which it considers as high priority in its national security agenda through participation in international arrangements.

Fourth, pertaining to smuggling over a porous border, the many outlying uninhabited islands throughout the archipelago and an under equipped law enforcement force have weakened the state's capability to control various networks of private authority that operate across its border. This situation renders Indonesia vulnerable to the problem of smuggling. Most goods are smuggled across the Strait of Malacca to avoid law or tax.³¹³ These include illicit materials such as small arms and drugs; items that weaken domestic industries (this can range from steel to second hand clothing); goods that circumvents national tariffs such as liquor and cigarettes; other consumer goods such as subsidized fuel and rice; and endangered species.³¹⁴ Consumer goods such as cigarettes and drugs are smuggled from Indonesia to Malaysia, but items of concern including small arms and light weapons flow from the opposite route.³¹⁵ The arms are smuggled by boat, usually by fishing boat from Thailand and Malaysia across the Strait of Malacca to the Indonesian province of Aceh.³¹⁶ Beside Thailand and Malaysia, arms are also smuggled by sea into the country, particularly to North Sulawesi (Miangas Island) from the Philippines and Australia.³¹⁷ Indonesian senior intelligence officers claim that smuggled weapons from these four countries have been responsible for exacerbating violence conflicts across the country.³¹⁸ Since 1998

³¹¹ OECD (2003: 254)

³¹² Interview IG04

³¹³ M. J. Valencia (2006a:92)

³¹⁴ Cribb and Ford (2009:15); R.H. Nik & S. Permal (2008: 193-194)

³¹⁵ Nik & Permal (2008: 193-194); Valencia (2006a:92); M.T. Yasin (2007:232); Jakarta Post (26 August 2010)

³¹⁶ Valencia (2006a:92); Yasin (2007:232); Jakarta Post (26 August 2010)

³¹⁷ Jakarta Post (10 July 2002)

³¹⁸ Jakarta Post (10 July 2002)

communal conflicts and terrorist activities have flared up in a number of locations in Indonesia.³¹⁹ Smuggling of goods also causes economic loss to Indonesia. The value of off book trade can reach US\$ 2 billion dollar per year, and every year Indonesia loses US\$ 600 million because of smuggling.³²⁰ Indonesia has actively taken part in a number of international arrangements to address smuggling.³²¹ These include the UN Single Convention on Narcotic Drugs, the UN Convention on Psychotropic Substances, the UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, the UN Convention on Transnational Organized Crime and the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects/Plan of Action (PoA). Indonesia's response to smuggling suggests that the archipelagic state is not reluctant to explore possible solutions to one of its top maritime security problems through participation in international arrangements.

2.5. Conclusion

Indonesia is important for international maritime security. The archipelagic key straits of Malacca, Lombok and Sunda are designated as part of the world Sea-Lanes of Communication. Soon after 9/11 the international community began to view the possibility of maritime terrorism and sea robbery in Indonesian waters as an international maritime security concern. A number of key international arrangements to address armed robbery against ships and prevent maritime terrorism (including the ReCAAP, the ISPS Code, the CSI, and the PSI), were launched few years after the 9/11 attacks.

As this chapter demonstrated these arrangements did not coincide with Indonesia concern over maritime terrorism and sea robbery. The maritime security arrangements to halt armed robbery against ships such as RMSI and ReCAAP were introduced in 2004 when Indonesia's national, bilateral and regional efforts began to show positive results and the number of incidents started to decline. In the case of maritime terrorism, when the U.S. launched the CSI and the PSI in 2002 and 2003, partly as result of the 2002 Bali Bombing, Indonesia had already set up its national mechanism to deal with terrorism. In the following years, Indonesia started to show good results in unravelling terrorist networks. More importantly, the U.S. led cooperation initiatives to deal with potential maritime

³¹⁹ Jakarta Post (10 July 2002); Jakarta Post (12 March 2010)

³²⁰ Oegrosono (2006: 37)

³²¹ Indonesian MFA (7 July 2010)

terrorism, such as the CSI and PSI, were designed to prevent the delivery of WMD by shipping container bound for U.S. territory. These maritime arrangements' focus does not correspond with the way Indonesia perceives the threat posed by maritime terrorism. Indonesian concerns over maritime terrorism are more locally focused.³²² They mainly concentrate on the possibility of terrorist attacks upon key waterways, ports or a neighbouring port that may block inter-island trade and international navigation.

Indonesia's perceived benefit of cooperation is further reduced because at the same time as the 9/11 attacks raised the profile of maritime terrorism and armed robbery against ships Indonesia was facing a range of issues in its waterways including illegal fishing, border disputes, illegal seaborne migrants, and smuggling. The government perceived these threats as more pressing in comparison to maritime terrorism and armed robbery against ships since they pose direct threats to the Indonesian economy, territorial integrity and the livelihood of Indonesian fisherman. This is a key disjuncture between Indonesia and the international maritime community and informs Indonesia's varying participation across various maritime security initiatives.

Despite Indonesia not considering armed robbery against ships and maritime terrorism as being at the top of its security agenda, Indonesia has been extensively cooperating with neighbouring states and extra-regional states through various international cooperation arrangements. Indonesia's efforts to cooperate through various cooperation channels will be explained in more detail in Chapters Three and Five of this thesis. Here, Indonesia's participation adds to the key puzzle of this thesis. Why despite Indonesia active cooperation towards some cooperation arrangements, other arrangements seem to be met with a high degree of reluctance by Indonesia? This central research theme begins to broach the topic which forms the core of this thesis.

³²² see Valencia (2005: 18, 25)

Chapter 3. Indonesia's Cooperation to Address Maritime Terrorism

3.1 Introduction

This chapter studies the reasons underpinning Indonesia's participation in cooperation arrangements to address maritime terrorism. It analyzes Indonesia's cooperation in bilateral arrangements with the U.S., Japan, and Australia, its participation in the two BIMP-EAGA MoUs, a trilateral information sharing agreement, the ASEAN Counter-Terrorism Convention, the ISPS Code, the WCO SAFE Framework and the APEC TRP.

In order to show why Indonesia's non-participation in some cooperation arrangements dealing with maritime terrorism is counter-intuitive, this chapter explains Indonesia's enthusiasm to cooperate extensively in cooperation cases presented in this chapter. This adds to the argument made in Chapter Two that Indonesia has made a range of attempts to deal with the threat of maritime terrorism. This chapter explains all cooperation avenues that Indonesia has chosen to join to understand Indonesia's participation in counter maritime terrorism cooperation.

The existing scholarly work on cooperation points to relative gains concerns, shared identity, bureaucratic politics and the calculation of absolute gains as plausible explanations for Indonesia's participation in cooperation. Government documents, interviews with business representatives and officials in Indonesia, Malaysia, Singapore and New York show that (a) the relative gains calculation cannot account for Indonesia's participation because Indonesia cooperated with near-peer states in the two EAGA MoUs, the trilateral exchange of information and the ASEAN Counter-Terrorism Convention; (b) shared identity cannot explain Indonesia's participation across cases as Indonesia joined cooperation arrangements that involved non-ASEAN states such as the U.S., Japan and Australia; (c) bureaucratic politics also cannot offer a useful explanation for Indonesia's cooperation as the MFA supported Indonesia's participation in all cases discussed in this chapter although none of the benefits delivered by these arrangements were beneficial for the ministry; whereas (d) the neoliberal account of the calculation of absolute gains provides an explanation for Indonesia's cooperation across cases. As shown in the case of Indonesia's bilateral cooperation with the U.S., Japan and Australia, the two EAGA MoUs, the trilateral exchange of information agreement, the ASEAN Convention on Counter-Terrorism, the ISPS Code, the WCO SAFE Framework and the APEC TRP the benefits of

cooperation exceeded the costs. From these arrangements Indonesia could gain access to maritime security training and exercises, equipment, information sharing and in some instances support from other states law enforcement agencies during patrols.

To demonstrate the above arguments, the following sections explain all cooperation arrangements dealing with maritime terrorism which Indonesia chose to take part in. Sections two to four begin with an explanation of Indonesia's participation in bilateral cooperation with the U.S., Japan and Australia. Indonesian government officials and documents mention the U.S., Japan and Australia as the three main states that cooperate intensively with Indonesia in the field of counter maritime terrorism at the bilateral level.³²³ Sections five to seven then continue with a discussion of Indonesia's conduct towards sub regional and regional cooperation including the BIMP EAGA MoUs on Sea Linkages and Transit and Inter-State Transport of Goods, the trilateral agreement on information exchange and the ASEAN Convention on Counter-Terrorism. Sections eight to nine provide an explanation of Indonesia's participation in three multilateral arrangements dealing with maritime terrorism including the ISPS Code, the SAFE Framework and the APEC TRP. Each section explains the requirements of each cooperation arrangement to measure the costs of cooperation. It tests all plausible explanations for Indonesia's cooperation including absolute gains, relative gains, shared identity and bureaucratic politics. The conclusion of this chapter points to the role of the calculation of costs and benefits in absolute terms in informing Indonesia's cooperation. It argues that relative gains concern, shared identity and bureaucratic politics cannot explain Indonesia's participation in these initiatives.

3.2 Indonesia and the United States Bilateral Cooperation

Bilateral negotiation between Indonesia and the U.S. to address maritime terrorism commenced in earnest only after 2001. To formalise the bilateral defence cooperation the two states signed the U.S.-Indonesia Defence Framework Arrangement in June 2010. The defence arrangement requires Indonesia and the U.S. to work together to maintain regular dialogue particularly through the Indonesia-US Security Dialog and the United States-

³²³ Indonesian Coordinating Ministry of Political, Legal and Security Affairs (2007: 132); Indonesian Coordinating Ministry of Political, Legal and Security Affairs (2006a: 60); Indonesian MFA (2005a: 81); S.B. Yudhoyono (2002: 9); Bakorkamla (2004:1); Bakorkamla (2010: 175-176, 181-183); Indonesian Directorate General of Sea Transportation (DGST) (3September 2010); DKPT (2008:12); Indonesian MoD (2003: 30-31, 84-85); Sudrajat (2005: 12); Interview IG14; Interview IG02; Interview IG13; Interview IG11; Interview IG12; Interview IG10; Interview IG09

Indonesia Bilateral Defence Discussion; sustain and develop the existing education and training programmes; provide capacity building in maritime security; and ensure cooperation in the area of operational support and military supplies including acquisition, sale and exchange of goods and services.³²⁴

Indonesia's cooperation with the U.S. contradicts expectations of some IR and foreign policy theories. The main question which arises here is why Indonesia chose to enter into a defence arrangement with the U.S.?

A neorealist might argue that concerns over relative gains would inform Indonesia's decision to cooperate with the U.S. Given Indonesia's status as a middle power a neorealist would expect to see Indonesia cooperates with larger and smaller states because of the vast power disparity between them. Could the case meet this expectation? As neorealists would expect, Indonesia chose to cooperate with the U.S., a larger state in comparison to Indonesia. However, since Indonesia not only cooperates with larger and smaller states but also near-peer states (for instance in the two EAGA MoUs and the trilateral exchange of information agreement), the relative gains calculation cannot offer a sufficient explanation to understand the reasons underpinning Indonesia's cooperation.

A constructivist would be expected to argue that shared identity plays a central role in states' cooperation. Would it be possible that Indonesia's participation in defence arrangements with the U.S. is derived from shared identity? Indonesia's decision to join the defence arrangement with the U.S. was not in line with the constructivist argument regarding the role of shared identity in informing cooperation. Indonesia agreed to cooperate with the U.S. despite the fact that the U.S. is not an ASEAN member state.

Bureaucratic politics analysis would point to competing preferences among government actors as the source of explanation. Following this lead, could competing government actors' preferences account for Indonesia's cooperation with the U.S.? With respect to bureaucratic politics it is clear that Indonesia's participation in bilateral cooperation with the U.S. was not informed by competing governmental actors' preferences. The Indonesian MoD in close coordination with the MFA did not pursue bilateral cooperation programmes with the U.S. to promote the Ministry's interest or to gain benefit. If we expected

³²⁴

Indonesia's decision to be consistent with the bureaucratic politics expectation regarding competing government actors' preferences then the following scenario may have taken place. The MFA would not be in favour of the defence arrangement because the ministry would not gain any benefits from cooperation. The MoD on the other hand would be expected to support the signing of a defence arrangement. As the arrangement is based on existing cooperation networks it would not bring additional costs to the MoD. These expectations, however, contrast the actual preferences of the MFA and the MoD. In reality, both the MFA and the MoD were in favour of the defence arrangement. Indonesian officials also explained that these Ministries' preferences to cooperate were informed by the aggregate benefits of the bilateral cooperation arrangement for Indonesia.³²⁵ As a MoD official confirmed, the Ministry did not push the cooperation forward because of self-benefits, rather, capacity building assistance from the U.S. both in terms of human resources and equipment for Indonesian maritime agencies including the Navy, the Coast Guard (MoT), Marine Police and the Maritime Security Coordinating Board had been the prime driver of cooperation.³²⁶ He further explained that the MoD particularly "want the Coast Guard and the Maritime Security Coordinating Board to be big institutions and well equipped."³²⁷

This statement is also corroborated by the implementation of the cooperation arrangement that made maritime exercises, training, seminars and equipment available to various agencies that do not fall under either the MFA or the MoD remit. These agencies include the Anti-Terrorism Coordinating Desk of the Coordinating Ministry for Political, Legal and Security Affairs, Customs, Marine Police, the Maritime Security Coordinating Board and the Sea and Coast Guard unit of the MoT.³²⁸ Although the U.S. Coast Guard and NCIS port security training and exercises do not offer economic benefits for both the MFA and the MoD, these activities are beneficial for other government agencies including Customs, Marine Police and the MoT.³²⁹ In an interview conducted in 2010 an official from the Maritime Security Coordination Board explained that as part of the defence cooperation a

³²⁵ Interview IG04; Interview IG06

³²⁶ Interview IG04

³²⁷ Interview IG04

³²⁸ Interview IG03; Interview IG10; Interview IG11; Interview IG12; Polres Tanjung Perak (21 June 2011); Indonesian Coordinating Ministry of Political, Legal and Security Affairs (2008: 76); Djalal (2009c:327)

³²⁹ Interview IB18; Interview IG11; Interview IG40

large number of aircraft provided by the U.S. will be allocated to his institution to assist their patrol operations.³³⁰

The final plausible explanation to consider is the absolute gains calculation. The calculation of absolute gains did inform Indonesia's decision.³³¹ These findings advance the neoliberal argument regarding the role of absolute gains in informing state cooperation. Indonesia sought to gain counter-terrorism training, new maritime security equipment and additional sources of military logistics for its armed forces through its bilateral cooperation with the U.S.³³² The evidence shows that Indonesia was able to meet these security needs through the bilateral defence arrangement with the U.S. The bilateral cooperation offers three core incentives to Indonesia. First, it ensures access for Indonesian maritime agencies to various U.S. training and exercises programmes. A result of the negotiations was that the Indonesian military gained access to U.S. joint programmes.³³³ There are more than 100 joint programmes under the U.S. Pacific Command's Theatre Security Cooperation ranging from education, training, and exercises, to major foreign military sales and financing.³³⁴ The U.S. also includes Indonesia in its network of exercises such as the Cooperation and Readiness Afloat (CARAT), the Southeast Asian Cooperation against Terrorism (SEACAT), and the Cobra Gold Exercise.³³⁵ The U.S. sent its Naval Criminal Investigative Service (NCIS) to train the Indonesian police special unit that was assigned to guard international ports including Tanjung Priok Port (Jakarta) and Tanjung Perak (Surabaya). In addition, over five days in 2011 the U.S. NCIS personnel trained the Indonesian police to use over 100 standard devices to secure a port.³³⁶

Second, cooperation provides Indonesia with equipment necessary to deal with armed robbery against ships. In 2006 the U.S. authorization of the Section 1206 of Public Law 109-163 on Global Train-and-Equip Authority instructed all organizational entities within the Department of Defence to train, equip, and build maritime security capacity in foreign

³³⁰ Interview IG03

³³¹ Interview IG04; Interview IG03; Interview IE23; Indonesian Coordinating Ministry of Political, Legal and Security Affairs (2006a: 60); Indonesian MoD (2008: 128); L.M.T. Marsetio (16 June 2013)

³³² Marsetio (16 June 2013); Interview IG04; Indonesian Coordinating Ministry of Political, Legal and Security Affairs (2008: 76)

³³³ Part B, Articles 1b on Promotion of Human Resources of the Defense and Armed Forces and 1c on Capacity Building Project on Maritime Security of the Indonesia-U.S. 2010 Defence Arrangement.

³³⁴ L.C.D.B. Guenther (2005:1-2); E. Laksmana (6 October 2009)

³³⁵ Bradford (2008: 485); U.S. Department of Defense (2 February 2010)

³³⁶ Polres Tanjung Perak (21 June 2011)

countries to deter terrorists.³³⁷ Indonesia is one of the countries that benefits from this programme, along with the Philippines and Malaysia.³³⁸ Indonesia received US\$ 57 million through this programme to support the establishment of an Integrated Maritime Surveillance Systems (IMSS) located strategically to cover the Strait of Malacca, the Strait of Makassar and the Strait of Moluccas.³³⁹ The U.S. has allocated an additional US\$ 4.6 million to guarantee the sustainability of the system until 2014.³⁴⁰ The IMSS is an “integrated network of ship and shore based sensors, communications devices, and computing resources that collect, transmit, analyse and display a broad array of maritime data.”³⁴¹ The IMSS comprises of 18 Coastal Surveillance Stations (CSS), 11 Ship-based Radars, two Regional Command Centres, and two Fleet Command Centres (Jakarta and Surabaya).³⁴² The IMSS covers more than 1,205 kilometres of coast line in the Straits of Malacca and approximately 1,285 kilometres of coast line in the Sulawesi Sea.³⁴³ An Indonesian security expert confirmed that information gathered from the U.S. installed IMSS was also shared with the U.S.³⁴⁴

Finally, the cooperation arrangements provide a source of weapons and defence technology through joint research, co-production, sale and purchase of goods, exchange of goods and technology transfers. As part of the bilateral arrangement Indonesia received 19 patrol boats to equip its National Police.³⁴⁵ These boats are deployed in Batam-Riau, Bangka Island Straits, Tarakan, Bitung, Sorong and Ternate-Sofia to help secure the Straits of Malacca and the Sulu-Sulawesi Sea.³⁴⁶ Indonesia also will receive thirty F-16 jetfighters from the U.S. and purchase another six F-16 jet fighters and Hercules aircraft by 2014.³⁴⁷ The U.S. armaments at present account for 80 per cent of the country’s defence system.³⁴⁸ This weaponry system has suffered due to the U.S. arms embargo. The U.S. imposed arms

³³⁷ U.S. Department of Defense (26 July 2011)

³³⁸ I. Storey (19 January 2009); Indonesian Coordinating Ministry of Political, Legal and Security Affairs (2008: 76)

³³⁹ U.S. Department of State (DoS) (18 November 2011)

³⁴⁰ U.S. DoS (18 November 2011)

³⁴¹ U.S. DoS (18 November 2011)

³⁴² U.S. DoS (18 November 2011)

³⁴³ Antara (1 July 2010)

³⁴⁴ Interview IE23

³⁴⁵ U.S. Embassy in Jakarta (3 June 2011)

³⁴⁶ U.S. Embassy in Jakarta (3 June 2011)

³⁴⁷ Jakarta Post (16 February 2008); Jakarta Post (26 February 2008); Antara (26 August 2011); Antara (23 February 2011)

³⁴⁸ Jakarta Post (15 January 2007)

embargo on Indonesia after military forces opened fire on protesters in Dili, East Timor 1991.³⁴⁹

These are arguably core benefits. Capacity building assistance including training and exercises, gifting of equipment and supply of military logistics for Indonesian maritime agencies have been categorized as important cooperation outcomes by the government. This is because on the supply side the administration does not have adequate resources to train and equip its maritime agencies. On the demand side, as explained in Chapter Two, Indonesia is facing various maritime challenges. Maritime training, equipment and military supplies are the main benefits Indonesia wanted from the bilateral counter-terrorism cooperation.

Indonesia pushed forward the defence arrangement because the benefits of cooperation exceeded the costs. In addition to incentives brought by the arrangement the defence cooperation does not show many changes in Indonesia-U.S. relations. The arrangement was carefully worded to indicate the non-binding and voluntary nature of cooperation.³⁵⁰ For this purpose the term “participants” are used instead of “parties,” the term “arrangement” instead of “agreement” in the document title, and the word “intend” instead of “shall” that implies duties.³⁵¹ Requirements stated under the Defence Framework Arrangement are not compulsory and are articulated as expressions of intention between the Indonesian and the U.S. governments. Soon after 9/11 President Megawati and President Bush agreed to establish a security dialogue forum between each country’s defence establishments in their September 2001 meeting in Washington.³⁵² As a follow up to their meeting, the two countries have established the Indonesia-U.S. Security Dialog and the U.S.-Indonesia Bilateral Defence Discussion before the launch of the defence arrangement. These forums are held annually to discuss a wide range of security and defence issues and plan maritime security training and exercises. Indonesia and the U.S. have also re-opened the International Military Education and Training programme in 2003 and have begun to discuss cooperation in the area of military weaponry after the U.S. lifted its arms embargo in 2005. This occurred in the years before the negotiation of the defence arrangement.³⁵³ At the domestic level, as explained in Chapter Two, Indonesia’s national

³⁴⁹ BBC (26 May 2005)

³⁵⁰ Interview IG21

³⁵¹ Indonesia-U.S. 2010 Defence Arrangement

³⁵² Indonesian Embassy in Washington (19 April 2007)

³⁵³ Indonesian MoD (2003: 85-86); Jakarta Post (16 February 2008); Jakarta Post (26 February 2008)

infrastructure and policies are already in line with these initiatives' requirements. Indonesia has deployed vessels and surveillance aircraft in key waterways and conducted regular patrols.

As the arrangement does not introduce many changes it is argued that this initiative poses low sovereignty costs. All requirements listed in the cooperation document are already in line with policies carried out by Indonesia prior to the establishment of this arrangement. This arrangement mainly institutionalises the ongoing cooperation activities that have been conducted by the two states for many years.³⁵⁴ The implementation costs of the bilateral cooperation are also low. The defence arrangement does not require Indonesia to purchase new equipment or make substantial changes at national level.

In summary, Indonesia decided to join the bilateral arrangement with the U.S. because without having to make much changes Indonesia could gain new radar equipment covering its important sea lanes, aircraft, patrol boats and training programmes for its law enforcement agencies.

3.3 Indonesia and Japan Bilateral Cooperation

Although Indonesia and Japan have a long history of maritime cooperation, counter maritime terrorism is a new area of cooperation for the two countries.³⁵⁵ Counter-terrorism cooperation between the two countries is formalised by the signing of the Joint Announcement on Fighting against International Terrorism on June 24th, 2003. The Joint Announcement requires Indonesia and Japan to conclude and implement all relevant counter-terrorism conventions; exchange information; prevent terrorists from using networks, organizations and groups to cover their activities; strengthen immigration controls; prevent the financing of terrorists and transfers of WMD to terrorists; implement measures to enhance container and maritime security; and develop capacity building.³⁵⁶

The question to pose here is why Indonesia joined a cooperation arrangement with Japan?

³⁵⁴ Interview IE23

³⁵⁵ Interview IG36; Jailani (2005: 69)

³⁵⁶ Japan – Indonesia Joint Announcement on Fighting against International Terrorism (24 June 2003)

A neorealist would highlight the importance of relative gains concerns in informing Indonesia's participation. As a middle power Indonesia would be expected to cooperate with larger states and not with near-power states. With this in mind, would it be possible to explain Indonesia's cooperation through the calculation of relative gains? Indonesia's participation in the bilateral arrangement with Japan could be explained by the calculation of relative gains only to the extent that Indonesia agreed to cooperate with Japan, a state with larger defence capabilities than Indonesia. However, since Indonesia also chose to cooperate with Malaysia, Singapore and Thailand, all of which are near-peer states, the relative gains argument cannot explain Indonesia's cooperation across cases.

A constructivist might be expected to argue that shared identity would affect Indonesia's participation in a cooperation agreement. Could Indonesia's cooperation with Japan advance the constructivist argument regarding the role of shared identity? In contrast to the constructivist expectation shared identity did not inform Indonesia's participation in the bilateral initiative. Although Japan is a non-ASEAN state Indonesia joined the cooperation arrangement.

The bureaucratic politics approach would be expected to argue that Indonesia's decision to cooperate with Japan was the outcome of competitive bargaining among self-interested actors. Could the evidence confirm this bureaucratic politics argument? The evidence shows that bureaucratic politics did not have a significant bearing on Indonesia's participation in counter-terrorism cooperation with Japan. If bureaucratic politics mattered we would expect to see competing government actor's preferences to play out in the decision making process. The Customs, Marine Police, Maritime Security Coordinating Board and the Coordinating Ministry for Political, Legal and Security Affairs would be expected to support the arrangement because maritime agencies that fall under these ministries remit will gain incentives of cooperation both in terms of equipment and capacity building programmes. It could be argued that the MFA might have opposed entering a maritime arrangement with Japan because the ministry did not gain any incentives and Indonesia's maritime agencies could obtain the incentives of cooperation with Japan informally. The evidence, however, shows that the MFA preference contradicted this expectation. The MFA was highly in favour of the bilateral maritime arrangement with Japan. The decision of the MFA, the lead agency in the negotiation process, was not derived from the incentives of cooperation for the Ministry. The evidence shows that net benefits for the country as a whole were the main reason for the MFA to

drive the cooperation forward.³⁵⁷ Officials from the MFA, Customs, Marine Police and Maritime Security Coordinating Board and Coordinating Ministry for Political, Legal and Security Affairs pointed out that the MFA pushed the cooperation forward since maritime security projects with Japan are useful to build the capacity of Indonesian maritime agencies including the Ministry of Transportation (MoT), Customs, the Marine Police and the Maritime Security Coordinating Board and to improve the security of Indonesian sea ports.³⁵⁸ The actual policy outcomes are also consistent with the argument that the net benefits for the country as a whole have been the main reason for the MFA to drive the cooperation forward.³⁵⁹ Capacity building and equipment projects provided by Japan offered tangible benefits in the form of training, exercises and equipment to various government maritime agencies but none of them had been allocated to the lead agency, the Indonesian MFA.³⁶⁰

The findings show that the Indonesian government assessed the bilateral cooperation with Japan in absolute terms.³⁶¹ This confirms the neoliberal argument regarding the importance of absolute gains in informing state conduct towards cooperation. The bilateral cooperation with Japan is seen as “an ideal format” of cooperation as it “provided Indonesia with technical assistance, capacity building, burden sharing mechanism and information exchange.”³⁶² Cooperation with Japan provides two benefits to Indonesia. First, Indonesia receives counter-terrorism capacity building assistance from Japan in six cooperation areas: immigration control, aviation security, customs cooperation, export control, police and law enforcement and measures against terrorist financing.³⁶³ The capacity building for Indonesian maritime agencies are carried out through three main programmes. The first cooperation programmes is the Port Security Management Initiative. Under this programme Japan dispatched their Long Term Experts to assist Indonesian officials in designing Port Facility Security Plans for the state’s major maritime gateways and carry out seminars and training on seaport security. The Long Term Experts consist of experts and practitioners from the Japan Ministry of Land Infrastructure, Transportation and

³⁵⁷ Interview IG40; Interview IG06; Interview IG09; Interview IG10; Interview IG11; Interview IG36 Jailani (2005:70); Embassy of Japan in Indonesia (13 December 2011); Embassy of Japan in Indonesia (25 June 2008)

³⁵⁸ Interview IG40; Interview IG06; Interview IG09; Interview IG10; Interview IG11; Interview IG36

³⁵⁹ Interview IG40; Jailani (2005:70); Djalal (2009c:327)

³⁶⁰ Article 4 and 5 of the Japan – Indonesia Joint Announcement on Fighting against International Terrorism (24 June 2003); Embassy of Japan in Indonesia (13 December 2011); Embassy of Japan in Indonesia (25 June 2008)

³⁶¹ Jailani (2005: 71); Interview IG04; Interview IG40; Interview IG11

³⁶² Jailani (2005:70)

³⁶³ Japan – Indonesia Joint Announcement on Fighting against International Terrorism (24 June 2003)

Tourism, the Overseas Coastal Area Development Institute of Japan and the Japan International Cooperation Agency.³⁶⁴ The programme has been divided into two phases. The first phase began in December 2006 and ended in May 2009. The second phase started in May 2009 and at present it is still underway. The second capacity building programme is the Project on the Indonesian Maritime Security Coordinating Board Structural Enhancement. In order to enhance the Maritime Security Coordinating Board Japan sent their Long Term Experts from May 2008 to May 2011 to conduct seminars and training for officials at the Board. The third capacity building programme are on board training seminars and combined exercises for maritime law enforcement on the occasion of a port visit by Japanese Coast Guard ships. Through this programme the Japanese Coast Guard dispatches their patrol vessels to Indonesia to carry out on board training and seminars for Indonesian officials. Since 2002 the Japanese Coast Guard has dispatched their vessels to Indonesia seven times.³⁶⁵ In addition, since 2001, the Japanese Coast Guard has admitted Indonesian officials to its Coast Guard Academy in Kure-shi.

Second, the cooperation provides Indonesia with equipment to address maritime terrorism. Japan equips Indonesia through three main projects. First the Security Equipment at Major Airports and Port Facilities through which Japan provided 747 million Yen (US\$ 7.8 million) in grant aid to improve security facilities at Indonesia's major airport and seaports.³⁶⁶ Under this programme equipment including X-Ray inspection systems, metal detectors, explosive detectors and CCTV systems were installed at Soekarno Hatta, Denpasar and 5 other airports as well as the seaports of Tanjung Priok, Tanjung Perak and Batam.³⁶⁷ The two countries signed the diplomatic note in July 2004 and the handover to Indonesia was completed in September 2005.

The second project is the Improvement of Port Security System. This 545 million Yen (US\$ 5.7 million) project is aimed at providing security devices such as CCTV cameras and X-rays units for the major seaports of Belawan, Dumai, Tanjung Pinang, Palembang, Teluk Bayur, Pontianak, Bena and Makassar.³⁶⁸ Indonesia and Japan signed the cooperation notes in June 2008. By August 2011 Japan had handed over the project to Indonesia.

³⁶⁴ Indonesian DGST (3 September 2010)

³⁶⁵ Embassy of Japan in Indonesia (13 December 2011)

³⁶⁶ Embassy of Japan in Indonesia (13 December 2011)

³⁶⁷ Embassy of Japan in Indonesia (13 December 2011)

³⁶⁸ Embassy of Japan in Indonesia (25 June 2008); Embassy of Japan (13 December 2011)

The third project is the launch of the Maritime Telecommunication System Development Project Phase IV. The cooperation arrangement between the two states was signed in March 2004. Through this arrangement Japan provided a loan of 567 million Yen (US\$ 5.9 million) to Indonesia to improve Indonesian search and rescue systems and piracy and maritime terrorism counter-measures.³⁶⁹ This project includes the installation of the “Global Maritime Distress and Safety System, a communication system for maritime safety and security navigation, and the Automatic Identification System (AIS) in coastal maritime communications stations. This project is scheduled to be completed in 2012.

All assistance in form of training and equipment mentioned above could be categorized as core benefits for Indonesia. Cooperation projects including training, exercises and seminar on counter-terrorism, and the granting of new equipment such as patrol vessels, maritime telecommunication and port security devices are very important to support resources-strapped Indonesian law enforcement agencies. Capacity building programmes and maritime equipment are two main items sought by Indonesia from bilateral cooperation with Japan.³⁷⁰

The cooperation arrangement also creates low costs for Indonesia. It can be argued that this initiative generates no sovereignty costs because the activities covered by the agreement are already in harmony with Indonesia’s counter-terrorism policies. Therefore, Indonesia only needs to continue its counter-terrorism policies after the signing of the Joint Announcement. For Indonesia the implementation costs are also low because the cooperation arrangement is a formalisation of the ongoing cooperation activities between the two states. The signing of the Joint Announcement does not bring substantial change to existing maritime security cooperation between Indonesia and Japan. The Joint Announcement does not provide legal responsibility for both states since obligations are framed as confirmation of intention to conduct various counter-terrorism activities. Indonesia does not need to make significant policy adjustments at domestic level to meet the requirements of the Joint Announcement. As explained in Chapter Two Indonesia has carried out various counter maritime terrorism initiatives at national level including establishing new institutions, issuing counter-terrorism legislation, conducting patrols and purchasing new security devices. Bilaterally, before the counter maritime terrorism

³⁶⁹ Embassy of Japan in Indonesia (13 December 2011)
³⁷⁰ Jailani (2005:70); Interview IG40

cooperation between Indonesia and Japan was announced in 2003, the two governments have cooperated extensively in the area of maritime security. Most activities governed by this Joint Announcement, including exchange of information and capacity building, have been carried out by the two countries since 1969.³⁷¹

To summarize, Indonesia was willing to cooperate because the arrangement did not require Indonesia to do much but provided substantial benefits for the country's counter maritime terrorism efforts in the forms of the gifting of equipment and various capacity building programmes.

3.4 Indonesia and Australia Bilateral Cooperation

Indonesia and Australia first signed the MoU on Counter-Terrorism in February 2002. The October 2002 Bali bombings that claimed the life of 202 people, including 88 Australians had a significant impact upon the two states counter-terrorism cooperation.³⁷² The two countries extended the MoU for a further three years in February 2008 and later in February 2011.³⁷³ Following the establishment of the MoU on Counter-Terrorism, Indonesia and Australia further signed the Agreement on Framework for Security Cooperation (Lombok Treaty) in 2006, which was ratified in February 2008, and recently concluded the Implementation Arrangement of the Lombok Treaty (Defence Cooperation Arrangement) in 2012.

The 2002 Counter-Terrorism MoU requires the two governments to enhance counter-terrorism cooperation among their defence, security and law enforcement officials. As the MoU focuses on information sharing, the agreement requires both countries to share information and carry out bilateral consultations among relevant security and law enforcement agencies.³⁷⁴ Under this initiative the two countries law enforcement agencies are obliged to continue regular exchanges of views and training.³⁷⁵

Indonesia and Australia counter maritime terrorism cooperation also benefited from permanent security cooperation governed by the 2006 Lombok Treaty. The Treaty requires

³⁷¹ M.N. Basiron and A. Dastan (2006:270); Jailani (2005: 69)

³⁷² Jakarta Post (7 August 2003)

³⁷³ Australian Department of Foreign Affairs and Trade (22 October 2012)

³⁷⁴ Australian Department of Defence (2003:8)

³⁷⁵ Australian Department of Defence (2003:8)

Indonesia and Australia to cooperate in counter-terrorism, intelligence sharing, defence technologies, counter proliferation of the WMD and maritime security.³⁷⁶ The Treaty obliges both states to strengthen bilateral cooperation through the exchange of information on intelligence and law enforcement; promote development and capacity building through military education and exercises; develop defence technologies and capabilities through joint design, development, production, marketing and transfer of technology; conduct joint and coordinated operations; cooperate to prosecute, prevent and combat transnational crimes particularly crimes related to smuggling, illegal migration, financing of terrorism, and illegal fishing.

In 2012 Indonesia and Australia signed a Defence Cooperation Arrangement. This is confidential and therefore not available publicly.³⁷⁷ Nevertheless, Indonesian and Australian officials have discussed the content of the arrangement on various occasions. The arrangement requires Indonesia and Australia to cooperate in the areas of defence counter-terrorism, maritime security, humanitarian assistance and disaster relief, military logistics and medical services, peace keeping, intelligence, defence industry, science and technology, military education and training, and defence management.³⁷⁸ It addresses plans to enable rapid clearance for Australian aircraft to operate in Indonesian territorial airspace and to land and refuel; sharing of information on defence industrial products owned by both states; procedures to involve the Navy and Air Force and coordination between Australian Search and Rescue agency and Indonesian agencies (BASARNAS, Kohadnudnas) in maritime operations.³⁷⁹

Why did Indonesia choose to sign the three cooperation arrangements with Australia? As with the cases discussed above, Indonesia's participation in these arrangements contradicts the expectations of some IR theories and the bureaucratic politics approach.

A neorealist might be expected to argue that Indonesia's cooperation with Australia stemmed from Jakarta's concern over relative gains. As a middle power Indonesia would be expected to cooperate with larger and smaller states and less likely to cooperate with near-peer states. Could this be the case? Indonesia's participation in the three bilateral

³⁷⁶ Australian Department of Foreign Affairs and Trade (30 January 2012)

³⁷⁷ Human Rights Law Centre (22 October 2012)

³⁷⁸ Sekretaris Kabinet Indonesia (5 September 2012); Indonesian Ministry of Technology (6 September 2012)

³⁷⁹ Sekretaris Kabinet Indonesia (5 September 2012); Antara (5 September 2012); Australian Department of Defence (5 September 2012);

arrangements with Australia confirms the neorealist argument only to the extent that Australia is a larger state in comparison to Indonesia. As Indonesia also decided to join cooperation arrangements that involve near-peer states such as Malaysia and Singapore (for example the ASEAN Convention on Counter-Terrorism among others), the relative gains argument offers no explanatory power to understand Indonesia's cooperation across cases.

A constructivist would be expected to highlight the role of shared identity in shaping Indonesia's decision to cooperate. Could shared identity account for Indonesia's decision to sign a range of counter-terrorism arrangements with Australia? Indonesia's participation in bilateral cooperation with Australia was not in line with the constructivist argument regarding the role of shared identity in informing states cooperation. Indonesia decided to join the three security arrangements with Australia although Australia is not a member of ASEAN.

Foreign policy scholars might claim that Indonesia's decision to cooperate with Australia could be the result of intense bargaining among government actors. Following this expectation, could it be possible that competing government actors' preferences influence Indonesia's decision to cooperate with Australia? Indonesia's policy process and outcomes towards counter-terrorism cooperation with Australia is not consistent with the bureaucratic politics argument. Bilateral cooperation with Australia involved the MFA, the MoD, the MoT and the Police. If Allison's explanation of bureaucratic politics was to have some bearing in influencing Indonesia's conduct then competition between actors might have taken the following forms. It could be argued that the MFA would be expected to oppose the three defence cooperation with Australia because they would not offer any incentives. The MoT and the Police would be expected to be in favour of cooperation because the MoT would gain assistance in their search and rescue operations at sea and the Police would gain assistance in investigation of terrorist attacks, financial resources to develop counter-terrorism training centres and access to various training. Arguably, the MoD might have opposed the three defence arrangements because prior to the launch of these initiatives the ministry had developed cooperation links with its Australian counterpart. Therefore, the MoD could gain the benefits of cooperation in the absence of these arrangements.

More importantly, as noted by the Australian Ministry of Defence and the Indonesian Cabinet Secretariat, the Indonesian Minister of Defence, Purnomo Yusgiantoro has emphasized that the search and rescue matter - that is related to people smuggling and illegal immigration issues - is one of the focuses of Indonesia-Australia security cooperation.³⁸⁰ The Indonesian Minister of Defence confirmed that the search and rescue issues fall under the MoT remit.³⁸¹ The cooperation in this area did not bring tangible benefits to the Indonesian MoD. Rather, such cooperation was expected to provide direct benefits in term of operational support and capacity building assistance to Indonesian search and rescue services. As the Australian Minister of Transportation, Anthony Albanese explained, "...we [the Australia government] were searching for solutions that would provide greater assistance for capacity for Indonesian maritime search and rescue services [BASARNAS, Kohadnudnas] and so the range of programmes that have been agreed today, I...will see that...occur."³⁸² Although the bureaucratic politics literature would expect the the MFA and the MoD to act based on their self-interest and rejected these defence initiatives, the actual preference of the the MFA and the MoD shows that the ministry was in favour of bilateral cooperation with Australia. The MoD together with the MFA, the MoT and Police were highly in favour of bilateral arrangements with Australia.

The final plausible explanation to consider is the absolute gains calculation. Indonesia's cooperation in bilateral arrangements with Australia confirms the neoliberal argument regarding the importance of the absolute gains calculation. Looking closely at Indonesia's participation in the negotiation of the defence arrangements, it can be argued that Indonesia joined these bilateral arrangements because the overall benefits outweigh the costs of cooperation. Counter-terrorism cooperation with Australia could bring the following five benefits. First, cooperation with Australia provides assistance to Indonesian police to investigate terrorist attacks. It is argued that this could be classed as a core benefit. This is because it allows the Indonesian Police to ask for technical assistance from its Australian counterpart during investigations of major terrorist attacks. As part of the bilateral cooperation Australia has deployed their Australian Federal Police (AFP) team which consists of 30 personnel to work with the Indonesian police in investigating a range of terrorism incidents including 12 October 2002 Bali Bombing, 5 August 2003 J.W. Marriott

³⁸⁰ Australian Department of Defence (4 September 2012); Sekretaris Kabinet Indonesia (5 September 2012); Jakarta Post (4 September 2012)

³⁸¹ Australian Department of Defence (4 September 2012)

³⁸² Australian Department of Defence (4 September 2012); Sekretaris Kabinet Indonesia (5 September 2012)

hotel bombing in Jakarta, 9 September 2004 bombing outside the Australian Embassy in Jakarta, 1 October 2005 Bali bombing and 17 July 2009 J.W. Marriott and Ritz Carlton hotels bombing.³⁸³

Second, through bilateral cooperation Indonesia received Australian assistance in establishing the Jakarta Centre for Law Enforcement Cooperation (JCLEC) and the Republic of Indonesia Bomb Data Centre (BDC) in 2004 to provide training and collect, analyse and exchange intelligence information.³⁸⁴ This form of assistance is highly valued by the Indonesian government because Indonesia did not have similar training and information centres prior to the establishment of the JCLEC and BDC. In 2004 Australia provided AU\$ 36.8 million (US\$ 37.7 million) to support the JCLEC for five years, supply and refurbish the JCELC building, and in 2009 the Australian government continued to provide AU\$ 26.7 million (US\$ 27.3 million) for the next five year period.³⁸⁵

Third, Indonesia benefits from Australia's capacity building programme in the area of military training, port security, customs and immigration, criminal intelligence and forensic science.³⁸⁶ Cooperation in the area of capacity building provided Indonesia with a core benefit because the country has limited resources to improve its Navy, Customs, Immigration and Police skills and capability in prevention and investigation of terrorist attacks. In term of military training, Indonesia and Australia hold a maritime surveillance exercise code named Exercise Albatross Ausindo for developing cooperative maritime surveillance procedures. The Australia Special Air Service Regiment and the Indonesian Armed Forces (TNI) specialist counter-terrorism unit, Kopassus Unit 81, also conducted a series of counter-terrorism exercises code-named Dawn Kookaburra.³⁸⁷ The Royal Australian Air Force and the Indonesian Air Force carried out a similar exercise code named Exercise Rajawali Ausindo at the Royal Australian Air Force Base in Richmond.³⁸⁸ In terms of port security, customs and immigration capacity building, a government official from the Indonesian Directorate General of Sea Transportation (DGST) explained that between 2001 and September 2010 the Australian government have stepped up and

³⁸³ Indonesian Coordinating Ministry of Political, Legal and Security Affairs (2007: 166); Australian National Audit Office (2012: 58)

³⁸⁴ Australian National Audit Office (2012:62-65); AFP (2012:5) ; Australia Department of Defence (2003: 9)

³⁸⁵ Australian National Audit Office (2012: 64-65)

³⁸⁶ Interview IG11; Interview IG12; Interview IG24; Australian National Audit Office (2012: 63)

³⁸⁷ Australian Department of Defence (11 December 2005); AAP News (2 February 2007)

³⁸⁸ Australian Embassy in Indonesia (17 July 2007)

conducted nine training activities designed to improve the skills of port administrators and officials from the DGST in verifying ships and port compliance with the ISPS Code.³⁸⁹ The Australian Customs also held similar training for the Indonesian Customs.³⁹⁰ This training focused on improving customs monitoring procedures and the prevention of the smuggling of WMD. The 2009 White Paper of the Indonesian Maritime Security Coordinating Board confirms that Australia assists maritime institutions through training and exchanges of personnel.³⁹¹ In addition, in term of criminal intelligence and forensic science the establishment of the BDC and the JCLEC also contributed to the training of Indonesian police and personnel from relevant government agencies in these two areas.

Fourth, the bilateral cooperation provides new equipment and access to Australia's defence technology through grants, purchase of equipment and joint production of weapons. Australian transfer of equipment to Indonesian security agencies includes the gifting of patrol vessels to the Indonesian Maritime Security Coordinating Board and four C-130 aircraft to the Indonesian Air Force.³⁹² Recently, Indonesia has been planning to acquire six more airplanes from Australia.³⁹³ Indonesia viewed the gifting and purchase of new aircraft from Australia as a valuable benefit of cooperation. Although Indonesia had allocated resources to deal with maritime terrorism Indonesia's maritime agencies are currently inadequately equipped to cover round-the-clock patrols in its archipelagic waters because of their size. Most of Indonesia's resources have been allocated to secure the Straits of Malacca and Singapore.

Finally, cooperation with Australia provides burden sharing assistance to deal with illegal migration. Indonesian government documents and officials claimed that the administration sought to address not only terrorism but also other issues that are crucial for the state's security, particularly illegal migration, through bilateral cooperation with Australia.³⁹⁴ To quote a MoD official involved in the decision making process of both the 2006 Lombok Treaty and the 2012 defence arrangement:

For us [the Indonesian government] the most important issue to put forward in the bilateral arrangements is illegal

³⁸⁹ Interview IG11; Interview IG12

³⁹⁰ Interview IG24

³⁹¹ Bakorkamla (2010:179); Interview IG24; Australian Embassy in Indonesia (17 July 2007)

³⁹² Bakorkamla (2010:179); Australian Department of Defence (5 September 2012); Jakarta Globe (6 September 2012)

³⁹³ Jakarta Globe (6 September 2012); Australian Department of Defence (5 September 2012)

³⁹⁴ Interview IG04; Bakorkamla (2010:179-180); Indonesian Ministry of Political, Legal and Security Affairs (2006b: 35); Interview IG02; Interview IG41

migration. ...their [immigrants] main country of destination is Australia... through the Lombok Treaty we managed to gain Australia's promise to share the costs for financing refugee camps.³⁹⁵

At the 2012 Defence Arrangement negotiation the Indonesian Minister of Defence, Purnomo Yusgiantoro continued to emphasize that search and rescue matters, which are related to the issues of people smuggling and illegal immigration, was one of the focuses of Indonesia-Australia security cooperation.³⁹⁶ Australia's assistance to deal with illegal migration can be categorised as a core benefit as Indonesian defence authorities deemed that the issue of illegal migration is interlinked with terrorism.³⁹⁷ To quote an Indonesian MoD official:

...their main country of destination is Australia, we are a transit country for immigrants coming from Afghanistan, Pakistan, Bangladesh and [other parts of] South Asia...their identities are unclear. We are worried that some of them are terrorists.³⁹⁸

The high benefits that Indonesia gained from the three arrangements were also accompanied by low cooperation costs. The three cooperation agreements with Australia do not introduce significant changes to Indonesia's domestic counter-terrorism efforts and bilateral relation between Jakarta and Canberra. The 2002 Counter-terrorism MoU, the 2006 Lombok Treaty and the 2012 Defence Arrangement only create weak legal obligations. They require Indonesia and Australia to cooperate only after considering the primacy of participating states' sovereignty and authority in all aspects of counter-terrorism cooperation.³⁹⁹ In addition, as discussed in Chapter Two, Indonesia has already allocated expenses and carried out unilateral measures addressing terrorism. Prior to the establishment of these agreements the two countries have also carried out cooperative security and defence activities since 1959. As part of the bilateral relations Indonesia and Australia have conducted maritime patrols, exchanges of information; inter agency relations and regular training and exercises.⁴⁰⁰ Various issues covered under the three

³⁹⁵ Interview IG04; Australian National Audit Office (2012:62-65); Australian Federal Police (AFP) (2012:5) ; Australia Department of Defence (2003: 9)

³⁹⁶ Australian Department of Defence (4 September 2012); Sekretaris Kabinet Indonesia (5 September 2012); Jakarta Post (4 September 2012)

³⁹⁷ Oegroseno (2006:37); Jailani (2005: 70-71); Interview IG04; Interview IG05

³⁹⁸ Interview IG04

³⁹⁹ Indonesian Ministry of Technology (6 September 2012); Human Rights Law Centre (22 October 2012); Australian Department of Defence (2003:8); Article 2(1) of the Lombok Treaty; W.Saroinsong (2008: 566)

⁴⁰⁰ Indonesian MoD (2003:66)

agreements have been discussed and dealt with regularly through the existing defence dialogues between the two countries. The Indonesian Ministry of Defence and its Australian counterpart regularly communicate through the Indonesia Australia Defence Strategic Dialogue.⁴⁰¹ The MoU on Counter-Terrorism, the Lombok Treaty and the 2012 Defence Arrangement do not change any organization and coordination practices between the two countries.⁴⁰²

Although the 2012 Defence Arrangement touches on the issue of providing rapid clearance for Australian aircraft to operate and land in Indonesian territory this practice is not new. Despite the absence of specific protocols for coordination and rapid clearance procedures joint maritime operations had been conducted for five years prior to the signing of the defence arrangement through *Paket Bantuan Keselamatan Transportasi* (Transportation Safety Assistance Programme).⁴⁰³ The joint maritime operations include allowing Australian aircraft to operate in Indonesian airspace and have been carried out by the two countries maritime agencies in areas that bordered the eastern part of Indonesia and Australia prior to the signing of the Defence Arrangement in 2012.⁴⁰⁴ Indonesia is also able to approve and finalize the rapid response of Australian planes into Indonesian airspace for joint operations and refuelling without making substantial policy changes because the country already has a system in place. The Indonesian Minister of Defence, Purnomo Yusgiantoro confirmed this. According to Yusgiantoro, Indonesia already has the required system in place because the government “has that... precedent with the U.S. Therefore,” Jakarta “can look at that and apply that to Australia. So that’s the easy one.”⁴⁰⁵

The lack of changes suggests that the sovereignty costs of these agreements are low; because the requirements of these agreements are in line with the government’s existing counter-terrorism practices at domestic level. After the signing of the three agreements the government conducts similar policies to those carried out before. These agreements only serve as a set of burden sharing cooperation initiatives between the two neighbouring states in order to secure the common maritime border that lies between the eastern part of Indonesia and Australia.⁴⁰⁶ The absence of substantial policy changes also implies that the

⁴⁰¹ Indonesian MoD (2003: 66-67); Indonesian MoD (2008: 147)

⁴⁰² See Article 3 (11) of the Lombok Treaty

⁴⁰³ Indonesian Ministry of Transportation (4 September 2012)

⁴⁰⁴ Bakorkamla (2010:179-180); Interview IG02; Australian Department of Defence (5 September 2012)

⁴⁰⁵ Australian Department of Defence (5 September 2012)

⁴⁰⁶ Australian Department of Defence (5 September 2012)

economic costs to implement the three agreements are low. Indonesia does not need to introduce policy change at national level and allocate extra expenses to meet cooperation requirements. Compliance is automatic because the government does not need to adjust its policies.

In summary, Indonesia agreed to cooperate with Australia because the three agreements do not pose many obligations to Indonesia but provide Indonesia with aircraft, financial resources to counter-terrorism and assistance to deal with illegal migration.

3.5 Indonesia's Participation in the Brunei Darussalam- Indonesia- Malaysia- The Philippines East ASEAN Growth Area (BIMP-EAGA) Sub Regional Cooperation

Indonesia, Brunei Darussalam, Malaysia and the Philippines launched the initiative in 1994 to address the development gap in the less developed parts of Southeast Asia.⁴⁰⁷ Although the BIMP-EAGA was established as an economic cooperation initiative, after 9/11 attempts to strengthen both transport security and maritime borders became one of the focuses of the BIMP-EAGA.⁴⁰⁸ In the case of the EAGA MoUs on Sea Linkages and Transport of Goods Indonesia not only participates but also plays an important role as a lead country.⁴⁰⁹ The Indonesian MoT chaired both the Sea Linkages Working Group and hosted the 2009 BIMP-EAGA 4th Transport Ministers Meeting where the two initiatives were drafted and negotiated.⁴¹⁰ Indonesian officials from the BIMP-EAGA National Secretariat and the MoT and government documents confirmed that Indonesia was actively involved in exploring potential cooperation activities, formulating agreement drafts, proposing new sea routes and project plans, choosing its designated gateway ports and conveying its disagreement towards other states' requests under the EAGA framework.⁴¹¹

In 2007 the member states of the EAGA signed the MoU on Establishing and Promoting Efficient and Integrated Sea Linkages. The 2007 Sea Linkages MoU requires parties to: designate their gateway ports for facilitation of maritime trade and movement of people,

⁴⁰⁷ C.M. Dent and P. Richter (2011: 31); Asian Development Bank (1 February 2012)

⁴⁰⁸ BIMP EAGA (2012: 25,41); Business World (10 March 2006)

⁴⁰⁹ I.Yussof and M.Y. Kasim (2003:43); Interview IG13; Indonesian DGST (2010c:1)

⁴¹⁰ Interview IG13; Indonesian DGST (2010c:1); BIMP EAGA North Sulawesi (25 June 2009); BIMP EAGA (19 October 2011)

⁴¹¹ Interview IG13; Indonesian Ministry of Trade (2010:19, 58-59); Dinas Perhubungan Kalimantan Timur (28 June 2011); E-mail correspondence with an official from the Indonesian BIMP-EAGA Secretariat, North Sulawesi, Indonesia, 6 July 2013.

update each other on port facilities development, latest Customs, Immigration, Quarantine and Security (CIQS) facilities, procedures and requirements, conduct joint studies in port performance and capacity, establish a database on the EAGA maritime trade, produce projection report for maritime flows, and coordinate the establishment and modernization of the CIQS facilities in gateway ports. The lists of the designated gateway ports can be seen in Appendix IV.

Following the implementation of the MoU on Sea Linkages the four states launched the MoU on Transit and Interstate Transport of Goods in 2009. The MoU requires member states to ensure that vehicles engaged in cross-border traffic are registered in their home country, bear identification marks, carry a valid certificate and comply with safety and equipment requirements of transit and host countries. The MoU obliges parties to recognize the vehicle registration certificate, technical inspection certificate, establish control points, ensure the availability of manpower for speedy clearance of customs, immigration, health and foreign exchange controls, coordinate working hours at adjacent posts, and to designate points and ports of entry and exit and inter-state routes.

The question which arises is: what are the reasons underpinning Indonesia's participation in the two EAGA MoUs?

A neorealist would expect Indonesia to pay attention to the calculation of relative gains when deciding to join the two EAGA MoUs. Could relative gains concerns explain Indonesia's cooperation in the two initiatives? If policy was guided by considerations of relative gains Indonesia would be expected to opt out from the BIMP-EAGA initiatives because they involved Malaysia, Indonesia's near-peer competitor. Indonesia would be concerned that the MoU on Sea Linkages and the Transit and Inter-State Transport of Goods could significantly favour its partners particularly if they have better policy planning. As Elisabeth explains Indonesia's economic policy related to the EAGA "is more like an instant policy, intended primarily to deal with problems of economic inequality between the western and eastern regions of Indonesia."⁴¹² State strategies and preparation in the cooperation are particularly important as EAGA areas have similarities in economic features. These areas offer potential bases for the oil and gas industries, plantations,

⁴¹² A. Elisabeth (2008:44)

agriculture, fisheries and forestry.⁴¹³ Consequently, EAGA members tend to compete for the same market.⁴¹⁴ This circumstance could potentially increase Indonesia's sensitivity over relative gains concerns. Yet, Indonesia joined the EAGA initiatives.

A constructivist might argue that shared identity would be attributable to Indonesia's cooperation in MoUs on Sea Linkages and Transport of Goods. Does Indonesia's cooperation in the two cases conform to this argument? There is a correlation between Indonesia's participation in the two EAGA MoUs and the constructivist argument regarding shared identity to the degree that the parties to the MoUs on Sea Linkages and Inter-state Transport of Goods are all ASEAN member states. However, given Indonesia also agreed to cooperate with non-ASEAN states (for instance in defence arrangements with the U.S. and Australia), the constructivist argument regarding the role of shared identity cannot provide a satisfactory explanation of Indonesia's cooperation.

Advocates of the bureaucratic politics approach would argue that competing government actors' preferences would play a crucial part in affecting Indonesia's cooperation in the two EAGA MoUs. With this in mind, is it possible to link Indonesia's cooperation in the two MoUs to bargaining processes among self-interested actors? Indonesia's cooperation to join sub regional cooperation under the BIMP-EAGA shows that the MoT and the MFA, as the lead agencies, decided to join the MoU on Establishing and Promoting Efficient and Integrated Sea Linkages and the MoU on Transit and Inter-State Transport of Goods because of the net incentives of the cooperation for Indonesia in general.⁴¹⁵ If we expected the MFA and the MoT to act in line with the expectations of bureaucratic politics we would anticipate competition between government actors to take the following form. The MFA would be expected to oppose the two MoUs because the maritime areas covered include waters bordering Indonesia, Malaysia and the Philippines. As Indonesia has not finalised maritime border arrangements with these two countries it could be argued that this would complicate the work of the MFA, particularly, if a dispute related to concern over maritime jurisdiction arises. The MoT on the other hand, would be expected to support the two EAGA MoUs because these arrangements are in line with its agenda to improve maritime connectivity both between Indonesia's least developed areas in the central and eastern part of the country and also between other countries in the sub

⁴¹³ A. Elisabeth (2008: 36-37); Dent and Richter (2011:44-45)

⁴¹⁴ A. Elisabeth (2008: 166)

⁴¹⁵ Indonesian DGST (2010c:1); Interview IG13

region.⁴¹⁶ In contrast to this scenario both the MFA and the MoT were in favour of both arrangements.

The evidence shows that the MFA and the MoT preferences to support both EAGA MoUs were not derived from their self-benefit calculation. The MFA and the MoT actions to promote the MoUs on Sea Linkages and Transport of Goods were carried out as part of the national agenda to build a national logistic system.⁴¹⁷ Such cooperation is expected to improve economic growth, address development gaps within these areas and at the same time improve the monitoring of goods transported into and out of these sub regions.⁴¹⁸ The Indonesian Coordinating Economic Minister confirmed this, as he claimed “projects under the BIMP-EAGA initiative will improve food security and connectivity in the sub-region especially in the border areas...we want to improve the quality of life along the border areas in various sectors.”⁴¹⁹ Indonesia’s EAGA areas include the North Maluku (Halmahera, Ternate, and Bacan), Poso and Ambon that have suffered from large scale sectarian violence in the late 1990s and early 2000s and Papua which has endured a separatist conflict since the 1960s.⁴²⁰ In support of the Coordinating Economic Ministry agenda to develop the eastern part of Indonesia cooperation under the EAGA also provided a framework for Indonesia law enforcement agencies to enhance cooperation with their Brunei, Malaysia and the Philippines counterparts. As an Indonesian official from the Maritime Security Coordinating Board explained the government, in close coordination with their BIMP-EAGA counterparts, is attempting to bring a greater law enforcement presence in this maritime area to maintain order and security.⁴²¹ In addition, an official from the MoT also explained that maritime security training and exercises under the two MoUs were very useful for a number of national agencies including Customs, Immigration and Quarantine, and the Marine Police.⁴²²

⁴¹⁶ Indonesian Ministry of Trade (2010:35-36); Indonesian DGST(2010c:1); Bakti (2010:298); Indonesian Coordinating Ministry of Political, Legal and Security Affairs (2007: 71, 73); Indonesian MFA (2004: 15); Indonesian MFA (2006: 6)

⁴¹⁷ Interview IG13

⁴¹⁸ Indonesian DGST (2010c:1); Interview IG13; Bakti (2010:298); Indonesian Ministry of Trade (2010:35-36); Indonesian President Regulation No.184/1998 on Coordinating Team and Sub Team in Sub Regional Economic Cooperation.

⁴¹⁹ Brunei Times (26 April 2013)

⁴²⁰ Bakti (2010: 301); Indonesian Coordinating Ministry of Political, Legal and Security Affairs (2008:65-73); Indonesian Ministry of State Secretariat (2001: IV-3)

⁴²¹ Interview IG02; Indonesian Coordinating Ministry of Political, Legal and Security Affairs (2007: 71-73); Indonesian Coordinating Ministry of Political, Legal and Security Affairs (2008: 77)

⁴²² Interview IG13

The last source of explanation to consider is the absolute gains calculation as argued by neoliberals. Indonesia joined the EAGA because in absolute terms the aggregate benefits of cooperation exceeded the costs. These cooperation initiatives bring four benefits for Indonesia. First, the two BIMP maritime initiatives provide training and exercise opportunities to Indonesian maritime agencies. These training and exercises are deemed highly valuable by the Indonesian government. These activities are necessary to ensure the success of actual coordinated border patrols, as well as, customs and immigration cooperation between the maritime agencies of participating states.⁴²³ By January 2010, under the CIQS forum, member countries had held 11 maritime exercises to enhance coordination, partnership and improve their capacity to deter terrorism and secure their ports.⁴²⁴ Under the BIMP framework Indonesia, Malaysia, the Philippines and Brunei also regularly hold joint cross-border patrol exercises to strengthen their response against terrorism and smuggling.⁴²⁵ Second, through this cooperation the Indonesian Navy and other maritime agencies received support during patrols along the coast of Sulawesi. This included vessels and aircraft accompanying ships on patrol and coastal coordination provided by customs, immigration and security agencies of Brunei, Malaysia, and the Philippines.⁴²⁶ Support from Brunei, Malaysia and the Philippines are highly significant for the Indonesian government because these countries share a maritime border with Indonesia. The border areas between Indonesia and these countries are often used as corridors for terrorist suspects, militant groups, and smugglers to escape from or enter Indonesia.⁴²⁷ Third, cooperation arrangements under both MoUs fitted with pre-existing goals that the government had been unable to successfully achieve. The cooperation enables Indonesia to achieve these policy goals without having to make significant investments. These included halting smuggling and illegal seaborne migration. Assistance to deal with smuggling and illegal migration could be seen as an important contribution to Indonesia's counter-terrorism efforts. As previously explained Indonesia has noted on various occasions the potential link between smuggling, illegal seaborne migration and terrorism. Smuggling and illegal migration have also been categorized as immediate security concerns for the government.⁴²⁸ Coordination and designation of points and ports of entry and exit and transit routes among the four member states assists Indonesia in

⁴²³ Interview IG02; Interview PG01

⁴²⁴ Philippine Daily Inquirer (9 January 2010)

⁴²⁵ Business World (3 August 2007)

⁴²⁶ Interview IG02; Business World (3 February 2004); Indonesian Coordinating Ministry of Political, Legal and Security Affairs (2008: 25,77-78)

⁴²⁷ See Bakti (2010:299-300)

⁴²⁸ Interview IG04; Interview IG05

monitoring the illegal movement of people and goods. The two MoUs help to identify, detect and prevent “movement and possible apprehension of undesirable travellers” and goods.⁴²⁹ Finally, the EAGA initiatives assist Indonesia to develop the central and eastern part of Indonesia.⁴³⁰ Assistance to improve supply chain in the central and eastern part of Indonesia is arguably can be clustered as ancillary benefit. This benefit does not contribute to national counter-terrorism efforts. However, for the Indonesian government the improvement of maritime connectivity in these areas is a national development priority.⁴³¹

The EAGA initiatives are not costly. The two agreements do not generate substantial changes to Indonesia’s existing counter-terrorism cooperation. Before the launch of the two MoUs in 2007 and 2009 Indonesia has regularly held meetings and carried out joint cross-border patrol exercises with the other participating states, through bilateral and trilateral cooperation with Brunei, Malaysia and the Philippines.⁴³² The MoUs are built on existing bilateral and trilateral cooperation links between member states customs, immigration and law enforcement agencies.⁴³³ Indonesian officials confirmed that the government has long standing cooperation with the neighbouring EAGA states to curb various illicit activities including the smuggling of goods, arms and people.⁴³⁴ As explained in Chapter Two, at the domestic level Indonesian maritime agencies have conducted regular maritime patrols and maintain their presence in Indonesian territories that are parts of the EAGA growth area. Therefore, Indonesia does not need to make significant investment to join the EAGA’s Customs, Immigration, Quarantine, Security cooperation and participate in the institution’s maritime security initiatives.

Surveying the requirements of both MoUs leads to a conclusion that these agreements pose no sovereignty costs to Indonesia as these agreements do not require Indonesia to accept external authority over significant decision making areas or change its governance structure at national level. The two agreements are already in line with the government’s

⁴²⁹ UNESCAP (11 November 2013), Interview IG13, Mindanao Development Authority (18 October 2013); see also Business World (3 February 2004) and Indonesian MFA (2004: 8) for discussion on the benefits of the BIMP EAGA to deal with transnational crimes.

⁴³⁰ Indonesian Ministry of Trade (2010: 35-36); Indonesian DGST (2010c:1); I.N. Bakti (2010:298); Indonesian Coordinating Ministry of Political, Legal and Security Affairs (2007: 71, 73); Indonesian MFA(2004: 15); Indonesian MFA (2006: 6)

⁴³¹ Indonesian DGST (2010c:1); Interview IG13; Bakti (2010:298); Indonesian Ministry of Trade (2010: 35-36); Indonesian President Regulation No.184/1998 on Coordinating Team and Sub Team in Sub Regional Economic Cooperation; Email correspondence with the head of Indonesia national secretariat for BIMP-EAGA, the Indonesian Ministry of Trade, 17 July 2013.

⁴³² Suryadinata (1998:103,108,111-112); Indonesian MoD (2003:81-82); DKPT (2008:7)

⁴³³ Philippine Daily Inquirer (21 March 2005); Interview IG02

⁴³⁴ Interview IG03; Interview IG04; Interview IG05; Interview IG09

policies in dealing with maritime terrorism and developing the central and eastern part of Indonesia.⁴³⁵ As the two MoUs do not bring significant changes to Indonesia's counter-terrorism operations the implementation costs associated with these agreements are low. Before and after the signing of both MoUs Indonesia carried out similar maritime security policies. These two MoUs serve both as legal frameworks that govern cooperative activities between Indonesia, Malaysia, Brunei and the Philippines and burden sharing initiatives to secure waters along their common borders. At national level, as discussed in Chapter Two, Indonesia's unilateral measures to deal with maritime terrorism are already in place with resources allocated and patrols carried out to secure maritime areas in the central and eastern parts of the archipelago.

In summary, Indonesia agreed to join the two EAGA initiatives because of burden sharing assistance provided by its cooperation partners to assist Jakarta in preventing maritime terrorism attacks, dealing with smuggling and illegal migration and improving maritime trade and growth in the eastern part of the country.

3.6 The Agreement on Information Exchange and Establishment of Communication (Indonesia, Malaysia and the Philippines)

The Philippines, Indonesia and Malaysia formalised a tripartite cooperation agreement to strengthen maritime security cooperation in the tri-border sea areas of the Sulu and Sulawesi Sea by signing the Information Exchange and Establishment of Communication Procedures agreement on May 7th, 2002, to which Thailand and Cambodia later acceded.⁴³⁶

The Agreement on Information Exchange and Establishment of Communication Procedures obliges each party to: designate an organization to act as the communication liaison centre for the implementation of the agreement, establish communication networks and procedures to be used among the communication centres, relay information in an expeditious way, inform the arrest of a national of other parties as expeditiously as possible, and establish a Joint Committee to carry out administrative and operational tasks, set up communication procedures and implement various cooperation projects under the agreement. The agreement requires parties to: share passenger lists, provide access to each

⁴³⁵ Interview IG02; Interview IG09

⁴³⁶ Indonesian Immigration Agency (5 April 2011); R. Karniol (22 June 2005) as cited in Rosenberg & Chung (2008: 60);

other's fingerprint databank, consult each other on visa waiver lists of third country nationals, share blacklists at visa-issuing offices, conduct joint efforts, training and exercises to combat terrorism, strengthen border control through designating entry and exit points and sea lanes, harmonize legislation to combat terrorism and conduct joint public diplomacy to counter terrorists' propaganda. The agreement also articulates that the MFA of each country serves as a point of contact in the implementation of the agreement.

What could explain Indonesia's cooperation in this agreement? IR and foreign policy theories offer a number of plausible explanations including relative gains, shared identity, bureaucratic politics and absolute gains.

A neorealist would explain that relative gains concerns would have some bearing in shaping Indonesia's cooperation. Could this possibly be the case? Indonesia's participation in the trilateral agreement did not reflect sensitivity over relative gains. In this agreement Indonesia was willing to cooperate with Malaysia, a near-peer state. Indonesia did not oppose the trilateral cooperation although Indonesia has unsettled maritime borders with Malaysia that have generated military standoffs on a number of occasions. Rather, Jakarta was willing to increase cooperation by stepping up joint counter-terrorism efforts and sharing sensitive security information with other participating states.

A constructivist might be expected to argue that shared identity would affect the way Indonesia approach a cooperation agreement. Is Indonesia's participation in the trilateral exchange consistent with the constructivist argument about the importance of shared identity? Indonesia's participation in the agreement is in line with the constructivist argument insofar that parties to this agreement are ASEAN member states. However, Indonesia chose to cooperate not only with ASEAN states but also with those that do not share ASEAN membership, as shown in bilateral arrangements with the U.S., Japan and Australia discussed earlier in this chapter. This shows the limitation of shared identity in explaining Indonesia's decision to join or not to join a cooperation agreement.

Bureaucratic politics analysis would identify bargaining among self-interested actors as an important reason which explains Indonesia's cooperation. Could it be the case that competing preferences among self-interested actors influenced Indonesia's cooperation in this case? Indonesia's participation in the agreement shows that the MFA decided to join the agreement because of the net incentives of the cooperation for Indonesia as a whole,

not because of its benefits for the Ministry. If bureaucratic politics was to have some bearing in explaining Indonesia's cooperation we would expect to see competing preferences between the MFA and the MoD, the Police, and the Coordinating Ministry for Political, Legal and Security Affairs. It could be argued that the MFA would not be in favour of the information sharing agreement because the agreement does not offer any incentives to the ministry. In addition, cooperation activities, including capturing of terrorist suspects, might take place in areas with unresolved maritime boundaries. It could be argued that should a conflict over jurisdiction occur in unsettled border areas the MFA would be put in the difficult position of negotiating with other participating states. The other agencies involved in the inter-ministerial negotiations would be expected to be in favour of the cooperation agreement because their ministry would gain the benefits of cooperation without investing additional resources. This is because the cooperation agreement is built upon existing relations between Indonesian law enforcement agencies and their Malaysian and Philippines counterparts. However, in contrast to the bureaucratic politics expectation, the actual preferences of the MFA and other relevant agencies show that competing preferences between them did not exist. The MFA together with the MoD, the Police, and the Coordinating Ministry for Political, Legal and Security Affairs promoted Indonesia's participation in the information sharing agreement.

Officials' statement and cooperation outcomes confirmed that the MFA decision was derived from the calculation of costs and benefits. MFA officials explained that sharing of information as well as counter-terrorism training and exercises with the neighbouring countries did not provide direct benefits for the MFA.⁴³⁷ However, as confirmed by officials from the Indonesian Maritime Security Coordinating Board, the MoD and the MFA these activities were crucial to support the success of Indonesia's law enforcement agencies works to address maritime terrorism and their capacity building.⁴³⁸ These agencies include the Navy, Customs, Immigration and Quarantine, the Maritime Security Coordinating Board, the Sea and Coast Guard and the Police. The cooperation outcomes also showed that projects governed by the agreement including information exchange, maritime exercises and training, sharing of airline passenger lists and access to databases

⁴³⁷ Interview IG40; Interview IG43

⁴³⁸ Interview IG02; Interview IG04; Interview IG05

on fingerprints were not dedicated to the Indonesian MFA.⁴³⁹ Rather, these projects were designed for participating states' law enforcement agencies.

Indonesia's cooperation in this trilateral agreement is in line with the neoliberal argument regarding the importance of the absolute gains calculation. The evidence shows that in terms of the costs and benefits consideration it was absolute gains that mattered for Indonesia. The agreement yields two benefits for Indonesia. First, the agreement delivers support to Indonesian law enforcement agencies including the Navy, Police, Customs and Immigration agencies in carrying out counter-terrorism efforts from their Malaysian and the Philippines counterparts.⁴⁴⁰ These supports include information exchange, sharing of airline passenger lists and access to databases on fingerprints, visa waiver lists of third country nationals and forged or fake documents. Support from the Philippines and Malaysian authorities for the Indonesian law enforcement agencies is highly regarded by the Indonesian government because it is the most useful cooperation to prevent, detect and capture JI members and other Islamic militant groups travelling to the militants training camps in the Philippines through Kalimantan Timur to Sabah (Malaysia) then proceed to Tawi-Tawi and Sulu/Mindanao (the Philippines).⁴⁴¹ Second, the agreement assists Indonesia in achieving policy goals that it has not managed, particularly smuggling of goods, arms and people.⁴⁴² Assistance to deal with other security concerns such as smuggling is arguably can be clustered as a core benefit. Illegal migration and smuggling of arms are seen by the Indonesian government as linked to terrorism.⁴⁴³ By participating in the agreement Indonesia can strengthen its border control to prevent these illicit activities without having to make substantial investments. Parties to this agreement can improve their border control through the establishment of designated entry and exit points and sea lanes and coordination among their law enforcement units. Finally, this cooperation initiative provides capacity building opportunities for Indonesian maritime agencies. These include the establishment of joint training and exercises on combating terrorism and other transnational crimes. This benefit is seen as core by the Indonesian government. The government views cooperation among littoral states as the most ideal

⁴³⁹ Annex I on Projects to Implement the Agreement on Information Exchange and Establishment of Communication Procedures.

⁴⁴⁰ Staf Umum Operasi Markas Besar Angkatan Laut (2004: 38)

⁴⁴¹ Bakti (2010:299-300)

⁴⁴² Indonesian MFA (2004:8)

⁴⁴³ Indonesian MFA (2004:8); Interview IG04; Interview IG05

form of cooperation. Joint training and exercises are expected to increase the security presence in the region and improve the degree of cooperation during maritime patrols.⁴⁴⁴

In terms of the costs of cooperation the agreement generates low costs because of low sovereignty and implementation costs. The agreement does not introduce significant changes to the existing counter-terrorism cooperation between Indonesia, Malaysia and the Philippines. It reserves the right of each party to refuse to exchange “any particular information or intelligence for reasons of national security, public order or health.”⁴⁴⁵ The enforcement of rules is also made “without reference to a third party or international tribunal.”⁴⁴⁶ Since the early 1960s the concept of Maphilindo (Malaysia- the Philippines- Indonesia) cooperation has been introduced.⁴⁴⁷ Before the establishment of this agreement in 2002, the three governments have carried out various cooperation activities in the field of maritime security.⁴⁴⁸ The Agreement on Information Exchange and Establishment of Communication Procedures is built upon existing bilateral networks between the three states. The agreement aims to set up formal and direct communication channels between these states to enable a rapid response and improve coordination among them.⁴⁴⁹ It formalizes and improves logistical arrangements for exchanges of information and communication between the three countries to uncover terrorist networks.⁴⁵⁰ The agreement does not require Indonesia to make substantial changes at national level because as elaborated in Chapter Two, Indonesia has installed radars and allocated maritime agencies personnel, patrol vessels and surveillance aircraft to monitor its shared maritime borders with Malaysia and the Philippines.

Having surveyed the changes brought by the Agreement on Information Exchange and Establishment of Communication Procedures to Indonesia’s counter-terrorism measures it is argued that the agreement poses no sovereignty costs. The establishment of this agreement is already in harmony with the existing government counter-terrorism policies

⁴⁴⁴ Interview IG02

⁴⁴⁵ Article 8(1) of the Agreement on Information Exchange and Establishment of Communication Procedures

⁴⁴⁶ Article 10 of the Agreement on Information Exchange and Establishment of Communication Procedures

⁴⁴⁷ Suryadinata (1998:103)

⁴⁴⁸ Indonesian MoD (2003: 65); Indonesian MoD (2008:145); Indonesian MFA (16 February 2011); Staf Umum Operasi Markas Besar Angkatan Laut (2004: 38)

⁴⁴⁹ Interview IG02; Interview PG01

⁴⁵⁰ Interview IG02; Interview PG01; Bakti (2010:299-300)

that have been low key and focused on intelligence sharing.⁴⁵¹ Similarly, the implementation costs of this agreement are low because Indonesia is not required to make significant policy adjustments to comply with the agreement.

To summarize, Indonesia cooperated because the agreement provides practical solutions to deal with terrorism and other transnational crimes along its borders with Malaysia and the Philippines. The cooperation outcome brought no additional costs for Indonesia and provided the government with support from the Philippines and Malaysia in dealing with cross-border terrorist movements and other trans-boundaries crimes.

3.7 The ASEAN Convention on Counter-Terrorism

In November 2007, the ASEAN member states including Indonesia signed the ASEAN Convention on Counter-Terrorism. This agreement serves as a framework for regional cooperation to counter, prevent and suppress terrorism. The Convention requires participating states to: take measures to establish jurisdiction over criminal acts of terrorism in their land or a vessel flying their flag, guarantee fair treatment to any person who is taken into custody, carry out investigations, prosecute or extradite alleged offenders, notify the ASEAN Secretary General regarding incidents and detention of offenders, establish channels of communication between agencies, share best practices on rehabilitative programmes, provide mutual legal assistance to investigate terrorist attacks, designate a coordinating agency at national level and preserve confidential information, documents and other records.

Why did Indonesia choose to join this Convention? The existing literature points to relative gains, shared identity, bureaucratic politics and absolute gains as sources of plausible explanations.

A neorealist would expect relative gains to matter in this case. As a middle power Indonesia is expected to cooperate with larger or smaller states and less so with near-peer states. Does the evidence correspond with this expectation? Indonesia's cooperation in the case of the ASEAN Counter-Terrorism Convention is not consistent with neorealist

⁴⁵¹ Jakarta Post (30 September 2002); S. Febrica (2010:588)

concerns over relative gains. Indonesia chose to sign the agreement despite the involvement of its near-peer competitors including Singapore, Malaysia and Thailand.

A constructivist, on the other hand, would put emphasis on the importance of shared identity in influencing Indonesia's decision to sign the ASEAN Convention. Could shared identity have any explanatory purchase in accounting for Indonesia's cooperation? Indonesia's participation in the Convention is in line with the constructivist argument regarding the existence of shared identity to the extent that the agreement involved ASEAN states. However, shared identity fails to offer an explanatory function since Indonesia agreed to cooperate with ASEAN states and also with non-ASEAN states, as can be seen in the case of the defence arrangements with the U.S. and Australia to mention a few.

A plausible explanation offered by the bureaucratic politics approach would emphasise the importance of competing preferences among government actors. Did competing government actors' preferences affect Indonesia's participation in the Convention? Analysis of Indonesia's bureaucratic politics shows that competing government actors' preferences did not play a significant role in shaping Indonesia's participation in the ASEAN counter-terrorism cooperation. Indonesia's decision to join the ASEAN Convention on Counter-Terrorism was shaped through inter ministerial meetings that lead by the MFA and involved stakeholders in counter-terrorism including the National Police, the MoD and the National Agency for Combating Terrorism (Badan Nasional Penanggulangan Terrorism/BNPT).⁴⁵² If bureaucratic politics played out in the decision making process we would expect to see competing preferences among government actors. The MFA would be expected to be less supportive of Indonesia's participation in the ASEAN initiative because the agreement did not offer benefits to the ministry and Indonesian law enforcement authorities can cooperate with its ASEAN counterparts in the absence of this Convention. Arguably, we could expect the National Police, the MoD and the BNPT to be in favour of the Convention. The agreement could potentially assist the work of these agencies. The reality was quite the opposite of the bureaucratic politics expectation. The MFA, the Police, the MoD and the BNPT were all highly in favour of Indonesia's participation in the ASEAN Convention on Counter-Terrorism.

⁴⁵² Interview IE23

The evidence also shows that decision for Indonesia to take part in the agreement was not based on the calculation of benefits that individual agencies could reap from the agreement. Rather, Indonesian governmental agencies assessed the cooperation based on benefits of the agreement for Indonesia as a whole.⁴⁵³ As an Indonesian official from the MoD explained:

...we were talking about Indonesian interests. The cooperation is beneficial because it becomes the basis to discuss prevention against terrorist act, protection of buildings and other national assets, execution of anti terrorism operation, and de-radicalization programme... Indonesia is still actively halting terrorism and carrying out de-radicalization programmes at a domestic level, cooperation with neighbouring ASEAN states is deemed important, particularly in the area of information exchange.⁴⁵⁴

This is also confirmed by an official from the MFA, as he put it “the MFA assessed Indonesia’s participation in the cooperation. There are benefits...not for the MFA but for the law enforcement... because the ASEAN cooperation is very active.”⁴⁵⁵ He further explained that in contrast to “a number of sleeping MoU,” where there is not much being done at the implementation level...the ASEAN counter-terrorism cooperation is a lively one.”⁴⁵⁶

In addition to the statements above, the actual cooperation activities under the ASEAN Convention confirmed that the agreement provided no benefits to the MFA as the lead agency. Agreed cooperation projects under the agreement cover border control, prevention of the use of false identities and travel documents, counter-terrorism exercises, exchange of intelligence information and development of regional databases.⁴⁵⁷ These cooperation projects fall under the remit of various maritime stakeholders including Customs, Immigration agencies, the Ministry of Transportation, the Maritime Security Coordination Board, the MoD and the Police.⁴⁵⁸ Cooperation activities governed by the agreement would be beneficial for these agencies as they gain support from their Southeast Asian

⁴⁵³ Interview IG04; Interview IG05; Interview IG09; Interview IG43

⁴⁵⁴ Interview IG04

⁴⁵⁵ Interview IG43

⁴⁵⁶ Interview IG43

⁴⁵⁷ Article IV of the ASEAN Convention on Counter-Terrorism

⁴⁵⁸ Interview IG04, Interview IG05, Interview IG43; Interview IG14: IE23

counterparts in investigating incidents, prosecuting perpetrators, preventing attacks and securing the country's maritime trade.⁴⁵⁹

Indonesia's decision to join the ASEAN Convention on Counter-Terrorism can be explained by its concerns over absolute gains. Indonesia joined the Convention because the benefits of cooperation outweighed the costs. The cooperation offered three benefits to Indonesian counter-terrorism efforts. First, through this agreement the Indonesian law enforcement agencies receive support in conducting their counter-terrorism efforts at national level. Exchanges of information and assistance to prosecute and extradite terrorist perpetrators from the ASEAN member states help Indonesia to deal with terrorism; a pre-existing policy goal in the aftermath of the 2002 Bali bombing that it has not been fully achieved. Assistance from ASEAN member states is deemed highly important by the Indonesian government. In 2007 when the ASEAN Convention on Counter-Terrorism was introduced, in spite of Indonesian law enforcement's crack down on terrorist networks and arresting a number of terrorist suspects, attacks and attempted attacks continue to occur. These include simultaneous bomb attacks at the Marriott and the Ritz Carlton Hotels in 2009; attacks of NGOs workers in Aceh in March to November 2009; attacks on police station in Bekasi and Hamparan Perak in 2010; attempts to bomb churches and police station in Central Java in 2010; and a series of letter-bombs to public figures in 2010.⁴⁶⁰ In several of these cases the perpetrators only came to light when attacks or attempted attacks had taken place.⁴⁶¹ As terrorist groups changed their mode of operation, from large groups to small cells consist of 5 to 10 people, their movements have become more difficult to trace.⁴⁶² Enhanced cooperation with neighbouring ASEAN states assists Indonesia to track terrorist movement across its borders.⁴⁶³

Second, the cooperation initiative is beneficial in assisting the Indonesian police and other enforcement agencies not only in curbing terrorist activities but also other transnational crimes that Indonesia has deemed important including smuggling and illegal seaborne migration without having to make additional investment.⁴⁶⁴ Supports from neighbouring

⁴⁵⁹ Interview IG04; Interview IG05; Interview IG14; Interview IG09; Interview IG08

⁴⁶⁰ S. Jones (6 April 2011); Jakarta Post (3 May 2011); International Crisis Group (3 May 2007); International Crisis Group (19 April 2011); R. Lunnon and M. Taufiqurrohman (29 April 2011); S. Jones (4 May 2011)

⁴⁶¹ International Crisis Group (3 May 2007); International Crisis Group (19 April 2011); Jones (4 May 2011); Jones (6 April 2011)

⁴⁶² International Crisis Group (19 April 2011); Jones (6 April 2011)

⁴⁶³ DKPT (2008:7)

⁴⁶⁴ Interview IG04; H.Djalal (2009c: 327, 331); Indonesian MFA (2004: 8)

Southeast Asian states in addressing smuggling and migration could be categorized as core benefits. These benefits were highly valued by the government. Indonesian officials on a number of occasions have pointed out that illegal migration and smuggling are among the country's most pressing security concerns and claimed that these issues are interlinked with terrorism.⁴⁶⁵ Indonesian officials raised concerns about the influx of refugees from the Middle East and South Asia to Indonesia. Their concern was that some of these refugees may have links with terrorist organizations.⁴⁶⁶ Indonesia's concerns over the linkage between these two issues were taken into account as the Convention obliges participating states to "take appropriate measures...before granting refugee status for the purpose of ensuring that the asylum seeker has not planned, facilitated or participated in the commission of terrorist attacks."⁴⁶⁷

In term of the net costs, the ASEAN Convention posed low costs because of low sovereignty and implementation costs. The agreement does not force Indonesia to act against its wishes because it does not dictate how Indonesia must address the terrorist problem within its territory.⁴⁶⁸ It obliges parties to carry out their duties under this convention in "a manner consistent with the principles of sovereign and territorial integrity."⁴⁶⁹ It reserves the right of each state to perform counter-terrorism actions in its own territory.⁴⁷⁰ The agreement does not generate substantial changes to existing Indonesian counter-terrorism cooperation. As discussed in Chapter Two, at national level Indonesia already has national counter-terrorism measures in place. It has allocated resources to purchase security equipment, carry out regular exercises and maritime patrols and build new institutions. Coordination mechanisms to allow the Indonesian government to seek assistance from Southeast Asian states to investigate, extradite and prosecute terrorist suspects were already in place before the signing of the agreement in 2007.⁴⁷¹

Before the establishment of this Convention, Indonesia had intensively cooperated in the area of counter maritime terrorism with other states in the region through bilateral and sub regional channels.⁴⁷² As early as December 2002 Indonesia and the Philippines had

⁴⁶⁵ Oegroseno (2006:37); Jailani (2005: 70-71); Interview IG04; Interview IG05; Paragraph four of the Indonesia-Japan Joint Announcement on Fighting Against International Terrorism

⁴⁶⁶ Interview IG04; Interview IG05

⁴⁶⁷ Article X of ASEAN Convention on Counter-Terrorism

⁴⁶⁸ see also Chow (2005:319)

⁴⁶⁹ Article 3 of the Convention

⁴⁷⁰ Article 4 of the Convention

⁴⁷¹ see Straits Times (6 February 2003); Straits Times (12 February 2003)

⁴⁷² Indonesian MoD (2003:62-65)

discussed possible inclusion of marine police and immigration agencies in border monitoring, primarily involving the Navy and the Coast Guards.⁴⁷³ As explained previously coordination and information sharing between Indonesia and its neighbouring states, particularly with Malaysia and the Philippines, have been intensified through the signing of the Agreement on Information Exchange and Establishment of Communication Procedures in 2002 and the BIMP-EAGA MoU on Sea Linkages in 2007.

Before the establishment of the ASEAN Counter-Terrorism Convention a number of counter-terrorism institutions in the region have facilitated cooperation among states. These institutions include the Southeast Asia Regional Centre for Counter-Terrorism which was established in Malaysia in 2003; and the JCLEC and the BDC, both set up in Indonesia in 2004. These institutions serve as a regional hub to carry out counter-terrorism training, as well as monitor and disseminate intelligence information.⁴⁷⁴ A number of successful attempts to capture terrorist ring leaders also confirmed existing cooperation among the Southeast Asian states. In February 2003 the Indonesian police arrested Mas Selamat Kastari, head of the Singapore branch of JI, after they received information from their Singaporean counterpart.⁴⁷⁵ Officials from the Singapore Ministry of Home Affairs also took part in the interrogation of the JI senior operative to identify the suspect and assist with the investigation.⁴⁷⁶ Similarly, the arrest of Umar Patek, a JI senior leader in Pakistan in 2011 was also derived from information sharing between Indonesian and Philippines authorities.⁴⁷⁷

As the Convention does not bring substantial changes it poses no sovereignty costs to Indonesia. The Convention does not require Indonesia to accept an external authority to settle disputes or regulate how Indonesia should govern its territory. Indonesia only needs to continue to carry out its existing security measures to deal with maritime terrorism. The implementation costs for Indonesia are also low. This is because the adoption of the Convention demands very minimal changes in Indonesia's counter maritime terrorism practices.

⁴⁷³ Asia Africa Intelligence Wire (19 December 2012) as cited in Bakti (2010:299)

⁴⁷⁴ Southeast Asia Regional Centre for Counter-Terrorism (12 February 2013); Chow (2005:319); Australian National Audit Office (2012:63-65); AFP (2012:5)

⁴⁷⁵ Straits Times (6 February 2003); Straits Times (12 February 2003)

⁴⁷⁶ Straits Times (6 February 2003); Straits Times (12 February 2003)

⁴⁷⁷ Interview PG01; see ABC News (13 July 2007)

In summary, Indonesia joined the ASEAN Convention on Counter-Terrorism because Indonesia was not required to make extra investment but in return received assistance to investigate, extradite and prosecute terrorist suspects and deal with illegal migrants.

3.8 Explaining Indonesia's Extensive Cooperation towards the ISPS Code

The IMO's Maritime Safety Committee (MSC) and its Maritime Security Working Group developed the ISPS Code within months after 9/11 attacks.⁴⁷⁸ The Code was implemented through the adoption of a new chapter, XI-2, in the International Convention for the Safety of Life at Sea (SOLAS) entitled "Special measures to enhance maritime security" in 2002.⁴⁷⁹ It came into force in July 2004.

The ISPS Code sets a number of mandatory obligations for government and the private sector within its jurisdiction to improve ship and port security. The Code requires each state to establish a security level and ensure the provision of security level information to ships, carry out port facility security assessments, approve and test ship security plans, develop, implement and review port facility security plans, compel all ships flying its flag to inform port facilities security officers of the security level of their ship, and to be equipped with an automatic security alert system and tracking devices.⁴⁸⁰

Why did Indonesia choose to join the ISPS Code? This section looks at relative gains concerns, shared identity, bureaucratic politics and the absolute gains calculation to search the answer to this question.

A neorealist would expect that concerns over relative gains would play the main part in the formulation of Indonesia's decision to cooperate in the ISPS Code. Bearing this in mind, did Indonesia cooperate because of the assessment of gains in relative terms? Indonesia did not assess the prospect for cooperation on the basis of concerns for relative gains. Although the cooperation involved near-peer states such as Malaysia and Singapore Indonesia agreed to cooperate. The government did not raise any concern that the extensive

⁴⁷⁸ IMO (2003:3)
⁴⁷⁹ IMO (2003:5)
⁴⁸⁰ IMO (2003:28,38, 139)

requirement of the Code would work in favour of developed countries or neighbouring countries including Malaysian and Singaporean ports and shipping businesses.⁴⁸¹

A constructivist might be expected to argue that shared identity would have some bearing in influencing Indonesia's approach towards the ISPS Code. Could shared identity account for Indonesia's cooperation? The constructivist argument regarding the role of shared identity cannot explain Indonesia's cooperation. Despite the majority of participants in this case being non-ASEAN states Indonesia was willing to join the cooperation.

The bureaucratic politics approach points to the role of competing government actors' preferences in informing Indonesia's decision to cooperate. Could competing actors' preferences explain the way Indonesia responded to the Code? Competing government actors' preferences did not define the Indonesian government approach to the Code. If we expected the bureaucratic politics to matter in the case of the ISPS Code we would expect to see bargaining among self-interested actors. If the MoT acted on the basis of its self-interest arguably the MoT might oppose the initiative because although the ministry might gain assistance to develop the Sea and Coast Guard from other countries, however, this assistance would be used to assist the Maritime Security and Coordinating Board as the country future Coast Guard despite this institution does not fall under the MoT remit. More importantly, as explained later, the initiative generated significant additional economic costs for the MoT. As maritime transportation falls under the remit of the MoT this Ministry would bear the substantial implementation costs. In contrast to the bureaucratic politics expectation the MoT together with the MFA favoured Indonesia's participation in the ISPS Code. Here, their actual preferences contradicted the bureaucratic politics expectation. The two Ministries' preference to join the ISPS Code stemmed from the calculation of costs and benefits of cooperation for the country and was not derived from their own interests.

Both the MoT and the MFA considered that Indonesia's participation in the ISPS Code was important to ensure the success of the country's international trade activities.⁴⁸² The MoT was also aware that participation in the Code brought advantages to the nation's transportation businesses including port facilities and maritime carriers since compliance

⁴⁸¹ Interview IG12; Interview IG13; Sekretariat Jenderal Departemen Kelautan dan Perikanan (2007:38); Bakorkamla (2010:25-26; 2004:6)

⁴⁸² Interview IG20; Sekretariat Jenderal Departemen Kelautan dan Perikanan (2007:38); Bakorkamla (2010:25-26;2004:6)

with the Code guaranteed that they would not be excluded from international shipping and could potentially lower their insurance premium rate.⁴⁸³ Participation in the ISPS Code did not provide direct benefits to the MoT or the MFA. Nevertheless, despite the lack of benefits the MoT, as the national designated authority for the implementation of the ISPS Code, was willing to bear the costs for promoting the initiative at national level and reviewing ports and ships ISPS Code compliance. Although there are costs incurred to meet the ISPS requirements the MoT deemed the expenditure a necessary economic investment.⁴⁸⁴ Governmental actors' assessment of the costs and benefits of cooperation are consistent with the calculation of the costs and benefits.

Indonesia's participation in the ISPS Code confirms that Indonesia's decision towards cooperation is best explained by the neoliberal argument regarding the calculation of absolute gains. Indonesia supported the initiative because, taken as a whole, the benefits of cooperation outweighed the costs.⁴⁸⁵ Although the ISPS Code required Indonesia to make extra investment the payoff was significant. The ISPS provides three benefits for Indonesia. First, compliance with the Code provides assurance for Indonesian ports and ships to continue to take part fully in global trade.⁴⁸⁶ By taking part in the ISPS Code Indonesian flagged ships which are equipped with the Code certificate will not be banned from entering other countries seaports that have complied with the Code requirements. Similarly, ships registered in other countries that have complied with the Code can enter Indonesian international seaports because these ports have met the IMO international security standards. This is the main incentive that the Indonesian government sought from its participation in the ISPS Code. This benefit is a core benefit. It is highly valued by the government because participation in the Code assists Indonesia to secure ports and vessels flying its flags and in addition, acts of non compliance would exclude Indonesian flagged ships and ports from international trade. This circumstance will jeopardize the economy since, as explained in Chapter Two, Indonesia's export and import activities rely heavily on sea transport. Ships engaging in international trade need to comply with the ISPS Code since non ISPS ships will be denied access to a port that has implemented the Code.⁴⁸⁷ An official from the Indonesian DGST confirmed this, "a ship that has met the ISPS Code requirement will not dare to enter a non ISPS port. This circumstance creates an economic

⁴⁸³ Interview SB10; Interview IG12

⁴⁸⁴ Interview IG20; Interview IG07; Interview IG02; Interview IG11

⁴⁸⁵ Interview IG20; Indonesian MFA (2004: 9); Interview IG12; Interview IG13

⁴⁸⁶ Indonesian MFA (2004: 9); IMO (5 October 2009); Interview IG12; Interview IG13

⁴⁸⁷ Interview IG12; Interview IB17; Dewan Maritim Indonesia (2007a: 8-5)

loss for the port.”⁴⁸⁸ Two representatives of a major terminal operator in Indonesia confirmed this in an interview. According to them if a terminal had not complied with the ISPS requirement then it would be difficult for that terminal to conduct export and import activities. Ships involved in international trade are reluctant to enter a port that has not implemented the ISPS Code.⁴⁸⁹

Second, compliance with the ISPS Code brings extra economic incentives for ports and vessels because the ISPS certificate is one of the requirements demand by marine insurance when assessing a business liability and determining insurance premium rate.⁴⁹⁰ This benefit is a side payment that Indonesia gained from the counter-terrorism cooperation. Despite the maintenance of low insurance premium rates being highly regarded by the Indonesian government and businesses,⁴⁹¹ it does not bring direct benefit to Indonesia’s counter-terrorism measures.

Finally, participating in the ISPS Code assists the government in establishing a Sea and Coast Guard agency. Indonesian officials and government documents pointed out that the adoption of the ISPS Code at global level would assist with the development of Indonesia’s independent Sea and Coast Guard agency.⁴⁹² This benefit can be seen as a core benefit for Indonesian counter maritime terrorism efforts. The establishment of a Sea and Coast Guard agency will improve coordination and increase its law enforcement presence at sea. After the political reform in 1998 Indonesia has planned to establish a civilian maritime agency to monitor its 17,000 islands.⁴⁹³ At present, although Indonesia is the largest archipelagic country in the world, it still has no Coast Guard. In the future the Maritime Security Coordinating Board is expected to be developed as the core of Indonesia’s Sea and Coast Guard agency.⁴⁹⁴ However, the lack of resources both in terms of human capacity and equipment continues to be the main hindrances for such a development. By joining the ISPS Code Indonesia has received capacity building support from other countries including Japan, the U.S. and Australia to build its Coast Guard. This includes experts’ visits,

⁴⁸⁸ Interview IG20

⁴⁸⁹ Interview IB17

⁴⁹⁰ Interview SB10; Interview IG12

⁴⁹¹ Interview IG14; Bakorkamla (2004:7)

⁴⁹² Interview IG13; Bakorkamla (2004:6); Dewan Maritim Indonesia (2007a: 5-2); Sekretariat Jenderal Departemen Kelautan dan Perikanan (2007:38)

⁴⁹³ Interview IG02; Interview IG13; Bakorkamla (2010: 1, 31-35, 181)

⁴⁹⁴ Interview Ig02; Interview IG13; Bakorkamla (2010:176)

training and seminars, as well as pledges from Japan to provide 137 patrol vessels and the U.S. to provide 5 patrol vessels and surveillance aircraft to equip the agency.⁴⁹⁵

The implementation of the ISPS Code brought a number of changes to Indonesian port security practices. For the government they have to appoint security officers for 141 international ports across the archipelago; separate international ports from other business activities that were not related to shipping; develop port security plans; monitor port security which included the use of lighting, vehicle, waterborne patrols and automatic intrusion-detection devices and surveillance equipment; carry out training, drills and exercises on port security and establish a national system to monitor compliance. In the run up to the ISPS Code deadline the government also allocated its resources to hold coordination meetings among ministries, maritime agencies, local government and businesses to discuss Indonesia's preparation to adopt the ISPS Code.⁴⁹⁶ The government also carried out a nationwide survey to test the knowledge and understanding of local governments on the Code requirements and its implementation in their province.⁴⁹⁷

Despite these changes, the ISPS Code did not require Indonesia to change the structure of its governance. Indonesia did not receive external authority upon important decision making on port security. The Code retains Indonesia's rights to manage its own jurisdiction.⁴⁹⁸ The implementation of the ISPS relies on individual governments to adopt the requirements into their own national legislation. Although the Code is developed through the IMO system the organization does not have the authority to monitor compliance and impose any penalties or issue a "black list" of ports or flag states which do not comply with the Code's requirements.⁴⁹⁹ The Indonesian government sets their own pace in meeting the Code's requirements. Prior to the implementation of the ISPS Code Indonesia already had the DGST and the Indonesian Classification Bureau and the Port Authority (Otoritas Pelabuhan) to manage the nation's port security. These institutions were appointed to form the ISPS Code enforcement system at national level.⁵⁰⁰

⁴⁹⁵ Interview IG02; Interview IG07; Bakorkamla (2010:176, 181-182)

⁴⁹⁶ Sekretariat Jenderal Departemen Kelautan dan Perikanan (2006:102)

⁴⁹⁷ Sekretariat Jenderal Departemen Kelautan dan Perikanan (2007:38)

⁴⁹⁸ IMO (2003:38)

⁴⁹⁹ IMO (5 October 2009)

⁵⁰⁰ Indonesian Minister of Transportation Decision No 34/2004 on the Appointment of the Directorate General of Sea Transportation as A Designated Authority in the Implementation of the ISPS Code (Jakarta, 23 January 2004); Interview IB17; Indonesian Directorate General Sea Transportation Decision No. KL.93/1/9-04 on the Appointment of the Indonesian Classification Bureau as the Recognized Security Organization in Shipping (Jakarta, 3 March 2004)

Looking at both changes and continuities brought by the ISPS Code it is argued that the agreement poses low sovereignty costs. Although Indonesia needs to make additional adjustments to meet the ISPS Code requirements the government holds the full authority to decide every step of the country's compliance. Indonesia also does not need to change its governance structure because the government already has the required institutions. Despite the absence of sovereignty costs, this initiative brought high implementation costs for the Indonesian government. The costs incurred include additional expenses to purchase extra fences, install more lights, non intrusive cargo inspection devices and surveillance equipment as well as carry out seminars, training and drills in its international ports in various part of the archipelago.⁵⁰¹ The initial costs to comply with the ISPS obligations for a port can range between US\$ 3,000 and US\$ 35,500,000 and the annual costs varies between US\$ 1,000 and US\$ 19,000,000.⁵⁰² As of 2010 there were 246 port facilities and 881 ships that have complied with the Code.⁵⁰³ By December 2011, 279 port facilities and 1,509 ships have met the ISPS requirements.⁵⁰⁴ Almost 50 per cent of the total number of ports facilities adopted the Code early or on time to the deadline.⁵⁰⁵ The government continues to review the progress and feasibility for the adoption of the ISPS Code in all Indonesian ports.⁵⁰⁶

In summary, Indonesia decided to cooperate because the absolute gains provided by the initiative were significant. Although the initiative generated high implementation costs, however, it offered significant benefits in form of assurance to Indonesian vessels and ports engage in international trade, lower insurance premium and assistance to set up a Coast Guard.

⁵⁰¹ Sekretariat Jenderal Departemen Kelautan dan Perikanan (2006:102); Sekretariat Jenderal Departemen Kelautan dan Perikanan (2007:38)

⁵⁰² UNCTAD (2007:5)

⁵⁰³ Indonesian DGST (2010a); APEC (2010:5)

⁵⁰⁴ Interview IG39

⁵⁰⁵ Indonesian DGST (2010a)

⁵⁰⁶ Dewan Maritim Indonesia (2007a: p.5-2)

3.9 Explaining Indonesia's Participation in the WCO SAFE Framework of Standards to Secure and Facilitate Global Trade

On June 2005 members of the WCO unanimously adopted the WCO SAFE Framework of Standards.⁵⁰⁷ Indonesia was among the WCO members who signed the letter of intent to implement the WCO SAFE Framework.⁵⁰⁸ The Framework lies on the twin pillars of Customs-to-Customs network arrangements and Customs-to-Business partnerships. The second pillar of the SAFE Framework provides a global standard for commencing the Authorized Economic Operator (AEO) programme. All economic operators engaged in international trade can apply for AEO status, thus, reducing their security risk if certified.

The Framework requires states to secure and facilitate trade through the implementation of advance electronic cargo information requirement for shipments; implement a consistent risk management approach to address security threats; conduct inspections of high-risk containers and cargo using non-intrusive detection equipment and introduce benefits to businesses that adopt best practices and meet minimal requirement of the WCO supply chain security standards.

The question to ask is: why did Indonesia decide to join the SAFE Framework?

A neorealist would argue that Indonesia's decision to join the Framework stemmed from the calculation of relative gains. In line with the neorealist argument regarding the importance of relative gains concerns, Indonesia would be expected to cooperate with larger or smaller states and not to cooperate with near-peer states. Could relative gains concerns influence Indonesia's decision to participate in this initiative? Relative gains concern did not inform Indonesia's participation in the SAFE Framework. Despite the SAFE Framework included Indonesia's near-peer competitors such as Malaysia, Thailand and Singapore Indonesia chose to join this cooperation arrangement.

A constructivist might be expected to argue that shared identity would play out in affecting Indonesia's approach towards a cooperation agreement. Do the findings confirm this expectation? Indonesia's participation in the SAFE Framework arrangement was not consistent with the constructivist argument regarding the importance of share identity.

⁵⁰⁷ WCO (2007:1)

⁵⁰⁸ WCO (2010: 4)

Shared identity did not have any bearing in this case since Indonesia chose to cooperate although a large number of the SAFE Framework participants are non-ASEAN states.

Bureaucratic politics approach would put emphasis on the influence of competing government actors' preferences over Indonesia's decision to participate in the SAFE Framework arrangement. Did bargaining between government actors influence Indonesia's participation in the SAFE Framework? An observation of Indonesia's bureaucratic politics also shows that competing preferences between actors did not shape Indonesia's cooperation in this case. Following the bureaucratic politics argument the two lead agencies, the MFA and Customs, would be expected to show competing interests towards the SAFE Framework. Indonesian Customs would be expected to support the initiative because the SAFE Framework was already in harmony with the Customs development agenda. As a high government official from the Directorate General of Customs puts it, "the WCO SAFE Framework is consistent with our Customs practices."⁵⁰⁹ The MFA, however, would be expected to raise concerns over the implementation of the SAFE Framework. This would be not only because the MFA did not gain any benefits from the cooperation but also the MFA avoids creating any legal precedent that puts Indonesia in a position where it needs to receive external authority to monitor its maritime security. Although the SAFE Framework standards and programmes are voluntary the WCO established a review mechanism in the form of the WCO Diagnostic Mission.⁵¹⁰ From February 2nd - 13th, 2009 the WCO Diagnostic Mission visited Indonesia to survey Indonesia's compliance with the SAFE Framework. The WCO diagnostic mission reviewed seven points concerning Indonesia's adoption of the Framework. The seven points include the Indonesian Customs future strategic plan; financial management; human resources management (recruitment system; assessment of official's performance and training); customs enforcement; national legislation; risk management procedure and post clearance audit (facilitation service for priority importers).⁵¹¹ As part of the review the Diagnostic Mission provided feedback and recommendations for Indonesia.⁵¹² Despite the initiative introducing a third party review mechanism the MFA did not block the arrangement.

⁵⁰⁹ Interview IG32

⁵¹⁰ WCO (2007:51)

⁵¹¹ Interview IG31

⁵¹² Interview IG31; Kompas (7 December 2011)

In contrast to the bureaucratic politics expectation Indonesian Customs and Excise in close coordination with the MFA strongly supported Indonesia's adoption of the SAFE Framework. They pushed the cooperation forward not for their self-benefit. Rather, both Ministries agreed to cooperate because of the significant incentives of the initiative for the country. They deemed that the initiative is useful to help create an atmosphere conducive to facilitate trade between Indonesia and other WCO members.⁵¹³ By joining the framework and implementing the AEO programme Indonesia can establish a mutual recognition agreement with other WCO members.⁵¹⁴ Such an agreement can facilitate the country's export, exempt Indonesian cargos from time consuming physical inspections; and give priority status for Indonesian businesses.⁵¹⁵

The SAFE Framework shows that Indonesia's behaviour towards this initiative was consistent with the neoliberal argument regarding the importance of the calculation of absolute gains. Cooperation took place because the incentives of cooperation far exceeded the costs. Indonesia gained two benefits by taking part in the WCO SAFE Framework. First, the SAFE Framework offers capacity building for Indonesia particularly through training and seminars on the implementation of the AEO to customs administration and the private sectors.⁵¹⁶ Capacity building assistance to develop Indonesia's AEO programme is deemed as a core benefit for the government counter-terrorism programmes. This is because the programme enables Customs "to focus on high risk trade whilst facilitating legitimate trade."⁵¹⁷ Recently "Indonesia has been reviewing the WCO's AEO requirements."⁵¹⁸ Thus, taking part in the SAFE Framework provides an opportunity for Indonesia "to build its capacity and learning best practices from other WCO members that already run their AEO programme."⁵¹⁹ In 2011, as stated in an interview with an official, to improve the security of supply chains Indonesia has been focusing on attempts to implement the AEO Programme.⁵²⁰ According to a Customs official, at present, although Indonesia has issued the Ministry of Finance Act No. 219/PMK.04/2010 on customs procedures for AEO, Indonesia still requires "a detailed understanding on the implementation of the Programme, the authorization process, the recruitment of businesses

⁵¹³ Interview IG31; Interview IG32; Interview IG33

⁵¹⁴ Interview IG32

⁵¹⁵ Interview IG31; Interview IG32; Interview IG33

⁵¹⁶ Interview IG32

⁵¹⁷ M. Polner (2010: 6)

⁵¹⁸ Interview IG32

⁵¹⁹ Interview IG32

⁵²⁰ Interview IG33; Interview IG37

to be AEO.”⁵²¹ Second, the SAFE Framework opens up opportunities for Indonesia to develop trade and industrial collaboration with businesses from overseas. An official claimed that a number of companies in South Korea that already have AEO status have asked their customs administration regarding the possibility to identify and open trade cooperation with companies in Indonesia that have similar status.⁵²² This type of benefit can be clustered as an ancillary benefit. Although mutual recognition programmes between companies is beneficial for business entities involved business collaborations between Indonesian companies and other overseas entities do not benefit Indonesia’s efforts in dealing with terrorism. This is an additional benefit that Indonesia can gain from joining the SAFE Framework.

In term of costs, the Framework did not introduce high costs of cooperation. The SAFE Framework presents non enforceable obligations. Although the SAFE Framework is deemed a minimum threshold to be adopted by member states, it is implemented in accordance with each government’s capacity and the required legislative authority without a fixed deadline.⁵²³ It depends entirely on good faith compliance instead of strict provisions. All standards and programmes at national level are voluntary.⁵²⁴ Indonesia easily met the SAFE Framework requirements because the government Customs systems were already in line with the Framework, with the AEO programme as the only exception. First, to achieve the harmonization of advance electronic cargo information Indonesia adopted the WCO Data Model for its customs clearance system.⁵²⁵ Indonesia had launched its electronic manifest data exchange programme in 1999.⁵²⁶ Second, in terms of employing a risk management approach Indonesia already had its risk management programme before the implementation of the WCO SAFE Framework.⁵²⁷ As discussed in Chapter Two as part of the risk management programme Indonesia has developed its national importer profiling system for a long time. Since 2009 the Indonesian Customs began to develop its profiling system for freight forwarders and exporters.⁵²⁸ Third, to fulfil the non intrusive inspection of containers and cargo requirement Indonesia has been using large scale X-Ray, Gamma Ray and High-Co container scanners in its major

⁵²¹ Interview IG33

⁵²² Interview IG33

⁵²³ WCO (2007:4)

⁵²⁴ WCO (2007: 51)

⁵²⁵ APEC Desk of the Indonesian Customs (2011:19)

⁵²⁶ Interview IG32

⁵²⁷ Interview IG32; Interview IG30; Interview IG31; APEC Desk of the Indonesian Customs (2011:21)

⁵²⁸ APEC Desk of the Indonesian Customs (2011:21)

international ports.⁵²⁹ Finally, to offer incentives to businesses that adopt the requirement of the WCO supply chain security standards Indonesia is building its AEO programme. The programme itself is still in its developing stage. At national level the government has issued the Ministry of Finance Decree No.219/ PMK 04/2010 on December 9th, 2010 on the Customs treatment to company with AEO status. The Indonesian government offers a number of incentives for exporters, importers, customs brokers, carriers and warehouse that take part in AEO programme. These include an exemption from physical inspections of cargo; rapid transit time; access to information pertaining to AEO activities; special service when major disruptions to trade emerge and the threat level is elevated; and priority status to obtain customs service and simplification of customs procedures.⁵³⁰ Although at present Indonesia has not put the AEO programme into practice, as discussed in Chapter Two, Indonesia has established the MITA, a facilitation programme for priority importers since 2003.⁵³¹ Indonesia is planning to expand the programme for exporters, whilst developing its AEO programme.⁵³² Thus, the only implementation costs bear by the Indonesian government were incurred from financing training, seminars and inter-agency meetings on the AEO, and the introduction of this programme to businesses since 2009.⁵³³

The absence of significant changes brought by the adoption of the framework implies that this initiative only generates low sovereignty costs. The Indonesian government only needs to continue what it has already been doing in securing supply chains. The implementation costs are also low because the government does not need to make additional investment or carry out significant changes at domestic level to comply with the framework.

To summarize, Indonesia joined the initiative because it posed low costs and offered various capacity building training and exercises for Indonesian maritime agencies and opened chances to develop industrial collaboration with overseas companies.

3.10 Explaining Indonesia's Participation in the APEC TRP

The APEC TRP was introduced in 2007. It defined as a “set of plans, procedures and arrangements developed to identify and address specific actions needed following an event

⁵²⁹ APEC Desk of the Indonesian Customs (2011:27)

⁵³⁰ Indonesian Ministry of Finance Act No.219/ PMK 04/2010 on Authorized Economic Operator

⁵³¹ M. Polner (2010:33)

⁵³² Interview IG31

⁵³³ Interview IG31; Interview IG33

that disrupts trade operations.⁵³⁴ The TRP is not a formal agreement that calls member states to sign and ratify an agreement. The APEC TRP only recommends member states to build a plan of action which consists of a logical sequence of steps that should be taken following an attack, enhance its inter-agency cooperation in the implementation of the TRP, identify its national points of contact (Economy Points of Contact), and maintain contact details and exchange information.⁵³⁵ The question to pose is: what can explain Indonesia's decision to join the TRP?

A neorealist would be expected to point out the crucial role of relative gains calculation in informing Indonesia's cooperation in the TRP. Given Indonesia is a middle power Indonesia it would be more likely to cooperate with larger or smaller states and less likely to participate in an agreement that involved near-peer states. Does the evidence confirm the neorealist expectation? Contrary to the neorealist expectation, the calculation of states relative capabilities did not inform Indonesia's decision in this case because Indonesia agreed to join the TRP despite the initiative including its near-peer competitors such as Malaysia, Singapore and Thailand.

A constructivist would highlight the role of shared identity in affecting Indonesia's decision to join the arrangement. Could shared identity explain Indonesia's cooperation in the TRP? Indonesia's participation in the TRP cannot be explained by the presence of shared identity among its participants. Although the TRP involved non-ASEAN states Indonesia chose to join it.

The bureaucratic politics approach might be expected to argue that competing interests among different government actors is the prime mover of Indonesia's cooperation. Could this explain the case? Analysis of bureaucratic politics shows that government actors' preferences to participate in the TRP were not shaped by the benefits that these actors might gain. The decision making process related to Indonesia's participation in the APEC TRP was led by the MFA and included the Coordinating Ministry of Political, Legal and Security Affairs, the MoT and Customs.⁵³⁶ Bureaucratic politics might matter in the case of the TRP. On the one hand, the MFA could oppose the TRP. For the MFA the TRP did not bring any incentive for the ministry and Indonesia's non participation would not affect

⁵³⁴ APEC (2008a:4)

⁵³⁵ APEC (2009: C-2)

⁵³⁶ Interview IG24; Interview IG33; Interview IG37

the existing counter-terrorism cooperation that Indonesia already had with other Asia-Pacific countries. On the other hand, the Coordinating Ministry for Legal, Political and Security Affairs, the MoT and Customs could be in favour of the TRP because they could gain assistance to improve their counter-terrorism programmes.

However, in contrast to the bureaucratic politics argument all governmental actors wanted Indonesia to join the cooperation arrangement. Their decision was consistent with the calculation of absolute gains for the country. They supported Indonesia's participation in the TRP because the cooperation requirements were already in line with the national counter-terrorism measures that included protection of key off shore installations and port facilities.⁵³⁷ Therefore, Indonesia did not need to make substantial changes at national level.

The TRP was deemed useful to accelerate maritime trade recovery in time of crisis and more importantly, develop Indonesia's AEO programme.⁵³⁸ The MFA as a lead agency at national level did not gain benefits from the TRP arrangement. The TRP programmes are designed to improve Indonesia's maritime agencies capacity to deal with the aftermath of terrorist attacks or natural disaster. As Indonesia joined the TRP, Indonesian Customs could gain training on the AEO. The other maritime agencies such as the MoT, the Navy, the Maritime Security Coordinating Board and the Marine Police can take part in the APEC training, seminars and capacity building workshops on trade recovery.⁵³⁹

The findings suggest that Indonesia's participation in the TRP is consistent with the neoliberal expectation regarding the importance of the absolute gains consideration. The government focus lay on what the TRP can contribute to Indonesia's existing counter-terrorism measures and its trade facilitation programme rather than consideration over relative gains concerns.⁵⁴⁰ The APEC TRP provided some incentives and did not require Indonesia to do much. The APEC TRP offers two benefits. First, the APEC TRP can help Indonesia to develop its AEO programme, a mutual recognition programme that served as a means to facilitate maritime trade.⁵⁴¹ For Indonesia the trade facilitation programme is

⁵³⁷ Interview IG33; Interview IG35; Interview IG37; DKPT (2008:7,11); Interview IG06; Indonesian Coordinating Ministry of Political, Legal and Security Affairs Act No. 26/Menko/Polkam/11/2002 on the Establishment of Counter-Terrorism Coordinating Desk.

⁵³⁸ Interview IG37; M. Wibisono (2006:174)

⁵³⁹ Interview IG37; Interview IG33; APEC (2008c); APEC (18 May 2012)

⁵⁴⁰ Interview IG33; Interview IG37

⁵⁴¹ Interview IG37; M. Wibisono (2006:174)

the main benefit sought from the TRP. This benefit falls under the category of core benefit because the AEO programme allows Indonesia's law enforcement agencies to focus on high risk goods. Officials confirmed that under the TRP Indonesia has focused its attention to implement the AEO programme that first introduced under the SAFE Framework.⁵⁴² As explained earlier in this chapter although as part of the SAFE Framework Indonesia has started to develop the programme Indonesia still need a further understanding on the implementation of the AEO and the establishment of this mutual recognition programme with other APEC members.⁵⁴³

Finally, the APEC TRP also offers trade recovery capacity building for government institutions.⁵⁴⁴ Training and workshops on trade recovery for Indonesian law enforcement agencies provided a core benefit for Indonesia's counter-terrorism measures. Most counter-terrorism arrangements focus on prevention of maritime terrorism. Under the TRP initiative APEC organized and financed training and workshops on recovery programmes after a terrorist attack or a major disaster.⁵⁴⁵ As part of the cooperation incentives Indonesian officials from Customs, Marine Police, and the MoT also received training and attended workshops to implement quick response and improve national trade resumption capability.⁵⁴⁶ As an Indonesian official from the MFA explained, "The APEC TRP has been focusing on the trade resumption programme. This is beneficial for a country like Indonesia that had experienced terrorist attacks in the past."⁵⁴⁷

The initiative does not introduce substantial changes to Indonesia's efforts in dealing with maritime terrorism. The APEC TRP does not set intrusive obligations and it is not legally binding.⁵⁴⁸ Indonesia has decided its national point of contact, adopted national programmes to prevent terrorism, and used technology to support its cargo inspection before the TRP was introduced. As a point of contact the government already appointed the MFA as the point of contact in the APEC before the TRP was launched.⁵⁴⁹ Indonesia also has been using non intrusive cargo inspection devices before the establishment of the TRP.⁵⁵⁰ Indonesia did not need to carry out extensive efforts at national level to meet the

⁵⁴² Interview IG33; Interview IG37

⁵⁴³ Interview IG33

⁵⁴⁴ Interview IG37; Interview IG33

⁵⁴⁵ Interview IG33; J. Ho (2009b:733-734)

⁵⁴⁶ Interview IG33; Interview IG37

⁵⁴⁷ Interview IG37

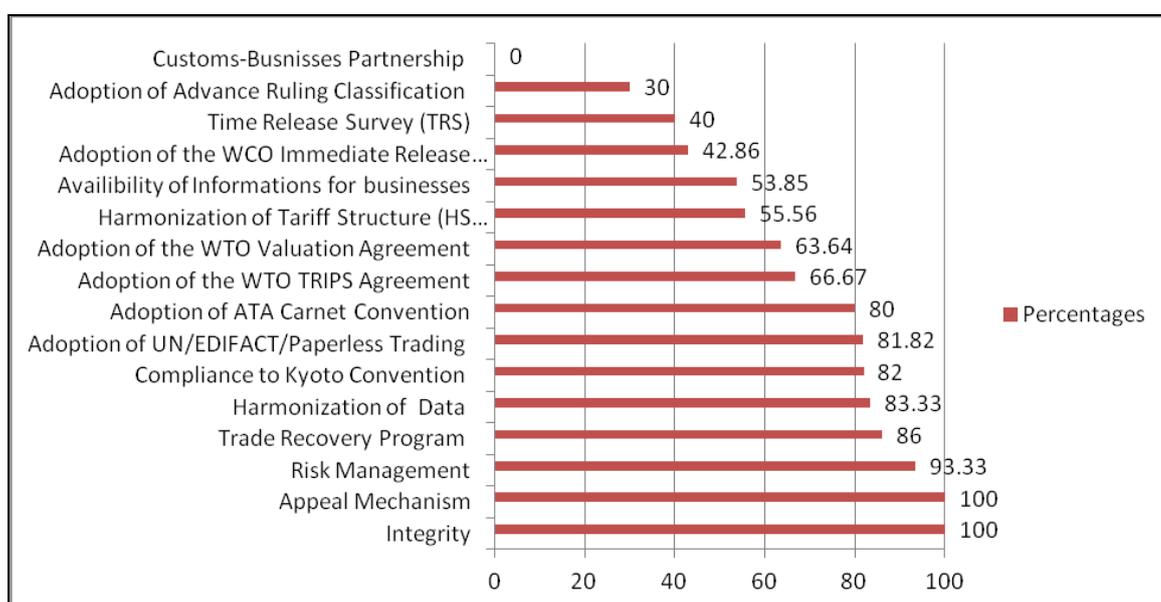
⁵⁴⁸ Interview IG33; Interview IG37; APEC TRP (2008b: 4-8)

⁵⁴⁹ Interview IG37; Interview IG33

⁵⁵⁰ APEC (2010:2); Interview IG12

TRP requirements. Two years before the TRP was introduced Indonesia had consented to take part in the WCO SAFE Framework. As part of the SAFE Framework Indonesia has begun to build its preventive measures to deal with maritime terrorism and to learn about the AEO programme that is part of the APEC TRP. Indonesia had also been developing the AEO Programme before joining the APEC TRP.⁵⁵¹ As Figure 3.1 demonstrates even without substantial policy reform the country met more than 80 per cent of the APEC TRP requirements.

Figure 3.1 Indonesia Self Assessment on State Compliance to the APEC Collective Action Plan



Source: The APEC Desk, the Indonesian Customs and Excise (2011: 31-32)

The lack of change introduced by the TRP suggests that the sovereignty costs of this initiative are low. Indonesia only needs to continue its existing port and maritime security practices. The implementation costs of this initiative are also low since Indonesia has a number of measures already in line with the TRP standards prior to acceding to the initiative. Therefore, the government is not required to make additional adjustments to meet the APEC TRP standards.

In summary, the Indonesian government agreed to join the initiative because it offered substantial absolute gains. The TRP did not demand Indonesia to do much and offered

⁵⁵¹ Interview IG33; Interview IG37

assistance for the government to build its own AEO programme and to train its maritime agencies to deal with trade recovery following terrorist attack.

3.11 Conclusion

Analysis of Indonesia's bilateral cooperation with Japan, the U.S. and Australia, and its participation in the BIMP-EAGA initiatives, the Agreement on Exchange of Information and Communication Procedures, and the ASEAN Convention on Counter-Terrorism, the ISPS Code, the WCO SAFE Framework and the APEC TRP shows that Indonesia's participation in these arrangements was informed by the calculation of absolute gains. Across the cases examined in this chapter the benefits of cooperation outweighed the costs.

In bilateral cooperation with the U.S., Japan and Australia Indonesia received additional equipment without making extra effort. This included aircraft, patrol boats and the Integrated Maritime Surveillance System from the U.S. which covers all of its important straits; patrol vessels, port security equipment and maritime communication system from Japan; and surveillance aircraft from Australia. Similarly, without having to make substantial changes, Indonesia gained enormous support from participating in the EAGA MoUs, the Agreement on Exchange of Information and the ASEAN Convention in the form of access to intelligence information; fingerprint, passenger, visa blacklist and bomb databases; coastal and naval support during patrols, and assistance to investigate and extradite perpetrators of terrorist acts.

In both the SAFE Framework and the TRP Indonesia gained capacity building assistance from other participants and secretariats of the WCO and APEC, while not having to do much in addition to its current practice. In the case of the SAFE Framework Indonesia gained assistance in establishing its AEO programme. In addition, in the TRP, Indonesia received further training in establishing the AEO programme and ways to improve its trade resumption capability. In comparison to the SAFE Framework and the TRP, in the ISPS Code, Indonesia was expected to allocate more resources to improve the security of its ports and vessels, but gained a substantial payoff through the assurance of continued participation in global trade, the reduction of insurance premiums and assistance in establishing a Sea and Coast Guard agency.

Indonesia's participation in all cooperation arrangements dealing with maritime terrorism is not consistent with the neorealist argument regarding the importance of relative gains concerns. The evidence shows that Indonesia was willing to cooperate with near-peer state such as Singapore, Malaysia and Thailand - as shown in the case of the two EAGA MoUs, the trilateral agreement on information exchange and the ASEAN Convention on Counter-Terrorism - as well as with larger states - as shown in the case of bilateral arrangements with the U.S., Australia and Japan.

The constructivist argument about the role of shared identity also cannot account for Indonesia's participation across cooperation cases. Indonesia joined cooperation arrangements that involved non-ASEAN states, for instance three bilateral arrangements with the U.S., Japan and Australia, the ISPS Code, the SAFE Framework and the TRP. It also joined those that exclusively involved ASEAN states, such as the EAGA MoUs on Sea Linkages and Transport of Goods, the agreement on information exchange and the ASEAN Counter-Terrorism Convention.

Bureaucratic politics is another possible alternative explanation for Indonesia's approach towards cooperation. By reviewing Indonesia's bureaucratic politics it is also shown that Indonesia's decision to cooperate was not derived from competition among self-interested actors. The MFA was in favour of all cooperation arrangements discussed in this chapter although they did not offer any benefits to the ministry. In contrast to the bureaucratic politics literature that points to completely self-interested governmental actors, in the case of the ISPS for example the initiative generated high implementation costs for the MoT but the ministry was in favour of Indonesia's participation.

This thesis seeks to examine why Indonesia cooperates in some maritime security initiatives but not others. In this chapter it has been shown that Indonesia will cooperate if the absolute benefits are high. The next chapter examines whether this will apply to cooperation cases that Indonesia refused to join.

Chapter 4. Indonesia's Non-Cooperation to Address Maritime Terrorism

4.1 Introduction

This chapter explains Indonesia's non-participation in cooperation arrangements dealing with maritime terrorism. Having shown in Chapters Two and Three that Indonesia has embarked upon a number of rigorous attempts to prevent maritime terrorism in its waterways and port facilities through national efforts and cooperation arrangements at bilateral, sub regional, regional and multilateral levels, the question to pose is: why Indonesia refused to participate in the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA Convention), the Container Security Initiative (CSI) and the Proliferation Security Initiative (PSI).

As explained in Chapter One the existing literature on cooperation highlighted five plausible explanations regarding Indonesia's participation or non-participation in cooperation arrangements. These are absolute gains, relative gains, shared identity, hegemonic leadership and bureaucratic politics. Using government documents and interviews with officials and business representatives it is argued that (a) relative gains cannot explain Indonesia's choice not to join the three initiatives because Indonesia refused to cooperate in the SUA Convention, the CSI and the PSI despite these initiatives being led by the U.S., a much larger state in comparison to Indonesia; (b) shared identity cannot account for Indonesia's non-cooperation because although Indonesia rejected the SUA Convention, the PSI and the CSI which did include a large number of non-ASEAN states, as shown in Chapter Three, it has participated in other arrangements which have involved non-ASEAN states such as the WCO SAFE Framework and the APEC TRP; (c) hegemonic leadership does not have explanatory purchase to account for Indonesia's decision in all three cases because despite the U.S. proposing, initiating and enforcing rules in the case of the SUA Convention, the PSI and the CSI Indonesia decided not to participate; (d) a closer look at Indonesia's bureaucratic politics also shows that there was an absence of competing preferences among government actors, mainly due to the prominent role of the MFA in the decision making process; whereas (e) the neoliberal argument on the role of the calculation of costs and benefits in absolute terms offers a useful explanation to understand Indonesia's rejection of the SUA Convention, the PSI and the CSI.

To examine the reasons underpinning Indonesia's reluctance to participate in the SUA Convention, the CSI and the PSI the next part of this chapter is divided into three sections based on these three different arrangements dealing with maritime terrorism. The SUA Convention was adopted in 1988, the CSI was first introduced in 2002 and the PSI was launched in 2003. The next section therefore begins with an explanation of Indonesia's refusal to join the earliest arrangement dealing with maritime terrorism, the SUA Convention and the two following sections subsequently explain the reasons underpinning Indonesia's rejection of the CSI and the PSI. Each section begins with an assessment of factors that can inform the government's decision including the absolute gains calculation, the calculation of relative gains, shared identity, hegemonic leadership and government actors' preferences. The final part of this chapter summarizes and highlights the importance of the absolute gains consideration in informing Indonesia's decision not to join the three cooperation initiatives. It indicates that concerns over relative gains, shared identity, hegemonic leadership and bureaucratic politics are unable to explain Indonesia's non-cooperation.

4.2. Indonesia's Non Participation in the SUA Convention and its Protocols

The SUA Convention was formulated against the backdrop of the terrorist hijacking of the Achille Lauro cruise ship in October 1985 that killed a U.S. national. In November 1985, the maritime terrorist issue was brought to the IMO's 14th Assembly. The U.S. proposed the introduction of a regulation to prevent unlawful acts at sea. The proposal was supported by other states and this led to the adoption of the SUA Convention in 1988.⁵⁵²

The Convention requires states to criminalize unlawful acts under national legislation, cooperate in investigations, and extradite or prosecute alleged offenders without delay.⁵⁵³ The SUA 1988 Protocol expands the obligations of the Convention to incorporate fixed platforms such as those engaged in the exploitation of offshore oil and gas.⁵⁵⁴ The counter maritime terrorism elements added within the 2005 Protocol to the SUA Convention take account of the use of any explosive or Weapons of Mass Destruction (WMD) against ships and the shipment of WMD material or technology.⁵⁵⁵ The 2005 Protocol obliges member states to take necessary measures to enable legal entities, including companies or

⁵⁵² IMO (6 October 2009)

⁵⁵³ J. A. Roach (2004: 53); Articles 5, 6, and 12 of SUA Convention 1988

⁵⁵⁴ IMO (6 October 2009)

⁵⁵⁵ IMO (6 October 2009)

organizations, to be made liable and to face sanctions when a person in charge of that legal entity commits an offence.⁵⁵⁶

Having seen Indonesia's participation in various cooperation arrangements dealing with maritime terrorism, as shown in Chapter Three, Indonesia's rejection of the SUA Convention is an anomaly. What can explain Indonesia's refusal to take part in this initiative?

A neorealist might be expected to point out the role of relative gains concerns in shaping Indonesia's decision to reject the SUA Convention. Could the relative gains calculation account for Indonesia's decision in this case? The calculation of relative gains cannot explain Indonesia's decision not to participate in the SUA Convention. A neorealist would expect to see Indonesia's cooperation in the Convention because the military capabilities of the U.S. - the leading state in the cooperation - are much larger than those of Indonesia. Indonesia's cooperation or non-cooperation in the SUA Convention would not be able to close the vast power gap between the two. In contrast to this expectation Indonesia refused to participate in the agreement.

A constructivist might be expected to argue that shared identity is the reason underpinning Indonesia's refusal to cooperate with the U.S. Could this be the case? Indonesia's decision not to join the SUA Convention confirms the constructivist argument regarding the importance of shared identity in influencing cooperation only insofar that in this case both the leading state (the U.S.) and the majority of participants are non-ASEAN states. However, given Indonesia also chose to cooperate in various arrangements that involve a large numbers of non-ASEAN states (for example the WCO SAFE Framework), shared identity cannot explain Indonesia's decision to join or not to join an agreement.

A neorealist or neoliberal might be expected to argue that the presence of hegemonic leadership would inform Indonesia's decision. Can Indonesia's decision be attributable to hegemonic leadership? The empirical evidence shows that hegemonic leadership cannot provide a useful explanation to understand Indonesia's rejection of the SUA Convention and its protocols. The U.S. played a leading role in drafting and initiating the SUA Convention and its 2005 Protocol. The U.S. carried out diplomatic lobbying to promote the

⁵⁵⁶ IMO (16 February 2012)

Convention, including in UN forums. An official explained that one form of U.S. diplomatic persuasion could be seen in the Washington proposal in 2009 to mention the SUA Convention in Security Council Resolution no. 1907 concerning Somalia and Eritrea. Indonesia rejected the insertion of the SUA Convention.⁵⁵⁷ Despite U.S. leadership Indonesia did not ratify the SUA Convention.

The bureaucratic politics approach would highlight the importance of competing preferences among government actors as a source of explanation for Indonesia's non-cooperation in the SUA Convention. Is Indonesia's non-participation in the SUA Convention consistent with the bureaucratic politics argument? Indonesia's non-participation in the SUA Convention did not reflect the influence of bureaucratic politics. The decision making process on the SUA Convention involved the MFA, the MoD, the Ministry of Maritime Affairs and Fisheries, the Coordinating Ministry for Political, Legal and Security Affairs and the Navy. Among governmental actors the MFA played the leading role in the formulation of Indonesia's stance on the SUA Convention.⁵⁵⁸ For the MFA the lack of clear explanation in the SUA Convention and its protocols on state jurisdiction are at the heart of its concerns. The MFA was not in favour of the initiative and its protocols for two reasons. First, the Ministry perceived that the Convention and its protocols could be used as a legal foundation to refer to unlawful acts at sea that take place in Indonesian waters and therefore, provide other states with power to pursuit and arrest vessels in Indonesia jurisdiction.⁵⁵⁹ The issue of jurisdiction was perceived as controversial since the SUA Convention could be applied to unlawful acts that take place within Indonesia's EEZ and therefore contradict the UNCLOS. The MFA deemed that such legal precedent created by the SUA Convention and its Protocols were harmful to Indonesia's autonomy as an archipelagic country. Second, the MFA did not see Indonesia's non-participation in the SUA Convention and its protocols as a major political concern. The initiative did not provide useful advantages to Indonesian maritime law enforcement agencies. Indonesia could gain the benefits of cooperation through other counter-maritime terrorism initiatives at bilateral, regional and global level.⁵⁶⁰

However, the SUA Convention would not bring additional implementation costs for other governmental agencies. It could be argued that if Indonesia joined the Convention the

⁵⁵⁷ Interview IG40; Indonesian Government [Internal Document] (9 June 2008)

⁵⁵⁸ Interview IG40; Interview IG19; Interview IG21

⁵⁵⁹ Interview IG40; Agoes (2005:43); Sudrajat (2005: 84);

⁵⁶⁰ Interview IG40; Interview IG21

MoD and the Navy would not need to make additional investment in new maritime security measures. If these agencies decided to act based on their self-interest they might oppose the MFA's preference for non-cooperation. Nevertheless, contrary to the expectations of the bureaucratic politics literature, these government agencies supported Indonesia's non-participation in the initiative. Other ministries involved in the inter-ministerial meeting agreed with the MFA assessment of the agreement. This was confirmed in an interview with a former government official from the MoD who was involved in the decisions making process. He claimed that in the forum other ministries and maritime agencies were in agreement with the MFA legal interpretation of the Convention and its protocol.⁵⁶¹ Therefore, Indonesia's stance on the SUA Convention and its Protocols could be formulated in a fast manner.

The neoliberal argument regarding the role of absolute gains in informing states cooperation provides the final plausible explanation to consider. Could the absolute gains calculation shed lights on the reasons underlying Indonesia's refusal to join the Convention? Indonesia's rejection of the SUA Convention and its protocols is consistent with the expectation set out in the introduction of this thesis regarding the neoliberal argument on the role of absolute gains. The initiative brought low incentives for Indonesia. The SUA Convention and its protocols provide mechanisms to coordinate actions, policies, rules and standards among states to cope with maritime terrorism problems. The initiative offered low incentives for Indonesia since it did not provide tangible economic or security incentives.⁵⁶² The incentives to join the initiative was further diminished as Indonesia had already joined a number of anti maritime terrorism initiatives at bilateral, sub regional, regional and multilateral levels including the ISPS Code, the WCO SAFE Framework, and the APEC TRP. Indonesia can gain the benefits of cooperation through these cooperation channels.

With regards to the costs of cooperation, the SUA Convention and its protocols do not require Indonesia to install new security measures or purchase security devices. Indonesia's national law is already compatible with SUA obligations to criminalize unlawful acts at sea. Chapter 29 of the Statute of the Criminal Law (Article 438-479) criminalizes various forms of unlawful acts at sea.⁵⁶³ In addition, Government Regulation

⁵⁶¹ Interview IG21; Interview IG40
⁵⁶² Interview IE22; Interview IG40
⁵⁶³ KUHP (2007:145-154)

No.1/2002, on Combating Criminal Acts of Terrorism, deals with the problem pertaining to the use and transfer of WMD and terrorist acts against ships.⁵⁶⁴ Despite these elements of continuity, a careful reading of the Convention shows that it would introduce substantial changes to Indonesia's counter-maritime terrorism policies. First, the Convention regulates how a state must deal with unlawful acts within its jurisdiction. Article 4 of the SUA Convention suggested that this agreement applies "if the ship is navigating or is scheduled to navigate... beyond the outer limit of the territorial sea."⁵⁶⁵ Thus, the Convention could be applied to crimes/acts of violence/piratical acts that occur within 12 nautical miles (nm) from the baseline through to the state's outer limit jurisdiction (200 nm from the baseline). This SUA Convention stipulation contradicts Article 101 of the UNCLOS that provides the Indonesian government rights to manage and deal with maritime issues that take place beyond the territorial water and within a country's Exclusive Economic Zone (EEZ) or between 12 – 200 nm. There was a concern that this Convention and its protocols could be used inappropriately to refer to unlawful acts which take place in Indonesia's EEZ and therefore, posed limits on Indonesia's rights in securing its maritime EEZ area.⁵⁶⁶ Indonesia decided not to participate in this initiative and refused any possibility to include the SUA Convention in any cooperation documents, particularly, drafts of UN resolutions. Second, the Convention obliges parties to receive the presence of external authority over significant decision making when disputes over interpretation and implementation of the agreement occur. The SUA Convention explicitly delegates authority to settle dispute to an international tribunal.

Reviewing the changes imposed by the SUA Convention led to a conclusion that this agreement poses high sovereignty costs for Indonesia. The implementation of the agreement could lessen state's autonomy to address unlawful acts that take place within its jurisdiction. Despite the high sovereignty costs, the Convention generated low implementation costs. This is because at national level Indonesia's legislation is already in line with the Convention. Indonesia is also not required to make additional investment, for example to purchase new devices, to join the agreement.

In summary, Indonesia refused to join the SUA Convention because the Convention could limit Indonesia's autonomy. This is because the Convention could potentially change

⁵⁶⁴ Departemen Kehakiman Republik Indonesia (2002:23-25)
⁵⁶⁵ Article 4(1) of the SUA Convention 1988
⁵⁶⁶ Interview IG40; Sudrajat (2005: 84); E.R. Agoes (2005:43)

Indonesia's rights in controlling the security of its EEZ and compel Indonesia to accept the authority of an independent third party over dispute settlement.

4.3 Indonesia's Refusal to Join the CSI

The CSI was introduced by the U.S. in 2002 and came into effect in January 2003. The main purpose of the initiative is to increase security for containerized cargo shipped to the U.S. from around the world by targeting and pre-screening the containers before they reach U.S. ports. The CSI requires government to allow the U.S. Customs and Border Protection (CBP) to place teams of U.S. officers from both the CBP and Immigration and Customs Enforcement (ICE) to jointly work with host foreign government counterparts in pre-screening containers bound for U.S. ports, purchase pre-screening equipment and radiological and nuclear detection devices, build IT infrastructure to support the implementation of the initiative and provide a full descriptions of the cargoes 24 hours in advance of its scheduled arrival in U.S. ports, and share critical data, intelligence and risk management information with the U.S. CBP.⁵⁶⁷

Given Indonesia's willingness to join cooperation arrangements to address maritime terrorism, as previously explained in Chapter Three, Indonesia's non-cooperation in the CSI at first is difficult to understand. Why did Indonesia choose not to take part in this initiative?

A neorealist might be expected to emphasise the role of relative gains calculation in shaping Indonesia's rejection of the CSI. Since Indonesia is a middle power, cooperation would be expected with larger or smaller states. This is because the power disparity between Indonesia and smaller or larger states would be wide. Could Indonesia's rejection of the CSI confirm this expectation? For a neorealist, the power disparity between Indonesia and the U.S. is simply vast. Indonesia's participation in the CSI would not be able to close the power gap between the two. If Indonesia acted according to the neorealist expectation Indonesia would agree to join the CSI because the U.S. is by far a larger state in comparison to Indonesia. Contrary to this expectation Indonesia refused to participate in the initiative.

⁵⁶⁷ U.S. Customs and Border Protection (CBP) (8 May 2010); Rosenberg and Chung (2008:53); U.S. CBP (2006: 19, 21-23); P. Barnes and R. Oloruntoba (2005:523); U.S. CBP (2 October 2007)

A constructivist would argue that shared identity would define Indonesia's decision to reject the CSI. Would it be possible that shared identity played the main part in Indonesia's refusal to join the CSI? Indonesia's act of non cooperation confirms the constructivist argument about the importance of shared identity as a source of cooperation only to the extent that the U.S. as a leading state and the majority of the participating states are not ASEAN states. However, since Indonesia also agreed to join various arrangements that involve non-ASEAN states (for instance the WCO SAFE Framework among others that explained in Chapter Three), the constructivist argument regarding the role of shared identity shows a lack of explanatory purchase when explaining Indonesia's non-cooperation.

Both a neorealist and a neoliberal might be expected to argue that the presence of hegemonic leadership would be sufficient to convince Indonesia to cooperate. Did hegemonic leadership affect the way Indonesia approached this initiative? Indonesia's decision not to join the CSI was not informed by hegemonic leadership. The U.S. exercised its leadership by formulating the initiative, enforcing rules and using its diplomatic persuasion. Compliance in the case of the CSI is not based only on parties' good faith but on enforceable rules. The U.S. CBP makes regular assessment on a state compliance to the initiative.⁵⁶⁸ Only those that meet all the minimal requirements are eligible to be part of the programme.⁵⁶⁹ The U.S. CBP and ICE teams deployed at the foreign ports serve as the enforcer of the initiative because they have the authority to pre-screen high risk cargo bound for the U.S. In addition to the deployment of the U.S. Customs team to monitor compliance the U.S. CBP established an Evaluations and Assessments Branch (EAB). The EAB carries out periodic assessment at least every two years to investigate operational CSI ports, examine the effectiveness of the CSI programme, and ensure effective coordination with foreign host governments.⁵⁷⁰ The EAB examines the development, examination, and administrative activities at the ports.⁵⁷¹ Upon the completion of the port evaluation the EAB submits a report, recommendations, and an action plan for implementing recommendations.⁵⁷² After the launch of the CSI the U.S. carried out diplomatic persuasion and lobbying. The U.S. contacted a number of Indonesian government institutions including the MFA, the MoD, the Ministry of Industry, the Customs and Excise and the

⁵⁶⁸ U.S. CBP (2 October 2007); U.S. CBP (2006:22, 26)

⁵⁶⁹ U.S. CBP (2 October 2007)

⁵⁷⁰ U.S. Department of Homeland Security (2010:2)

⁵⁷¹ U.S. Department of Homeland Security (2010:2,6)

⁵⁷² U.S. Department of Homeland Security (2010:2)

MoT and explained the benefits of incorporating Indonesian ports in the CSI.⁵⁷³ The U.S. in particular focused their persuasion on two Indonesian government institutions that are responsible for the country's seaborne containers: the Customs and Excise and the MoT.⁵⁷⁴ Nevertheless, despite U.S. leadership Indonesia refused to participate in the CSI.

Proponents of the bureaucratic politics approach would argue that competing government actor preferences would have some bearing in informing Indonesia's decision. Could competing preferences among government actors explain Indonesia's rejection of the CSI? Analysis of Indonesia's bureaucratic politics shows that the refusal to join the CSI was not informed by competing government actors' preferences. It could be argued that bureaucratic politics would have some bearing in shaping Indonesia's decision not to cooperate in the CSI. Governmental actors involved in the policy process were the MFA, the MoT and the Customs. The MFA opposed the CSI because the legal requirements under the CSI were deemed very intrusive.⁵⁷⁵ These requirements include the placement of the U.S. Customs team and periodic assessment in Indonesian ports. Following the bureaucratic politics argument on the importance of self-interest, the MoT would be expected to be indifferent because the CSI would not affect the country's shipping lines. Most Indonesian ships involved in inter-state shipping function as feeder ships from Indonesian ports to neighbouring countries ports, or vice-versa and therefore, do not serve direct shipping from Indonesia to U.S. ports.⁵⁷⁶ However, Customs would be expected to support the CSI. The CSI could provide benefits to Customs' domestic constituents, particularly exporters. Taking part in the CSI suggests that all cargo from the CSI port bound to the U.S. can be delivered directly to U.S. ports. In the case when transshipment takes place in Singapore or Malaysia CSI ports, containers from an Indonesian CSI certified port will not have to go through inspection. Therefore, in this context for Customs participation in the CSI could potentially guarantee exporters shorter waiting times at U.S. ports or other CSI transshipment port, priority lane in the case of a terrorist attack, and no delay due to physical inspection of cargo at the U.S. ports or at transshipment point. This treatment translates into lower costs for exporters. Yet, in contrast to the bureaucratic politics expectation Indonesian Customs was not in favoured of the CSI.

⁵⁷³ Interview IG35; Interview IG30; Interview IG11; Interview IG21; Kepabeanan Internasional (2008: 50)

⁵⁷⁴ Interview IG32; Interview IG30; Interview IG11

⁵⁷⁵ Interview IG40

⁵⁷⁶ Interview Interview IB01

The MFA, the MoT and the Customs opposed Indonesia's participation in the CSI because of the lack of incentives for Indonesia as a whole. These agencies took into account the costs and benefits of cooperation for Indonesian businesses and for the government when assessing the initiative. The MoT and Customs deemed that there was no urgency to join the initiative for the sake of promoting the national shippers and shipowners' interests. The businesses export activities to the U.S. could be made through transshipment via CSI ports including Singapore, Port Kelang and Tanjung Pelepas, Malaysia. Over 75 per cent of containers from Indonesia bound to the U.S. were already transshipped through Singapore.⁵⁷⁷ However, this practice is not new for Indonesian businesses. This method of shipping has been used to muddle through the nation's shortage of international shipping capacity. Only a very small portion of Indonesian exports to the U.S. are transported through direct shipping. As Figure 4.3 shows, on average Indonesia's direct shipping to the U.S. only reaches less than 1 per cent of the country's total exports.

More importantly, the Indonesian Customs also raised concerns over possible additional economic costs that the government would endure if a delay occurs due to the security screening process. A government official from the Customs claimed that if Indonesia participates in the CSI the government has to anticipate the "additional cost that may incur to the shippers and guarantee no delay will occur. Similar to Singapore who can guarantee Indonesian export inspected in Singapore will not be subjected to any delay."⁵⁷⁸ The assessment made by governmental actors shows clearly that their preferences not to participate were not shaped by self-interest. Rather, governmental actors' preferences were derived from the consideration of aggregate costs and benefits for Indonesia as a whole.

The empirical findings show that Indonesia's decision not to participate in the CSI was consistent with the consideration of absolute gains as argued by neoliberalism. The total benefits offered by the CSI did not exceed the costs of cooperation. Concerning incentives of cooperation the CSI generated only low benefits. By participating as a CSI port, states will gain economic benefits, allowing containers shipped to "quickly enter into commerce in the United States."⁵⁷⁹ If a terrorist attack takes place, containers coming from CSI ports will be given "special continuity considerations" and "received facilitated handling at ports

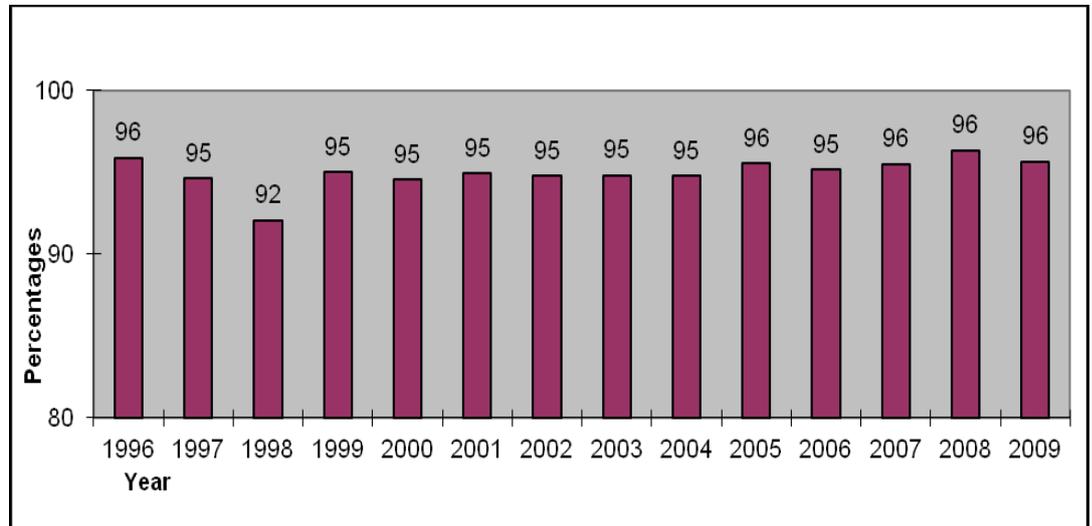
⁵⁷⁷ Interview IG08; Interview IB18; Interview IB01; Jakarta Post (15 March 2003)

⁵⁷⁸ Interview IG32

⁵⁷⁹ Embassy of the United States in Nassau (11 January 2007)

of entry.”⁵⁸⁰ Incentives of cooperation offered by the CSI could be economically rewarding for a state that relies on containerized trade such as Indonesia. Containerized trade is very important for Indonesia’s economy because more than 90 per cent of Indonesia’s export cargo is carried out by sea, as showed in Figure 4.1.⁵⁸¹

Figure 4.1 Indonesia Seaborne Trade: Percentages of National Exports

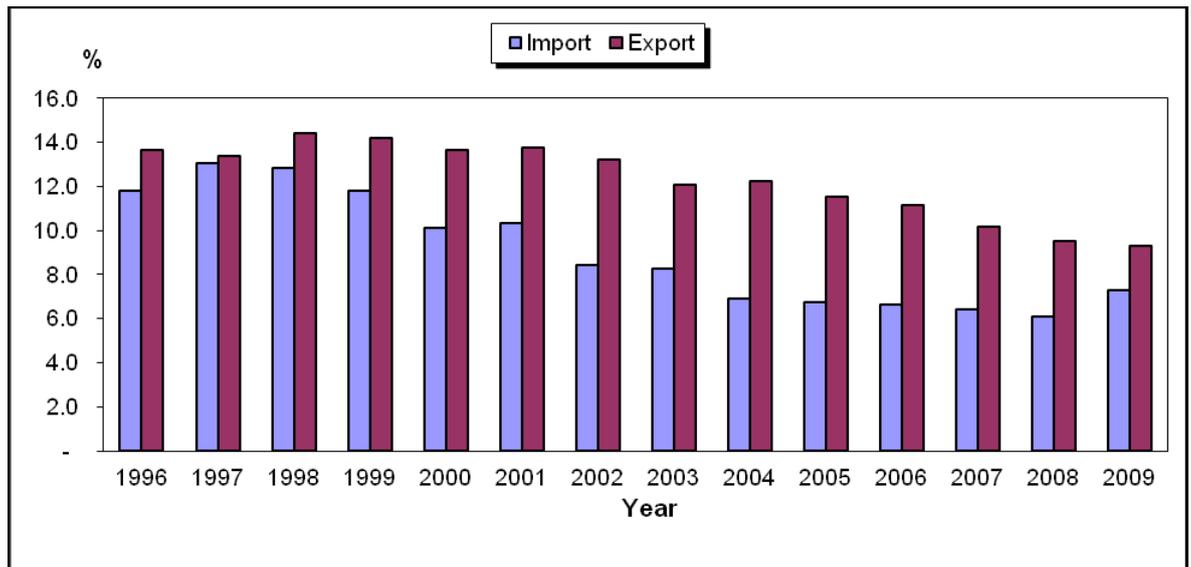


Source: Adapted from the Indonesian Ministry of Trade (2011)

The country’s exports to the U.S. are also very significant and accounts for 12.3 per cent of Indonesia’s total export (see Figure 4.2).⁵⁸²

⁵⁸⁰ U.S. Customs and Border Protection (2006:8), Rosenberg and Chung (2008:54)
⁵⁸¹ USAID and Senada (2008:8)
⁵⁸² Indonesian Ministry of Trade (2011)

Figure 4.2 The Value of Indonesia-U.S. International Trade: Percentages of National Export and Import (in %)



Source: Adapted from the Republic of Indonesia Ministry of Trade (2011)

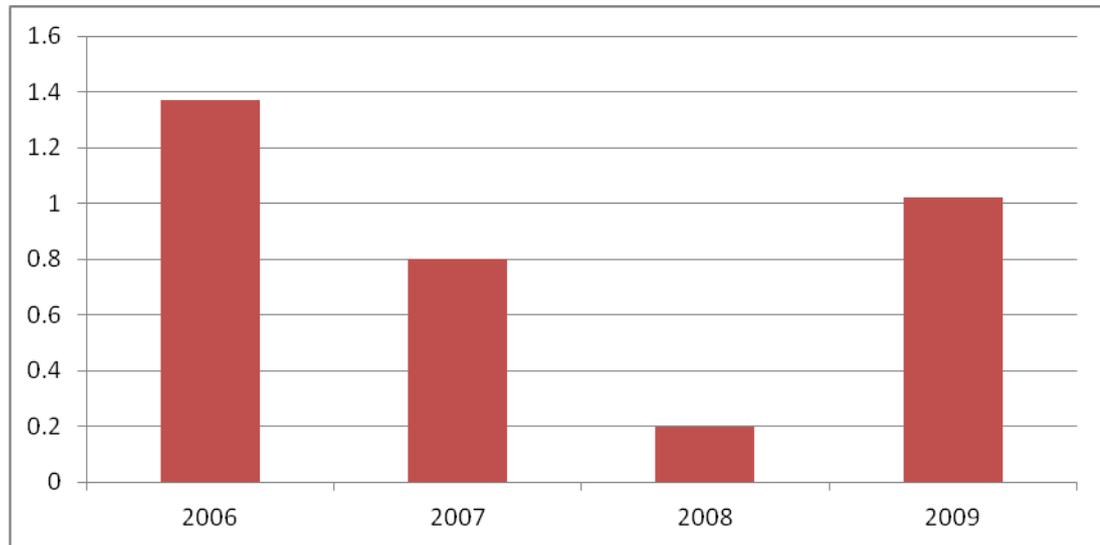
Despite the economic incentives offered by the CSI the Indonesian government perceived that the initiative provided fairly low incentives. This is because without the government participation in the CSI containers from Indonesia can have unimpeded access to U.S. market. The majority of Indonesian export shipments to the U.S. are via the trans-shipment ports of Singapore and/ or the Malaysian ports of Port Klang and Port Tanjung Pelepas, all of which comply with the CSI framework. This circumstance reduced the incentives to cooperate. The incentives for cooperation were further reduced because Indonesian businesses already follow other U.S. security initiatives such as the C-TPAT (Customs-Trade Partnership against Terrorism) and the 24 Hours Rule.⁵⁸³ These initiatives do not require the cooperation of the Indonesian government.

In addition, the implementation of the CSI did not impede the small amount of direct shipping from Indonesia to the U.S. as shown in Figure 4.3. A number of port facilities that have had their security and compliance to the ISPS Code verified by the U.S. Coast Guard under the International Port Security (IPS) Programme could carry out direct shipping to the U.S.⁵⁸⁴ For detailed information on port facilities that had been visited by the U.S. Coast Guard see Appendix V. Indonesia decided not to join the CSI as the low benefits of the initiative could not outweigh the costs.

⁵⁸³ Interview IB38; Interview IB17; Interview IB18; Terminal Peti Kemas Surabaya (11 May 2013)

⁵⁸⁴ Interview IG14; Interview IG12; Interview SG04; Indonesian DGST (2010b:3, 10); Indonesian Ministry of Transport (2010c:5); U.S. Embassy Jakarta (26 February 2008)

Figure 4.3 Indonesian Direct Shipment to the U.S.: Percentage of Total Seaborne Export (in %)



Source: Adapted from the Indonesian Directorate General of Sea Transportation (2010b:3, 10)

The CSI is highly costly because it can introduce significant changes. The practice of placing the U.S. CBP officials in Indonesia's strategic sites such as the country's major international ports as part of the CSI key requirements would be the main change that this initiative could bring.⁵⁸⁵ Indonesian high government officials explained that as part of this initiative Indonesia would need to accept external authority in the decision making process.⁵⁸⁶ As the practice of placing a team of foreign customs in a port to work together with the Indonesian officials has never existed before, the government would need to formulate new legislation to support its implementation and adjust its port security governance to accommodate the presence of U.S. CBP team.⁵⁸⁷ Apart from accepting the CBP team, the Indonesian government would also need to purchase automated advance devices to share information and target high risk containers that meet the CSI minimal requirements. Although Indonesia already has non intrusive pre-screening devices such as X-Ray and Gamma-Ray, however, its international ports are not equipped with radiation detection devices. In addition, the government would also have to ensure that CSI targeting and pre-screening of containers at the port of departure would not cause delays for the

⁵⁸⁵ Interview IG14; Interview IG02; Interview IE23

⁵⁸⁶ Interview IG06; Jailani (2005:66); Indonesian MFA (2006: 35)

⁵⁸⁷ Interview IG06; see also U.S. CBP (2 October 2007)

shippers and compensate if such incidents occur.⁵⁸⁸ The Indonesian government would expect to spend an extra annual cost of at least US\$ 1 million to meet the CSI containers pre-screening requirements.⁵⁸⁹

The changes brought by the CSI agreement would impose high sovereignty costs. Indonesia would need to accept the presence of external authority to monitor its port security. This initiative would also generate high implementation costs. If Indonesia joins the CSI the economic burden for implementing this initiative rests on the Indonesian government. The government would need to make additional investment to purchase new equipment, train its human resources to work alongside the CBP team and prepare a compensation fund for businesses if the screening process caused them financial loss.⁵⁹⁰

To summarize, Indonesia's refusal to join the CSI was influenced by the high costs of participation and lack of benefits. The CSI was significantly costly as it required Indonesia to purchase new equipment, use certain IT system, accept the presence of U.S. CBP team in its port, and to go through periodical reviews. However, it did not offer attractive gains for Indonesia. Indonesia could gain the benefits offered by the initiative through carrying out transshipment of containers from Malaysian and Singaporean CSI ports.

4.4 Indonesia's Rejection to Join the PSI

President George W. Bush announced the PSI on May 31st, 2003 in Cracow, Poland. The PSI does not state fixed requirements for participating states. A state can choose to participate in various ways. These options range from taking part in PSI training exercises, identifying specific national assets that might contribute to PSI activities, providing consent to other states to board and search its flagged vessels to taking part in actual PSI operation to intercept vessels flying their flag in internal waters or territorial seas or areas beyond the territorial seas of other state that suspected of carrying the WMD-related cargoes.⁵⁹¹ Member states of the PSI form the Operational Expert Group (OEG) in managing cooperation activities among them.⁵⁹² This body meets periodically to "develop operational concepts, organize the interdiction exercise programme, share information

⁵⁸⁸ Interview IG32

⁵⁸⁹ Jakarta Post (March 2003)

⁵⁹⁰ Interview IG32; see also U.S. CBP (2006:9)

⁵⁹¹ U.S. DoS (4 September 2003); M.B. Nikitin (2010:2)

⁵⁹² U.S. DoS (4 September 2003); Nikitin (2010:2)

about national legal authorities, and pursue cooperation with key industry sectors.”⁵⁹³ The OEG consists of experts from the defence, foreign affairs, law enforcement, transport and other agencies of PSI countries.⁵⁹⁴

As shown in Chapter Three Indonesia has been willing to join arrangements to address maritime terrorism, the question arises as to why Indonesia chose not to join the PSI?

A neorealist would expect relative gains concerns to play an important part in shaping Indonesia’s rejection of the PSI. Would it be possible to explain Indonesia’s refusal to join the PSI by assessing the calculation of relative gains? Indonesia’s approach towards the PSI does not conform to the neorealist expectation regarding the role of relative gains concerns. Because Indonesia is a middle power a neorealist would expect to see cooperation materialize between Indonesia and larger or smaller states. In this case Indonesia’s participation in the PSI is expected as the initiative is led by the U.S., a much larger state than Indonesia. Relative gains should not matter in the case of the PSI because the power gap between Indonesia and the U.S. is simply too wide. Yet, in contrast to the neorealist expectation Indonesia refused to cooperate in the PSI.

A constructivist would argue that shared identity informed Indonesia’s non-cooperation in the PSI. Could shared identity account for Indonesia’s refusal to join the PSI? There is a correlation between Indonesia’s non-participation in the PSI with the constructivist expectation regarding the importance of shared identity only to the extent that the led country in the initiative, the U.S. and most participants of the PSI are not ASEAN member states. However, as shown in Chapter Three, since Indonesia agreed to cooperate with countries that do not share Indonesia’s enthusiasm for the “ASEAN way” identity (for instance in the case of the APEC TRP), shared identity cannot explain Indonesia’s cooperation or non-cooperation beyond a few cases.

A neorealist and a neoliberal might be expected to highlight the importance of hegemonic leadership as a source of cooperation. Could hegemonic leadership explain Indonesia’s approach to the PSI? The empirical evidence shows that hegemonic leadership cannot explain Indonesia’s rejection of the PSI. The U.S. has proposed the initiative; contributed military, customs, law enforcement, and other security experts and assets to interdiction

⁵⁹³ U.S. DoS (26 May 2008)

⁵⁹⁴ U.S. DoS (26 May 2008); Nikitin (2010:2); Singapore Ministry of Defence (MoD) (25 July 2006)

exercises; hosted PSI meetings, workshops, and exercises with other PSI-endorsing states; and worked to improve other participants' counter proliferation capacity.⁵⁹⁵ More importantly, the U.S. has played an important role in enforcing the PSI rules. In its attempt to further operationalize the PSI and considerably enhance its reach to interdict ships with WMD cargoes the U.S. has concluded bilateral ship boarding agreements with the world's important flag states.⁵⁹⁶ These include Antigua and Barbuda, Bahamas, Belize, Croatia, Cyprus, Liberia, Malta, Marshall Islands, Mongolia, Panama, and St. Vincent and the Grenadines.⁵⁹⁷ Panama, Liberia and Marshall Islands are the top three largest shipping registries, with Malta ranked seventh, Bahamas eighth and Cyprus ten.⁵⁹⁸ In some of these arrangements, if the participating state fails to answer the U.S. interdiction request, the U.S. could still proceed and board the suspected vessel within a couple of hours after the flag state received the U.S. request.⁵⁹⁹ The U.S. is the only PSI member that has so far made such agreements.⁶⁰⁰ These agreements show U.S. leadership in which the government used its advantage in diplomatic and legal resources to enforce the PSI rules.⁶⁰¹ It would be highly unlikely for the participants of the PSI to refuse a U.S. request to interdict a vessel, or for any of them to seek the U.S. consensus to board and inspect a U.S. vessel.⁶⁰²

The U.S. also carried out active diplomatic persuasion to encourage Indonesia to take part in the PSI to allow a focus on the interdiction of ships suspected of transporting WMD. In March 2006, Condoleezza Rice visited Jakarta. The U.S. Secretary of State conveyed the U.S. request for Indonesia to take part in PSI to the Minister of Foreign Affairs, Hassan Wirayuda. The MFA spokesperson Desra Percaya, on March 16th, 2006 stated Indonesia's rejection of the U.S. request.⁶⁰³ The U.S. Principal Deputy Assistant to the U.S. Secretary of State for international security and non proliferation Patricia McNerney, during her visit to discuss non proliferation and the issue of a nuclear Iran with Indonesian officials, in Jakarta in August 2006 sought to assure the Indonesian government that the initiative

⁵⁹⁵ U.S. DoS (16 July 2013)

⁵⁹⁶ D. Guilfoyle (2009:247-248)

⁵⁹⁷ U.S. DoS (15 July 2013)

⁵⁹⁸ UNCTAD (2012: 44)

⁵⁹⁹ Article 4 of the PSI Ship Boarding Agreement between the U.S. and the Government of Saint Vincent and the Grenadines; Article 4 of the PSI Boarding Agreement between the U.S. and the Government of Antigua and Barbuda

⁶⁰⁰ D. Guilfoyle (2009:247)

⁶⁰¹ Guilfoyle (2009:248)

⁶⁰² Guilfoyle (2009: 248)

⁶⁰³ Antara (17 March 2006)

would not undermine the sovereignty of any country.⁶⁰⁴ Interviews confirm that U.S. government officials from both the U.S. Defence and State Department conducted diplomatic persuasion to convince Indonesian decision makers.⁶⁰⁵ Nevertheless, despite U.S. persuasion Indonesia did not join the PSI.

Bureaucratic politics analysis would be expected to put emphasis on the importance of bargaining among self-interested government actors in explaining Indonesia's decision not to join the PSI. Could government actors' competing preferences account for Indonesia's non-cooperation in this case? An analysis of Indonesia's bureaucratic politics shows that competing interests among governmental actors did not inform the government decision. If we took the bureaucratic politics argument into consideration there was a possibility that it might influence Indonesia's decision. Indonesia decision making process pertaining to the PSI was shaped by governmental actors, represented by the MFA and the MoD. The PSI negotiation fell under the two Ministries' remit.⁶⁰⁶ In harmony with the MFA policy regarding the SUA Convention this Ministry would be expected to oppose the PSI. Taking part in the PSI suggests that Indonesia could be subjected to U.S demands to carry out interdiction upon ships plying through the archipelagic' waterways and ships registered under its flag.⁶⁰⁷ Such acts may create legal precedent that challenge Indonesia's rights to secure its sea lanes as granted by the 1982 Law of the Sea Convention. The MoD preference could differ from the MFA. Following the bureaucratic politics argument on self-regarding actor the MoD might support the PSI because the initiative did not generate additional costs for this Ministry. As explained in Chapter Three, through the bilateral defence arrangement Indonesia has cooperated extensively with the U.S. in the area of counter-terrorism. However, despite the absence of potential costs for the MoD to put the cooperation forward the MoD rejected Indonesia's participation in the PSI.

The evidence shows that both Ministries opposed the PSI not because of their self-interest but because of the lack of incentives for the country as a whole. The MFA and the MoD assessment of the PSI highlighted the high economic costs of the cooperation, potential challenges to current convention on the law of the sea, and lack of incentives to Indonesian maritime agencies. First, the two governmental actors' actions were consistent with the calculation of economic risks posed by the PSI. One of the main economic concerns for the

⁶⁰⁴ Jakarta Post (16 August 2007)

⁶⁰⁵ Interview IG21; Interview IG09; Interview IE23; Interview IG33

⁶⁰⁶ Interview IG04; Interview IG40

⁶⁰⁷ Interview IG40; Indonesian MFA (2004: 9)

two Ministries was compensation for delays to shipments or damage of goods to businesses in interdiction case. The Indonesian government was not willing to bear additional economic costs of interdiction.⁶⁰⁸

Second, government officials from both ministries deemed the U.S. led initiative could set a legal precedent that challenge the Law of the Sea regime, in particular through the application of the PSI “interdiction” principles.⁶⁰⁹ The Law of the Sea granted Indonesia as archipelagic state rights to manage and secure both its territorial water and its EEZ. A senior government official from the MoD involved in the decision making process claimed that “the Law of the Sea provides the legal foundation for Indonesia as an archipelagic state. Thus, we have to uphold it.”⁶¹⁰ Both the MFA and the MoD avoid creating any precedent for other country to involve in any form of interdiction of ships in Indonesia’s EEZ.⁶¹¹

Finally, both ministries considered that without taking part in the PSI Indonesian law enforcement agencies could gain the benefit of cooperation with the U.S. through bilateral and regional channels.⁶¹² As explained in Chapter 3 of this thesis, the Indonesian MoD and other law enforcement agencies including the MoT’s Sea and Coast Guard unit, the Navy, the Customs and Excise and the Maritime Security Coordination Board can gain the benefits of cooperation through bilateral cooperation with the U.S. This reduced the incentives to join the PSI.

The MFA and the MoD assessment of the PSI were consistent with the neoliberal account of the calculation of costs and benefits. Their opposition to the PSI was derived from the lack of incentives for the nation. Due to the similarity of policy preferences it was very easy for the MoD and the MFA to object to the PSI.⁶¹³ The decision was formulated in a fast manner and was settled at a routine fortnightly MoD forum. Therefore, an inter-ministerial meeting specially organized to discuss PSI was not required, nor was a special meeting organized at the Coordinating Ministry of Political, Legal and Security Affairs

⁶⁰⁸ Interview IG40

⁶⁰⁹ Interview IG21; Indonesian MFA (2006: 35)

⁶¹⁰ Interview IG04 : Interview IG21

⁶¹¹ Interview IG40; Interview IG21; Interview IE23; Indonesian MFA (2006:35); L.M.T.D. Sumaryono (2004: 42)

⁶¹² Interview IG21; Interview IE23; Interview IG40; Indonesian Ministry of State Secretariat (2001: IV-13); Indonesian Coordinating Ministry of Political, Legal and Security Affairs (2008:30)

⁶¹³ Interview IG21; Interview IE42

level or the Secretary of State level necessary.⁶¹⁴ The PSI was discussed among other security and defence matters by the Minister of Defence, the Minister of Foreign Affairs, the Commander of Armed Forces, National Police, the MoT, the Maritime Security Coordinating Board and the Minister of Maritime Affairs and Fisheries.⁶¹⁵ Other governmental actors did not oppose the MoD and the MFA policy preferences.

The neoliberal argument regarding the role of absolute gains presents the final plausible explanation to take into account. Did Indonesia choose not to participate in the PSI because of the calculation of the absolute gains? The evidence advances the neoliberal argument regarding the importance of absolute gains calculation. The initiative demanded Indonesia to do more than it already was, but did not offer adequate compensation for doing more. With regards to benefits of cooperation, the PSI offered low incentives. The PSI provided a number of cooperation incentives including potential capacity building for Indonesian maritime agencies and eligibility to participate in PSI exercises and information sharing. However, the Indonesian government deemed that these incentives to cooperate were low because Indonesia could reap the benefit of cooperation in halting maritime terrorism, particularly with the U.S., through other arrangements at bilateral and regional level, for example through the bilateral Defence Arrangement and the ARF. The benefits of cooperation were further reduced as Indonesia has already participated in other cooperation channels that aim to prevent proliferation of WMD. Indonesia is party to a number of multilateral initiatives designed to limit the spread of nuclear weapons including the Convention on Offences and Certain Other Acts Committed on Board Aircraft (1963), the Convention for the Suppression of Unlawful Seizure on Aircraft (1970), the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (1971), the Convention on the Physical Protection of Nuclear Material (1980) and the Non Proliferation Treaty (NPT) (1970).⁶¹⁶ An official from the Indonesian Marine Police stated “we already have NPT...why do we have to take part in another cooperation arrangement.”⁶¹⁷ A high government official from the Indonesian Maritime Security Coordinating Board for instance pointed out to the repetitive character of PSI. He suggested that provisions embedded within the PSI “have been addressed elsewhere in other international conventions and protocols. Therefore, Indonesia did not feel compelled

⁶¹⁴ Interview IE22; Interview IE23

⁶¹⁵ Interview IG04; Interview IG21; Interview IG40

⁶¹⁶ S. Sudarman (2010:18); M. Wibisono (2006:289); Indonesian MoD (2008:10-11)

⁶¹⁷ Interview IG09

to take part in PSI.”⁶¹⁸ In addition, the PSI activities are aimed at preventing the proliferation of WMD, their delivery systems or related materials. The activities covered by the initiative including exercises and interdiction are designed around this purpose.⁶¹⁹ As explained in Chapter Two, for Indonesia, the proliferation of WMD is not a priority issue and, therefore, cooperation activities designed to deal with this problem would do little to assist Jakarta in addressing its maritime security concerns.⁶²⁰

The initiative is a costly cooperation. The PSI poses high sovereignty costs because although it does not provide mandatory requirements or require a state to accept a third party in their decision making process the PSI can limit Indonesia’s rights in controlling security over their waters as granted by the 1982 Law of the Sea Convention. As explained earlier in this chapter participants can choose and therefore, limit their mode of engagement. However, as explained by Indonesian officials, government document and security experts, if Indonesia joined the arrangement and chose not to join any interdiction activities the government would still need to answer to its cooperation partners, primarily the U.S., demands to cooperate if suspected vessels were registered under the Indonesian flag or navigating through Indonesian waters.⁶²¹ Such incidents could create legal precedents that challenge Indonesia’s rights as a coastal state or a flag state to maintain full control over the security of its waters and ships registered under its flag.

In addition to the high sovereignty costs, this initiative can bring high implementation costs particularly when a participating state receives a request from another to carry out interdiction either in their waters or for vessels flying its flag. Economically, implementation of the PSI was deemed as too costly by the Indonesian government, as the principal actor that would bear the cost of implementation. Interdiction may cause additional economic costs because of delays to shipments or damage of goods; particularly in the case of a false alert.⁶²² This concern was not unique to Indonesia; for example in Singapore, a contracting party to the PSI, concern over this matter was carefully discussed between government and businesses.⁶²³ One issue was potential additional costs and which stakeholder was going to pay (government, loading port, shipping lines or shippers) when

⁶¹⁸ Interview IG07

⁶¹⁹ U.S. DoS (1 June 2004)

⁶²⁰ Interview IG04; Interview IG05

⁶²¹ Interview IG40; Indonesian MFA (2004: 9)

⁶²² Interview IG40; Nuswantoro (2005:21); Indonesian MFA (2004: 9)

⁶²³ Interview SG05

additional expenses arise.⁶²⁴ In Singapore businesses were prepared to perform their best to cooperate with any attempt to halt maritime terrorism but shipping industries were not willing to pay all the costs. The prevailing problem in the case of interdiction is “how the businesses should be compensated.”⁶²⁵ The same issue was a concern for the Indonesian government, as explained in Chapter Two hundreds of ships traverse Indonesian waters everyday, if one of these ships is interdicted in Indonesian waters the Indonesian government could be held responsible for the act.⁶²⁶ In addition, as previously explained in Chapter Two, thousands of vessels travelling around the world are registered under the Indonesian flag. Therefore, as a flag state, if Indonesia provides its consent for an act of interdiction to take place on board of ships flying its flag the government can be made responsible for economic loss caused by such act.⁶²⁷ An Indonesian government official closely involved in maritime affairs explained that “most actions conducted under the PSI framework are based on intelligence information that is sometimes inaccurate. If an act of interdiction takes place on board a ship and the Indonesian government is charged for any delay or damage resulting from the interdiction who would compensate the shippers.”⁶²⁸

In summary, the key findings presented in this section highlight that Indonesia did not join the PSI because it is a costly initiative. It curbs Indonesia’s rights both as a major flag state and as a costal state, and creates additional costs through compensating businesses due to shipments being delayed or damaged through interdiction activities without providing an adequate payoff. Indonesia could also gain the benefits offered by this arrangement through its bilateral defence arrangement with the U.S.

4.5 Conclusion

Indonesia’s decision not to join the SUA Convention, the CSI and the PSI corresponded with the absolute gains provided by these arrangements. The SUA Convention, the CSI and the PSI required Indonesia to do more than it already was, but did not offer adequate compensation. The SUA Convention regulated how Indonesia must act within its jurisdiction and expected it to accept authority of international tribunal to settle dispute, but did not provide any concrete economic or security incentives. The CSI case presented high

⁶²⁴ Interview SG05

⁶²⁵ Interview SB02. General concerns about international maritime security initiative and how the business should be compensated was also raised in Interview SB07.

⁶²⁶ Interview IG40; Nuswantoro (2005:21)

⁶²⁷ Interview IG40; Indonesian MFA (2004: 9); Nuswantoro (2005:21)

⁶²⁸ Interview IG40

costs because the initiative demanded Indonesia to place a U.S. Customs team in major international ports, purchase pre-screening, radiation and nuclear detection devices and build a specific IT system, but did not offer sufficient benefits. In the PSI Indonesia was faced with risks of having its rights as a coastal or flag state changed and providing compensation to businesses in case of false alert interdiction, while not gaining much benefit from cooperation. In both the PSI and the CSI Indonesia could obtain the benefits of cooperation through bilateral cooperation with the U.S. Having reviewed Indonesia's non-cooperation in the case of the SUA Convention, the CSI and the PSI it could be concluded that neoliberalism, which would argue that cooperation can take place when the overall benefits exceed the costs, explains Indonesia's conduct towards these arrangements.

Existing works on maritime cooperation pointed to four other possible explanatory variables: relative gains, shared identity, hegemonic leadership and bureaucratic politics. Relative gains cannot account for the choices made by Indonesia across the three cases. Power disparity between Indonesia and the U.S., a leading state in the three initiatives was too vast. Indonesia's approach towards the SUA Convention, the CSI and the PSI would not make a significant difference and yet, Indonesia decided not to join the three arrangements.

Indonesia's rejection of the SUA Convention, the CSI and the PSI was consistent with the constructivist expectation on the role of shared identity in informing cooperation; but, only to the degree that the three initiatives were proposed by the U.S. which is a non-ASEAN state and involved a large number of states, most of whom are not members of ASEAN. However, since Indonesia also cooperated with the U.S. and other non-ASEAN states in various arrangements including the WCO SAFE Framework and the APEC TRP to mention a couple, shared identity cannot account for Indonesia's decision to join or not to join an arrangement.

According to the neorealism and neoliberalism argument on hegemonic leadership, when the benefits of cooperation do not outweigh the costs the presence of hegemonic leadership would be sufficient to ensure others to cooperate. The evidence, however, shows that the presence of U.S. leadership in the case of the SUA Convention, the CSI and the PSI could not convince Indonesia to join these arrangements. Although the U.S. had proposed the draft of arrangement, led the negotiation process, and enforced rules in these cases

Indonesia chose not to join these arrangements. This suggests that U.S. leadership cannot account for Indonesia's participation in cooperation arrangements.

The final point to consider is bureaucratic politics. The discussion in this chapter suggests that Indonesia's participation in cooperation arrangements highlights limitations in bureaucratic politics as an explanation. In contrast to the bureaucratic politics literature that points to completely self-interested governmental actors, Indonesian government actors' preferences in all initiatives discussed in this chapter were not derived from the consideration of self-benefit. In the case of the SUA Convention and the PSI if government actors were expected to act based on their self-interest it could be argued that the MoD might have supported the two initiatives because they would not need to make substantial adjustments at the national level to implement the cooperation requirements of both initiatives. Similarly, in the case of the CSI, Customs could potentially support this initiative because the initiative would enable them to ensure shorter waiting times and priority handling at any U.S. ports to national exporters. In contrast to this expectation, the MoD in the case of the SUA Convention and the PSI, and Customs in the case of CSI agreed with the MFA to oppose these initiatives. Analysis of Indonesia's bureaucratic politics shows that governmental actors assessed each cooperation initiative based on the costs and benefits that each arrangement posed to the country as a whole.

This thesis explains why, despite Indonesia's enthusiasm to join some arrangements dealing with maritime terrorism, it shows reluctance to join others. This chapter argues that Indonesia refused to participate in initiatives that did not bring significant incentives such as the SUA Convention, the CSI and the PSI. The findings in this chapter add to the argument made in Chapter Three regarding the centrality of the absolute gains calculation in informing Indonesia's participation or non-participation in counter-terrorism cooperation. The next chapter will investigate whether Indonesia's cooperation in counter armed robbery against ships cooperation, a separate policy area in maritime security, will support the findings explained in Chapter Three and this chapter.

Chapter 5. Indonesia's Cooperation to Address Armed Robbery against Ships

5.1 Introduction

This chapter explains Indonesia's participation in cooperation arrangements dealing with armed robbery against ships. Indonesia has joined the coordinated patrol agreements with Singapore and Malaysia, closely cooperated with the Philippines, Japan, India and China to address armed robbery against ships, and taken part in the Malacca Straits Patrols (MSP) agreement and ASEAN counter sea robbery initiatives.

This chapter explains Indonesia's cooperation in some counter sea robbery arrangements in order to show why Indonesia's decision not to join other arrangements is puzzling. This chapter is interesting since it explains not only Indonesia's willingness to cooperate to address sea robbery but also its engagement to initiate and convene various cooperative measures and meetings. It provides an explanation of alternative avenues for cooperation that Indonesia has embarked upon to address sea robbery and the substantial resources that Indonesia has invested in this cooperation. In doing so, this chapter challenges the argument which points to Indonesia's reluctance in dealing with the issue of armed robbery against ships.⁶²⁹

The existing literature on cooperation points to the calculation of absolute gains, concerns over relative gains, shared identity, and bureaucratic politics as potential explanations for Indonesia's cooperation. Following these plausible explanations, this chapter will argue that (a) the calculation of relative gains cannot explain Indonesia's cooperation across cases because in contrast to neorealist expectations Indonesia cooperated not only with smaller and larger states but also with near-peer; (b) Indonesia's decision to cooperate was not informed by the notion of shared identity, as expected by constructivism, since Indonesia agreed to cooperate with ASEAN states and non-ASEAN states; (c) analysis of bureaucratic politics offers little explanatory purchase because the leading role of the MFA in all cooperation initiatives presented in this chapter meant competing government actors' preferences did not shape Indonesia's cooperation; and (d) the neoliberal argument regarding the role of absolute gains calculation does explain Indonesia's cooperation.

⁶²⁹ Huang (2008:91, 93); Raymond (2007:88); Sittnick (2005: 752, 754-5); C.M. Stryken (2007:139); J.N. Mak (2006: 135-6, 152,156-7); see interviews with a number of maritime scholars as cited in Jakarta Post (6 August 2006)

Indonesia participated in all cases explained in this chapter because the benefits of cooperation promised by these arrangements exceeded the costs. Bilateral patrol arrangements with Malaysia and Singapore, defence agreements with the Philippines and India, bilateral arrangements with Japan and China, the Malacca patrol agreement and regional initiatives such as the ASEAN Regional Forum and the ASEAN Maritime Forum did not require Indonesia to do more than what it already did and provided Indonesia with burden sharing assistance, new equipment and capacity building programmes.

To analyse the reasons underpinning Indonesia's decision to join cooperation arrangements dealing with armed robbery against ships, sections two to seven explain cooperation initiatives to deal with armed robbery against ships that Indonesia chose to join. At bilateral level Indonesia has been closely cooperating with Singapore, Malaysia, the Philippines, Japan, China, and India. These states have been identified in various Indonesian government documents and interviews with officials, experts and representatives of businesses in Indonesia, Malaysia and Singapore.⁶³⁰ The Indonesia-Singapore and the Indonesia-Malaysia coordinated patrol agreements follow a similar structure and display the same obligation as well as cooperation procedure for participating states. This is also the case for Indonesia's defence agreements with both the Philippines and India. Thus, for the sake of brevity, sections two and three discuss bilateral agreements that have similar structures and content together. Sections four to seven then continue with an explanation of Indonesia's cooperation in bilateral arrangements with Japan and China, the MSP sub regional agreement and two ASEAN initiatives dealing with sea robbery. The discussion of each section begins with an analysis of the variables that might inform Indonesia's decision to cooperate: relative gains, shared identity, government actors' preferences and absolute gains. Finally, the conclusion argues that Indonesia's participation in cooperation arrangements to address sea robbery was informed by the calculation of absolute gains.

⁶³⁰ Indonesian Coordinating Ministry of Political, Legal and Security Affairs (2007: 31-36; 2008: 22-24;81-82); Indonesian MoD (2003: 71, 80-82; 2008: 86, 142-145,148-149); Bakorkamla (2004: 3-4; 2010: 181-182); DKPT (2008: 12); Staf Umum Operasi Markas Besar Angkatan Laut (2004: 35-36, 38); Nuswantoro (2005: 26); Agoes (2005: 39); Interview IB01; Interview IG02; Interview IG04; Interview IG05; Interview IG06; Interview IG09; Interview IG10; Interview IG11; Interview IG12; Interview IG14; Interview IG19; Interview IG21; Interview IE23; Interview IG28; Interview IG34; Interview ME01; Interview MI02; Interview SB02; Interview SB06; Interview SB08

5.2. Coordinated Patrol Agreements: Indonesia-Singapore and Indonesia-Malaysia

In June 1992, responding to the rise of armed robbery incidents in waters surrounding the Straits of Malacca and Singapore, Indonesia signed the Indo-Sin Coordinated Patrol (ISCP) agreement with Singapore and the Indonesia-Malaysia Coordinated Patrol (IMCP) agreements in the same year.⁶³¹ These agreements show similar obligations for parties and regulate the same procedures. Parties are required to exchange information through direct communication channels and carry out coordinated patrols.⁶³² Both agreements oblige states to mutually inform one another, provide constant monitoring, sharing of information and assistance to each other especially when a pursuit is likely to cross territorial boundaries.⁶³³ Under these initiatives the naval and maritime police forces of Indonesia, Malaysia and Singapore are required to conduct regular patrols within their own territorial waters.⁶³⁴ These agreements allow patrol vessels of each state to cross boundaries when pursuing sea robbers but do not grant them with power of arrest.⁶³⁵

Under the ISCP Indonesia and Singapore are required to take part in coordinated patrols which are conducted four times per year for 60 days each.⁶³⁶ Under the IMCP Indonesia and Malaysia are obliged to carry out coordinated patrols along their shared borders in the Strait of Malacca.⁶³⁷ The IMCP coordinated patrols include two types of patrols: the MALINDO and OPTIMA MALINDO. The coordinated patrol MALINDO is carried out four times a year for 10 days each.⁶³⁸ The OPTIMA MALINDO coordinated patrol is held once a year for seven days.⁶³⁹ The concerned states need to allocate its military personnel and naval resources to join the patrol. Under the ISCP each patrol requires one warship and one marine police vessel from both states.⁶⁴⁰ In term of Indonesia-Malaysia agreement, the MALINDO patrol requires two warships from each state. It involves an Indonesian Navy warship, a Marine Police vessel, a patrol boat of the Directorate General of Sea Transportation, a Customs office boat, and a Malaysian Navy warship.⁶⁴¹ The OPTIMA

⁶³¹ Singapore MoD (27 May 2005); Chalk (1998a:99); R. Beckman, C. Grundy-War and V.L. Forbes (1994:15); R. Beckman (2002:330)

⁶³² Singapore MoD (30 October 2001); Sondakh (2004: 22)

⁶³³ Chalk (1998a:99); Beckman, Grundy-War and Forbes (1994:15); Beckman (2002:330)

⁶³⁴ Singapore MoD (27 May 2012); Sondakh (2004: 22)

⁶³⁵ Interview IG03; Singapore MoD (27 May 2012); Sondakh (2004: 23)

⁶³⁶ T. Susumu (2002:54); B.K Sondakh (2006:88); Staf Umum Operasi Markas Besar Angkatan Laut (2004:38)

⁶³⁷ Beckman, Grundy-War and Forbes (1994:15); Chalk (1998a:99); Antara (23 November 2010); Susumu (2002:54); Staf Umum Operasi Markas Besar Angkatan Laut (2004: 38)

⁶³⁸ Susumu (2002:54); Sondakh (2006:88)

⁶³⁹ Susumu (2002:54)

⁶⁴⁰ Susumu (2002:54)

⁶⁴¹ Susumu(2002:54); Sondakh (2006:88)

MALINDO involves an Indonesian Navy warship, a Marine Police vessel, a patrol boat of the Directorate of General of Sea Transportation, a Customs office boat, and a Malaysian Navy warship.⁶⁴²

Neorealism would argue that the relative gains concerns could shape Indonesia's decision to join or not to join a cooperation agreement. Neorealism would expect Indonesia, as a middle power, to be more inclined to cooperate with larger or smaller states and be less likely to cooperate with near-peer states. With this in mind, could Indonesia's participation in bilateral arrangements with Malaysia and Singapore support this neorealist expectation? Concern over relative gains did not inform Indonesia's decision to join the two coordinated patrol arrangements. As shown in these cases Indonesia was willing to cooperate closely with Malaysia and Singapore, two near-peer states.

Constructivism would expect shared identity to matter in informing Indonesia's participation in the two coordinated patrol arrangements with Singapore and Malaysia. The question to pose here is, could shared identity explain Indonesia's cooperation? Indonesia's cooperation with Malaysia and Singapore in the ISCP and the IMCP arrangements conform to the constructivist argument regarding the importance of shared identity in cooperation to the extent that the two cooperation arrangements involved other ASEAN states: Singapore and Malaysia. However, since Indonesia also joined cooperation arrangements that involved non-ASEAN states (for instance the WCO SAFE Framework, as shown in Chapter Three, and the ASEAN Maritime Forum, as explained later in this chapter), the constructivist argument is lacking in explanatory power.

Bureaucratic politics analysis might suggest that competing interests among government actors would contribute to Indonesia's decision to join the two coordinated patrol arrangements with Singapore and Malaysia. Taking the bureaucratic politics expectation into account, could competition among self-interested actors influence Indonesia's cooperation? The evidence shows that competing government actors' preferences did not inform Indonesia's decision to cooperate in coordinated patrol arrangements with Singapore and Malaysia. The lead Indonesian government actors in the two arrangements were the MFA and the MoD. According to the bureaucratic politics argument the MoD would be expected to support the two coordinated patrol arrangements because Indonesia's

⁶⁴² Susumu(2002:54); Sondakh (2006:88)

Armed Forces had been carrying out various patrol activities with its Singapore and Malaysian counterparts, including cross-border pursuits, before these arrangements materialized in 1992. For the MoD the establishment of these initiatives simply set up clearer and formal arrangements. On the other hand, arguably, the MFA would be expected to reject these arrangements. As the vanguard of Indonesia's foreign policy the Ministry might deem that the cross border element of these arrangements contradicts the principles of non interference and sovereignty. The MFA could have asked the MoD and the Indonesian Armed Forces to continue border cooperation and carry out cross border pursuits informally because through this mechanism Indonesia can still gain incentives without developing any new legal obligations. Yet, this was not the case. In contrast to the bureaucratic politics literature these governmental actors were in favour of Indonesia's participation in both arrangements.

The MFA and the MoD based their policy assessment on aggregate costs and benefits of cooperation for the whole nation.⁶⁴³ The MFA and the MoD agreed that as Singapore and Malaysia bordered the Strait of Malacca and Singapore cooperation between their Navies and Marine Police is important to support Indonesia's attempt to halt sea robbery.⁶⁴⁴ Government officials from both ministries also highlight the benefit of bilateral cooperation with Malaysia and Singapore to deal with other maritime issues such as illegal fishing and smuggling.⁶⁴⁵ As an MoD official put it:

...there are many illegal fishing and smuggling incidents [in the Straits]. However, so far everything is good. We are happy, Malaysia is happy, Singapore is happy...at operational level bilateral patrols assist to curb these [illicit activities]. We coordinate among us.⁶⁴⁶

This suggests that contrary to the bureaucratic politics literature, the MFA and the MoD did not put forward the cooperation because of their own self-interest when engaging in coordinated patrol cooperation agreements with Singapore and Malaysia.

The findings are consistent with the neoliberal argument regarding the calculation of costs and benefits in absolute terms. In term of the calculation of the absolute gains, the benefits

⁶⁴³ Interview IG04; Interview IG05; Interview IG43; Djalal (2009c:327); Sondakh (2006: 88-9)

⁶⁴⁴ Interview IG05; Oegroseno (2006:37); Jailani (2005:70); Interview IG09; Interview IG02; Interview IG04; Interview IG05; Indonesian MFA (2004: 6-7); Sondakh (2004:22; 2006:88)

⁶⁴⁵ Interview IG04; Interview IG05; Oegroseno (2006:37); Jailani (2005:70); Indonesian Coordinating Ministry of Political, Legal and Security Affairs (2006b: 35)

⁶⁴⁶ Interview IG04

offered by the two coordinated patrol arrangements to Indonesia exceeded the costs. The coordinated patrol agreements with Singapore and Malaysia generate four incentives for Indonesia. First, Indonesia receives support when carrying out patrol in the Sumatra Coast. This includes coastal monitoring and coordination support provided from Singapore's Changi Naval Base and bases along the Malaysian coast. This benefit can be categorized as a core benefit because Indonesia and Singapore share a maritime border. The coordinated patrol arrangement with Malaysia is particularly important to assist Jakarta in dealing with sea robberies because of the long shared maritime borders at four locations: the Strait of Malacca, the Strait of Singapore, Sulawesi Sea and South China Sea.⁶⁴⁷ Second, the arrangements with Singapore and Malaysia fitted pre-existing goals that Indonesia had been unable to successfully achieve. These goals include reducing the number of armed robberies at sea and smuggling, particularly arms smuggling.⁶⁴⁸ This is a core benefit for Indonesia's counter sea robbery measures. Before the signing of the coordinated patrol agreements, information exchange and cross border pursuit were primarily guided by non-formal practices through navy to navy communication.⁶⁴⁹ The ISCP and the IMCP provide improved procedures to coordinate actions, exchange information and carry out cross border pursuit of sea robbers. In 1992, when these agreements were established, Indonesian armed forces were embarking on an intensive military campaign to deal with the separatist movement in Aceh, an Indonesian province at the northern end of the Strait of Malacca. Cooperation with Malaysia in particular was deemed central to ensure the success of Indonesia's national attempt to curtail arms smuggling to the Free Aceh Movement. The Indonesian Police Chief, General Da'i Bachtiar, claimed that some of these fire arms were being smuggled by fishing boat from Malaysia across the Straits of Malacca to the Indonesian province of Aceh.⁶⁵⁰ As explained in Chapter Two, the Indonesian government had linked the Aceh separatist group sea robbery activities and the smuggling of arms to the province. The Aceh separatist group (GAM) had been reported carrying out sea robberies in the Strait of Malacca to support their movement in the 1990s to early 2000s.⁶⁵¹

⁶⁴⁷ I.M.A. Arsana (2011:7)

⁶⁴⁸ Indonesian Coordinating Ministry of Political, Legal and Security Affairs (2006b:35); Djalal (2009c: 327)

⁶⁴⁹ Interview IG02

⁶⁵⁰ Indonesian Embassy in Canberra (8 May 2003); M. J. Valencia (2006a:92); M.T. Yasin (2007:232); Jakarta Post (26 August 2010)

⁶⁵¹ Interview IG04; Interview IB01; Burton (August 2006); Sudrajat (2005: 82); Siregar et.al (2004:14); Power (2008:117); Chen (2007: 139, 148) Ong-Webb (2007: 78); Mak (2007: 206-207)

Third, the cooperation initiatives provide the Indonesian armed forces with access to Singaporean and Malaysian resources which would be otherwise unavailable. This includes access to Singapore's and Malaysia's defence equipment, technology for servicing of aircraft components, high tech training facilities and tactical engagement systems.⁶⁵² Access to technologies and training facilities is highly valued by the Indonesian government. This benefit assists Indonesia to develop the capacity of its maritime agencies that will be useful during actual maritime counter sea robbery operations.

Finally, bilateral cooperation with Singapore and Malaysia provides opportunities to develop defence logistics through the purchase, sale and gifting of equipment. This include: Indonesia's purchase of arms from Singapore; the sale of six Indonesian-built CN-235 transport aircraft, Super Puma helicopters and Anoa 6x6 armored personnel to Malaysia; and Jakarta's purchase of 20 Malaysian-built SME MD3-160 aerobatic trainer aircraft and military trucks; and the gifting of 5 patrol boats from Singapore's Coast Guard to Indonesia's Marine Police.⁶⁵³ Singapore's weapons exports include aircraft, artillery, missiles and ships.⁶⁵⁴ This benefit could be seen as core because it not only encouraged Indonesia to develop its technologies but also equip its maritime agencies. Ships and aircraft purchased or received from its cooperation partners contributed to Indonesia's counter sea robbery surveillance mission.

In addition to substantial benefits the coordinated patrol arrangements posed low cooperation costs. These agreements do not introduce much change to the existing counter sea robbery cooperation between Indonesia and Singapore and Indonesia and Malaysia. The two arrangements are not intrusive because they rely on good faith compliance and do not introduce an independent third party to enforce rules.⁶⁵⁵ As explained in Chapter Two, prior to these agreements Indonesia had carried out unilateral patrols in the Straits of Malacca and Singapore and allocated resources for these patrols including military personnel, patrol ships and surveillance aircraft. As Admiral Nuswantoro and two officials from the Ministry of Defence confirmed, Indonesia has invested enormous military expenditure and carried out patrols to secure the Straits of Malacca and Singapore before

⁶⁵² Singapore MoD (2009:4); Singapore MoD (30 November 2012); Singapore MoD (8 December 2010); Jakarta Post (6 July 2011)

⁶⁵³ A. Acharya (2001: 149); Jakarta Post (19 May 2011); R. Matthews and C. Maharani (2 January 2009)

⁶⁵⁴ Matthews and Maharani (2 January 2009)

⁶⁵⁵ Interview IG02; Interview IG04; Interview IG05; Sondakh (2006:88); Purnomo (2004:22); Jakarta Globe (9 February 2012)

the 1990s.⁶⁵⁶ Before these agreements the Indonesian Navy and the Marine Police have already cooperated closely with their Singaporean and Malaysian counterparts. An Indonesian official from the Maritime Security Coordinating Board confirmed this: “before the signing of the 1992 agreement Indonesia, Malaysia and Singapore have developed a range of formal and non formal cooperation activities.”⁶⁵⁷ The economic costs of these activities have also been shared by the two countries.⁶⁵⁸ The only change brought about by these agreements is the formalization of hot pursuit procedures and communication channels which enable quick response.

The absence of substantial changes suggests that the sovereignty costs of these agreements are low. This is because Indonesia is largely conducting the same activities as before these agreements were introduced in 1992. These agreements mainly serve as burden sharing cooperation between participating states. The implementation costs of the bilateral cooperation are also low. The ISCP and the IMCP are in line with pre-existing Indonesian policies in dealing with sea robbery. Therefore, the Indonesian government does not need to make significant adjustments at the domestic level to meet the ISCP and the IMCP requirements because most cooperation activities are already ongoing.⁶⁵⁹

In summary, Indonesia’s decision to join the coordinated patrol arrangements with Malaysia and Singapore was shaped by the absolute gains consideration. As shown above, the two arrangements brought significant absolute gains. These benefits range from coastal monitoring support to defence industries and logistics development.

5.3 Defence Cooperation Agreements: Indonesia-the Philippines and Indonesia-India

On August 27th, 1997 the Indonesian and the Philippines MoD enhanced security cooperation between the two countries by signing the Agreement on Cooperative Activities in the Field of Defence and Security. The agreement came into force after the Indonesian Parliament ratified it in April 2007. Defence cooperation between Indonesia and India is formalised by the signing of the Agreement on Cooperative Activities in the Field of Defence on January 11th, 2001 which was ratified in 2007.

⁶⁵⁶ Nuswantoro (2005:5); Interview IG07; B.K. Sondakh (2004: 23-26)

⁶⁵⁷ Interview IG02; see also Staf Umum Operasi Markas Besar Angkatan Laut (2004: 38); Sondakh (2004: 22)

⁶⁵⁸ Interview ME01; Interview IG02; Sondakh (2004: 22)

⁶⁵⁹ Interview IG02; Sondakh (2004: 22)

Both agreements show identical structures and substance. These agreements require parties to take all necessary measures to develop defence and security technical cooperation in the area of joint and combined military training and exercises; border patrol operations; development of the human resources; exchange of information; defence technology including research and development, production, modernization and transfer of technology; as well as logistics support system including maintenance and repair. Parties are obliged to establish a Joint Defence and Security Cooperation Committee that is responsible to identify potential areas of cooperation, common interests, initiate and recommend cooperative activities, coordinate, monitor and control the approved activities, resolve problem arising out of the implementation of the agreement and submit joint reports to both defence ministers. Parties are required to ensure the confidentiality of intelligence information and coordinate any form of publications in the media to safeguard the interests of both states. These agreements oblige states to label classified information and equipment with specific tags indicating their classification. In addition, in the area of innovation and development states are required to protect the industrial intellectual property rights of both states from unauthorized usage.

Neorealism would expect that the calculation of relative gains to play a central role in shaping Indonesia's decision to cooperate with the Philippines and India. Could the relative gains calculation explain Indonesia's cooperation in the two agreements? Indonesia's decision to join the two defence agreements with the Philippines and India meets this expectation insofar that as a middle power Indonesia cooperated with India, a larger state, and the Philippines, a smaller state in comparison to Indonesia. However, the relative gains calculation cannot offer a sufficient explanation because Indonesia does not cooperate with only larger or smaller states but also with its near peer-competitors (for instance in the two coordinated patrol agreements with Singapore and Malaysia).

Constructivism would argue that shared identity would have some bearing in influencing Indonesia's participation in defence agreements with the Philippines and India. Following this argument, could it be possible that shared identity informed Indonesia's decision in both cases? The constructivist argument about the role of shared identity cannot account for Indonesia's participation in both cooperation agreements because Indonesia was willing to cooperate with a state that shares a similar identity, Philippines, and one that does not, India. The former being an ASEAN state and the latter being a non-ASEAN state.

In line with the bureaucratic politics approach, Indonesia's participation in defence agreements with the Philippines and India would be expected to result from bargaining among self-interested actors. Bearing this in mind, could competing actors' preferences explain Indonesia's participation in both agreements? The evidence shows that bureaucratic politics cannot provide a satisfactory explanation pertaining to Indonesia's decision to join bilateral cooperation with the Philippines and India. It is possible to imagine a scenario in which the conventional understanding of bureaucratic politics plays out. The MoD is highly in favour of cooperation with the Philippines and India since the two countries shared common maritime borders with Indonesia. Cooperation between Indonesia and both states to address sea robbery and other transnational crimes is seen as an ideal solution to deal with these matters.⁶⁶⁰ In line with the bureaucratic politics argument it could be argued that the MFA would be expected to oppose the MoD decision to negotiate the two defence agreements that include patrol arrangements or joint exercises. In the case of the defence cooperation with the Philippines the main issue is Indonesia and the Philippines have not settled their maritime boundaries. As archipelagic states both countries claim EEZ up to 200 nm wide in the Sulawesi Sea, despite, no part of the Sea reaches more than 200 nm from the nearest coast.⁶⁶¹ The Philippines claims all waters within its treaty limits as its territorial waters.⁶⁶² Indonesia would not enter into negotiation as long as the Philippines asserted this claim because Indonesia's Pulau Miangas (Palmas Island) is located within those treaty limits.⁶⁶³ Under this circumstance Indonesia and the Philippines maritime agencies would be expected to cooperate to secure undefined maritime borders. The absence of clear territorial limits might cause misunderstanding or open conflict between the two countries' law enforcement agencies. In the case of the defence agreement with India the MFA arguably, could oppose the initiative because of India's previous attempts to get directly involved in securing the Straits of Malacca and Singapore. As previously explained, India's decision to deploy its naval warships in 2002 to escort merchant ships navigating through the Straits of Malacca was met with hostility

⁶⁶⁰ Interview IG04; Interview IG05; Interview IG07; Interview IG40; Indonesian MFA (2004: 7,38); Nuswantoro (2005: 26); Interview IG06; Indonesian Coordinating Ministry of Legal, Political and Security Affairs (2008:24-5, 29); Consulate General of India in Medan (6 October 2012); Xinhua (11 August 2004); Hindu (21 May 2005); Hindu (3 September 2003).

⁶⁶¹ V. Prescott and C. Schofield (2001:42)

⁶⁶² Prescott and Schofield (2001: 44)

⁶⁶³ Prescott and Schofield (2001:44)

by the Indonesian government. India's conduct was seen as a threat because it could encourage other user states to take a similar action and undermine Indonesia's authority.⁶⁶⁴

Despite the bureaucratic politics expectation the evidence, however, shows that the Indonesian MoD in close coordination with the MFA agreed to conclude the two defence agreements. Their decision was derived from the calculation of net incentives of cooperation for the entire nation.⁶⁶⁵ As explained before in this Chapter cooperation with India and the Philippines is seen as an acceptable solution to deal with sea robbery and other transnational crimes such as smuggling of arms and illegal migration. The MoD carefully designed the type and timing of maritime patrol and exercises to complement the nation's Navy, Sea and Coast Guard (MoT) and Marine Police maritime patrols in the waters bordering Indonesia and these two states.⁶⁶⁶

The final plausible explanation to consider is the absolute gains calculation. Indonesia's cooperation in defence agreements with the Philippines and India is consistent with the neoliberal expectation regarding the calculation of absolute gains. The bilateral cooperation with both countries provides three benefits. First, the Indonesian Navy, Marine Police, Sea and Coast Guard (MoT) receive support during patrols along both the coast of Sulawesi located near to the Philippines border, and at the northern end of the Straits of Malacca and Singapore that located near the Indian border. This benefit is a core benefit. Indonesia highly valued the two countries' assistance in supporting its counter sea robbery patrols. These include surveillance aircraft accompanying ships on patrol and coastal coordination support provided from the Philippines shore and from India Naval and Coast Guard bases in the Andaman, Nicobar Islands and Port Blair.⁶⁶⁷ In addition, the Philippines Coast Guard stations in Palawan, South Western and Southern Mindanao districts, and Indian Maritime Operation Centres and Maritime Regional Coordination Centres that are located at Mumbai, Kochi, Vishakhapatnam and Port Blair maintain communication with the Indonesian maritime centre in Batam.⁶⁶⁸

⁶⁶⁴ Staf Umum Operasi Markas Besar Angkatan Laut (2004: 35)

⁶⁶⁵ Interview IG04; Interview IG05; Interview IG07; Interview IG40; Indonesian MFA (2004: 7,38); Nuswantoro (2005: 26)

⁶⁶⁶ Interview IG06; Indonesian Coordinating Ministry of Legal, Political and Security Affairs (2008:29); Nuswantoro (2005: 26); Interview IG04; Interview IG05; Interview IG40; Indonesian MFA (2004: 7,38); Sondakh (2004: 20-21)

⁶⁶⁷ V. Sakhuja (2007: 32); Staf Umum Operasi Markas Besar Angkatan Laut (2004: 38)

⁶⁶⁸ Sakhuja (2007: 32); Philippines Department of National Defense (21 May 2013); Philippines Coast Guard (21 May 2013), Philippine Navy (2011:1); Interview PG01

Second, these cooperation initiatives allow Indonesia to achieve specific policy goals in maritime security which Indonesia had been unable to successfully achieve without having to make additional investments. These goals include dealing with arms smuggling, illegal fishing and illegal migration.⁶⁶⁹ Cooperation with the Philippines authority was seen as central strategy to assure the success of Indonesia's national attempts to curb smuggling of weapons to its provinces that have experienced ethnic and sectarian conflicts. When the agreement was introduced in 1997 communal and sectarian conflicts had flared up in a number of locations in Indonesia.⁶⁷⁰ As explained in Chapter Two, the smuggling of arms from the Philippines to the North Sulawesi (Miangas Island) has played a role in exacerbating violence in the conflicts across the country.⁶⁷¹ A former Navy official explained that "for the MoD and the MFA cooperation with the Philippines and India is important to increase law enforcement presence in our common maritime borders... to deal with illegal fishing and smuggling."⁶⁷² In terms of cooperation with India, the two navies carry out the INDO CORPAT coordinated patrol in the Andaman Sea twice a year.⁶⁷³ Each patrol involves two Navy ships from each states and an aircraft.⁶⁷⁴ The Andaman Sea is located at the northern entrance of the Straits of Malacca and Singapore.⁶⁷⁵ For Indonesia, due to the proximity of the Andaman Sea with the Straits of Malacca and Singapore, the coordinated patrol is useful not only in supplementing Indonesia's counter sea robbery efforts in the Straits. As confirmed by Lieutenant Colonel Warsono, "the coordinated patrol of the Indonesian and Indian navies is expected to free the Malacca Strait from security threats such as, smuggling, illegal logging..."⁶⁷⁶ Closer monitoring and exchange of information between the two navies are also crucial to ensure the success of Indonesia's attempts to prevent the influx of illegal seaborne migrants from South Asia, particularly Sri Lanka, and the Middle East.⁶⁷⁷ This benefit can be categorized as an ancillary benefit. As explained in Chapter Two, officials from the Navy and the MoD identified smuggling and illegal seaborne migrants as the main security challenges facing the country.⁶⁷⁸ However,

⁶⁶⁹ Interview IG04; Nuswantoro (2005: 26); Indonesian Coordinating Ministry of Legal, Political and Security Affairs (2006a: 67; 2006b:35; 2008: 24-5); Purnomo (2004: 30, 35-6); Interview IG07

⁶⁷⁰ Jakarta Post (10 July 2002); Jakarta Post (12 March 2010)

⁶⁷¹ Jakarta Post (10 July 2002)

⁶⁷² Interview IG02

⁶⁷³ Nuswantoro (2005: 26); Xinhua (11 August 2004); Hindu (21 May 2005); Hindu (3 September 2003)

⁶⁷⁴ Consulate General of India in Medan (6 October 2012)

⁶⁷⁵ Nuswantoro (2005: 26); Xinhua (11 August 2004); Hindu (21 May 2005); Hindu (3 September 2003)

⁶⁷⁶ Antara (27 September 2011)

⁶⁷⁷ Interview IG04; Interview IG05; Purnomo (2004: 30, 35)

⁶⁷⁸ Interview IG04; Interview IG05

reduction in smuggling and illegal migration does not contribute to Indonesia's counter sea robbery efforts.

Third, these agreements provide Indonesia with an opportunity to develop its defence industry through joint research, sale, and exchange of goods or transfers of technology with the Philippines and India that otherwise would be unavailable. This includes the sale of three landing platform docks (LPD), CN-235 aircraft and ammunition and assault rifles from Indonesia to the Philippines.⁶⁷⁹ Currently, Indonesia is exploring the possibility of purchasing and jointly manufacturing missiles, submarines and aircraft carriers with India.⁶⁸⁰ This benefit can be seen as an ancillary benefit. The manufacture of missiles and submarines is useful to develop Indonesia's military capacity but will contribute little to the country's counter sea robbery efforts, as that task requires more high-speed patrol boats, helicopters and surveillance aircraft to secure its sea.

These agreements do not introduce significant changes to the already ongoing cooperation. The two agreements maintain "full respect of sovereignty," create weak legal responsibility because they require parties mainly "to endeavour", "encourage" and "promote" bilateral relations, and settle disputes through mutual consultation.⁶⁸¹ Bilateral cooperation between Indonesia and the Philippines has also been institutionalized in the form of the Indonesian and the Philippines Joint Border Committee (JBC) forum since 1975. The JBC cooperation forum covers a broad range of issues including armed robbery against ships, smuggling, illegal fishing and illegal immigration.⁶⁸² The two countries carry out various activities under this forum including the Marine Policing Exercise that involves the Indonesian Ministry of Transport (MoT) and the Philippines Coast Guard, the two navies coordinated patrol called the Corpat Philindo, joint search and rescue exercises, information exchange and border crossing controls.⁶⁸³ The coordinated maritime patrol involving patrol vessels and maritime reconnaissance aircraft to secure the waterway between Southern Mindanao and northern Sulawesi for instance has been established since 1989, many years before sea

⁶⁷⁹ Kompas (22 March 2011)

⁶⁸⁰ Indonesian MoD (16 October 2012); Indonesian MoD (18 October 2012); Antara (22 September 2011); Jakarta Post (3 April 2007)

⁶⁸¹ Opening paragraph, Article I and VIII of the India-Indonesia Agreement on Cooperative Activities in the Field of Defence and Security; Opening paragraph, Article I and Article VIII of the Philippines-Indonesia Agreement on Cooperative Activities in the Field of Defence and Security.

⁶⁸² Indonesian MoD (2003: 65); Straits Times (26 May 1977) as cited in A. Acharya (1990:8)

⁶⁸³ Interview IG02; Indonesian MoD (2008:145); Indonesian Embassy in Serbia (2011:5); Indonesian MFA (16 February 2011); I. Storey (24 October 2007); Staf Umum Operasi Markas Besar Angkatan Laut (2004: 38); Sondakh (2004:22)

robbery receives worldwide attention after the 9/11 attacks.⁶⁸⁴ Similarly, prior to the signing of the defence agreement in 2001 the Indonesian and Indian defence ministries and armed forces have conducted cooperative activities including seminars on sea robbery, search and rescue exercises, military exercises, navy to navy talks, “Milan (Hindi for meeting)” biannual gathering of warships, Indindo coordinated patrols in waters between Sabang and Andaman, regular meeting, and exchanges of personnel at cabinet level between the Ministry of Defence, the Home/Coordinating Ministry for Political, Legal and Security Affairs and regular visits between Parliaments.⁶⁸⁵ Under both agreements Indonesia is also not required to purchase new equipment or deploy more personnel because, as explained in Chapter Two, at domestic level through dissuasion programmes along the Sulawesi coast area and the vicinity of the Straits of Malacca and Singapore as well as various unilateral patrols Indonesian maritime agencies have maintained their presence in these waters.

As the two cooperation agreements do not introduce significant changes it is argued that the sovereignty costs associated with these agreements are low. These agreements only formalize the ongoing cooperation between Indonesia and the Philippines, and Indonesia and India, since they do not introduce more restrictive obligations or new dispute settlement mechanisms. Most activities governed by these agreements are not new to Indonesia. The country’s maritime agencies have carried out these activities prior to the signing of both agreements.⁶⁸⁶ For Indonesia these defence agreements mainly serve as tools to share the burden of improving security in its maritime borders and deal with illicit activities in the Sulu-Sulawesi Sea in the case of Indonesia and the Philippines cooperation, and at the northern end of the Straits of Malacca and Singapore in regards to Indonesia and India cooperation.⁶⁸⁷ The implementation costs of both agreements for Indonesia are also low. These agreements do not require Indonesia to make substantial policy adjustment and economic investment at domestic level to comply with the two agreements.

⁶⁸⁴ Acharya (1990: 8); Sondakh (2004: 22)

⁶⁸⁵ Sakhuja (2007: 31); M. Ali and M.S. Pardesi (6 October 2003); Indian Embassy in Jakarta (3 October 2012); Indian Ministry of External Affairs (2012); Interview IG02; Staf Umum Operasi Markas Besar Angkatan Laut (2004: 38)

⁶⁸⁶ Agoes (2005: 39); Staf Umum Operasi Markas Besar Angkatan Laut (2004: 38); Sondakh (2004:20, 22)

⁶⁸⁷ Interview IG02; Indonesian MFA (7 March 2011); Indonesian Coordinating Ministry of Political, legal and Security Affairs (2008: 24-5); Interview IG02; Sondakh (2004:22)

In summary, the calculation of absolute gains influenced Indonesia's participation in the defence agreements with the Philippines and India. The two defence agreements brought significant gains because without having to make substantial changes Indonesia would gain support when carrying counter sea robbery patrols and assistance from India and the Philippines to deal with other pressing maritime concerns including smuggling of weapons and illegal migration.

5.4 Indonesia-Japan Bilateral Cooperation

Counter sea robbery cooperation between Indonesia and Japan has been governed by non-legally binding arrangements mainly through joint statement.⁶⁸⁸ In 2005, the two countries signed the Joint Announcement on Maritime Affairs. Indonesia's keenness to conclude the maritime arrangement with Japan showed that Indonesia is not reluctant to cooperate in countering sea robbery. The Joint Announcement requires Indonesia and Japan to strengthen cooperation in the areas of safety of navigation, marine environment and maritime security. Maritime security cooperation covers security against armed robbery against ships and smuggling (arms, goods, persons and drugs). The arrangement obliges the two governments to actively cooperate to enhance the capacity of the maritime enforcement authorities of the littoral states, and to establish an effective information exchange mechanism among their relevant authorities. The Joint Announcement also requires Indonesia to "seriously consider concluding the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP)."⁶⁸⁹

Neorealism would argue that concerns over relative gains would affect Indonesia's participation in the cooperation arrangement with Japan. From this point of view Indonesia, as a middle power, would be expected to cooperate with larger or smaller states. Does this case confirm the neorealist expectation? Indonesia's choice to join the bilateral arrangement with Japan seems to meet this expectation because in terms of relative military capabilities Japan is a larger state than Indonesia. However, since Indonesia cooperates not only with larger and smaller states but also with near-peer states (as shown in two patrol arrangements with Malaysia and Singapore that discussed earlier in this

⁶⁸⁸ Japan Ministry of Foreign Affairs (10 December 2003a); Japan Ministry of Foreign Affairs (16 June 2006); Japan Ministry of Foreign Affairs (29 August 2012); Japan Ministry of Foreign Affairs (28 August 2012); Japan Ministry of Foreign Affairs (14 October 2011); Japan Ministry of Foreign Affairs (13 October 2011); Japan Ministry of Foreign Affairs (28 November 2006); Japan Ministry of Foreign Affairs (10 December 2003b); Japan Ministry of Foreign Affairs (14 April 2005)

⁶⁸⁹ Article 2 of the Japan-Indonesia Joint Announcement on Maritime Affairs

chapter), concerns over relative gains cannot account for Indonesia's cooperation across cases.

Constructivism would argue that shared identity is an important factor underpinning Indonesia's decision to cooperate. Indonesia would be likely to cooperate with ASEAN states, as they share the same identity, and less likely to cooperate with non-ASEAN states. Is this the case in the Indonesia-Japan Joint Announcement on Maritime Affairs? The constructivist argument regarding the role of shared identity in informing states participation cannot explain Indonesia's participation in this case. Indonesia joined the bilateral arrangement although Japan is not an ASEAN member state.

The bureaucratic politics approach argues that states' participation in a cooperation agreement is the result of competing preferences among government actors. Could bureaucratic politics explain Indonesia's cooperation in this maritime arrangement with Japan? The evidence suggests that competing government actors' preferences did not play a crucial role in shaping Indonesia's participation in bilateral cooperation with Japan. If we expected bureaucratic politics to influence Indonesia's decision to cooperate we would anticipate seeing competition between self-interested governmental actors. Indonesia's decision to cooperate with Japan was formed through an inter-ministerial meeting that led by the MFA and involved the MoD, the MoT, the Coordinating Ministry for Political, Legal and Security Affairs, the Navy, Police and the Maritime Security Coordinating Board.⁶⁹⁰ In line with the bureaucratic politics literature apart from the MFA, other agencies would be expected to be in favour of the Joint Announcement with Japan because the cooperation brought incentives to their agencies or other maritime agencies that fell under their remit. The MFA on the other hand might oppose the cooperation because Japan is a user state that has showed a great interest in participating directly in halting sea robbery in the Straits. On various occasions the MFA has opposed the Japanese idea of joint patrols. The Japanese Prime Minister, Keizo Obuchi, articulated an idea to set up a regional framework to address armed robbery against ships and piracy. At the 1999 ASEAN Plus Three (APT) Summit in Manila, Obuchi proposed "a meeting of coast guards of Asian countries to discuss possible counter-measures to fight piracy".⁶⁹¹ At the 2000 APT Summit in Singapore, Obuchi's successor Prime Minister Yoshiro Mori proposed a similar counter piracy measure. Mori proposed starting a joint anti piracy patrol at the

⁶⁹⁰ Interview IG40

⁶⁹¹ Strait Times (18 February 2000)

Strait of Malacca. The parties involved would include Japan, China, South Korea, and the three littoral states of Indonesia, Malaysia and Singapore.⁶⁹² Bilateral maritime cooperation with Japan might create, for Tokyo, the opportunity for greater participation in the management of the Straits. The MFA could have refused to support the arrangement because of this potential risk and the lack of benefits of cooperation for the Ministry. Indonesia's participation in the Joint Announcement would not provide the MFA with any incentive.

Contrary to the bureaucratic politics argument on competition among self-interested actors, the MFA was highly in favour of the bilateral arrangement. The MFA based their policy assessment on the benefits of cooperation for the capacity building of the country's maritime agencies.⁶⁹³ In 2003 and 2004 for instance Foreign Minister Hassan Wirajuda requested that Japan provide patrol vessels to strengthen Indonesia's maritime agencies' capacity in dealing with armed robbery against ships.⁶⁹⁴ Various cooperation activities with Japan are also designed to fill the gap in Indonesia's efforts to fight sea robbery, both in terms of equipment and human resources for various maritime agencies including the Maritime Security Coordinating Board, the Marine Police and the DGST.⁶⁹⁵

Indonesia's participation in the bilateral arrangement with Japan advances the neoliberal argument regarding the role of the absolute gains calculation in shaping states' decision to cooperate. The Indonesian government supported the country's participation in the bilateral arrangement because the overall benefits of cooperation exceeded the costs. The Joint Announcement provided Indonesia with two benefits. First, the cooperation is beneficial for Indonesian maritime agencies including the Navy, the MoT, the Marine Police and Customs because they receive capacity building and new equipment (patrol vessels and development of vessel traffic system) from Japan.⁶⁹⁶ The Joint Announcement explicitly mentions "provision of patrol boats" and other "assistance from the Japan Coast Guard and Japan International Cooperation Agency for enhancing the capacity of the maritime law enforcement authorities of Indonesia."⁶⁹⁷ Capacity building assistance in form of training, exercise and new equipment is highly valued by the Indonesian

⁶⁹² Strait Times (18 February 2000)

⁶⁹³ Interview IG40; Sudrajat (2005: 12)

⁶⁹⁴ Japan Ministry of Foreign Affairs (16 June 2006)

⁶⁹⁵ Sudrajat (2005:12); Interview IG36

⁶⁹⁶ Japan Ministry of Foreign Affairs (16 June 2006); Indonesian Coordinating Ministry of Legal, Political and Security Affairs (2008: 76)

⁶⁹⁷ Article 2 and 4 of the Japan-Indonesia Joint Announcement on Maritime Affairs

government. This form of assistance can contribute directly to Indonesia's maritime agencies efforts in addressing sea robbery. Japan provided two grants aid to Indonesia. These are the Project for Construction of Patrol Vessel for the Prevention of Piracy, Maritime Terrorism and Proliferation of Weapons (1,921 million Yen/ US\$ 18.6 million) in June 2006 and the Project for Development of Vessel Traffic Service in Malacca and Singapore Straits (1,573 million Yen/ US\$ 15.2 million) in November 2008 and in June 2010 (1,432 million Yen/ US\$ 13.9 million).⁶⁹⁸ Second, technical assistance from Japan assists Indonesia in establishing its national coast guard. The Japanese Coast Guard has been heavily involved in providing experts and technical assistance to the Indonesian MoT and the Maritime Security Coordinating Board to identify gaps and challenges and accelerate the process of establishing an Indonesian Coast Guard.⁶⁹⁹ This assistance can be grouped as a core benefit. The establishment of a Coast Guard agency in Indonesia will be expected to increase the presence of law enforcement authorities in Indonesia's vast maritime areas and improve the coordination of counter sea robbery operations across maritime agencies.

The Joint Announcement on Maritime Affairs is not a costly cooperation. The cooperation requirements for participating states are expressed only as "desire" or "intention" of both parties.⁷⁰⁰ The Announcement requires both parties to conduct various activities to maintain the safety and the security of the Straits of Malacca, but only after recognizing the sovereignty and sovereign rights of Indonesia over its territorial sea and EEZ within the Straits.⁷⁰¹ It does not introduce any change in Indonesia and Japan bilateral cooperation. Japan and Indonesia counter sea robbery cooperation has existed prior to the signing of these statements. In late 1990s a series of armed robbery attacks on Japanese vessels including Tenyu and Alondra Rainbow that were plying through the Strait of Malacca and Strait of Singapore prompted Japan to call stronger cooperation to counter sea robbery.⁷⁰² Before sea robbery incidents in the Straits receive worldwide attention particularly after 9/11 attacks, Indonesia and Japan has been conducting bilateral counter sea robbery exercises and other capacity building programmes.⁷⁰³

⁶⁹⁸ Indonesian MFA (2009: 189-190); Embassy of Japan in Indonesia (25 June 2010); Indonesian Coordinating Ministry of Legal, Political and Security Affairs (2008:33)

⁶⁹⁹ Interview IG02; Interview IG10; Interview IG11; Interview IG12; Bakorkamla (2010:176)

⁷⁰⁰ Articles 2,3 and 4 of the 2005 Indonesia-Japan Joint Announcement on Maritime Affairs

⁷⁰¹ Article 3 of the 2005 Indonesia-Japan Joint Announcement on Maritime Affairs

⁷⁰² Strait Times (18 February 2000)

⁷⁰³ Interview IG02; Interview IG11; V. Joshi (11 March 2007); Djalal (2009c: 317, 327, 329)

This absence of changes leads to the conclusion that this initiative does not create any sovereignty costs. The Joint Announcement does not require Indonesia to act contrary to its own wishes. It sets up non-intrusive requirements and does not require Indonesia to accept external authority to interpret rules or settle dispute. Counter sea robbery arrangements between Indonesia and Japan also pose low implementation costs to Indonesia. This is because prior to this agreement Indonesia has carried out all activities prescribed by this initiative. Indonesia is not required to make substantial changes at domestic level or to purchase any new maritime equipment to comply with cooperation requirements.⁷⁰⁴ Indonesia's national policies are already in harmony with the cooperation requirements. The Joint Announcement only governs the already ongoing activities between the two states.

In summary, Indonesia's willingness to join this arrangement with Japan can be explained by the significant absolute gains. The agreement did not required Indonesia to make substantial adjustment at domestic level but offer various grants, technical and expert assistance to deal with sea robbery.

5.5 Indonesia-China Bilateral Cooperation

On April 25th, 2005 Indonesia and China signed the Republic of Indonesia-People Republic of China Joint Statement on Strategic Partnership which included maritime cooperation between the two countries.⁷⁰⁵ Following the signing of the Joint Statement, in the same day the two governments signed the MoU on Maritime Cooperation.⁷⁰⁶ As an attempt to provide a legal umbrella to govern their defence cooperation in November 2007 the Indonesian Ministry of Defence and China Ministry of Defence signed an Agreement on Cooperation Activities in the Field of Defence.⁷⁰⁷ The Agreement is now awaiting ratification by the Indonesian Parliament.⁷⁰⁸ Ratification can take a long time due to poor

⁷⁰⁴ Interview IG11; Japan Ministry of Foreign Affairs (10 December 2003); Japan Ministry of Foreign Affairs (16 June 2006); Japan Ministry of Foreign Affairs (29 August 2012); Japan Ministry of Foreign Affairs (28 August 2012); Japan Ministry of Foreign Affairs (14 October 2011); Japan Ministry of Foreign Affairs (13 October 2011); Japan Ministry of Foreign Affairs (28 November 2006); Japan Ministry of Foreign Affairs (10 December 2003); Japan Ministry of Foreign Affairs (14 April 2005)

⁷⁰⁵ Indonesian MoD (2008:148)

⁷⁰⁶ Indonesian MFA (1 March 2007)

⁷⁰⁷ Indonesian MFA (17 October 2012)

⁷⁰⁸ Indonesian MFA (17 October 2012); Indonesian MoD (19 May 2011)

legislation achievement and a low attendance record of the parliament.⁷⁰⁹ The Parliament met only 27 per cent of their legislative approval targets in 2011 and 47 per cent in 2012.⁷¹⁰ Currently, this concern has been raised by the chairman of the Parliament's legislative body Ignatius Mulyono, and by the Indonesian Parliament Watch, a non-governmental organization whose mission is to monitor and empower the parliament and national media.⁷¹¹ The poor performance of the Parliament contributes in slowing down the implementation process of bilateral defence agreements. In spite of this maritime security cooperation between the two states continues to progress under the MoU on Maritime Cooperation.

The MoU requires both governments to cooperate in maritime security, safety of navigation, marine environment, search and rescue operations, research, shipping manufacture and training projects. It stipulates duties for the Chinese and the Indonesian governments to exchange information, provide equipment and related facilities to assist cooperation, exchange naval personnel, conduct naval visits and exercises, and strengthen navy to navy dialogue.⁷¹² China and Indonesia are obliged to establish a committee to discuss and decide practical aspects of cooperation including projects, channels, procedures, plans and recommendations. This committee will report any related condition to the two MFA that are appointed as the lead agency in this bilateral arrangement.

Neorealism would argue that the calculation of relative gains is the source of explanation for Indonesia's cooperation with China. Given Indonesia's status as a middle power Indonesia would be expected to cooperate with larger or smaller states. Could the relative gains calculation explain Indonesia's cooperation? There is a certain correlation between this argument and the finding insofar that Indonesia's cooperation partner in this case, China, is a larger state. However, since Indonesia also joined agreements that involve near-peer states (for example the two patrol arrangements with Malaysia and Singapore), this argument is not sufficient.

Constructivism highlights the role of shared identity in informing Indonesia's cooperation. However, Indonesia's participation in the MoU on Maritime Cooperation with China is not

⁷⁰⁹ Jakarta Post (15 December 2012); Jakarta Post (2 January 2013); Jakarta Post (26 December 2012); S. Mishra (19 November 2002); S. Sherlock (2003: 18-19)

⁷¹⁰ Jakarta Post (2 January 2013)

⁷¹¹ Jakarta Post (15 December 2012); Jakarta Post (2 January 2013); Jakarta Post (26 December 2012); S. Mishra (19 November 2002)

⁷¹² Article 2 of the Indonesia-China MoU on Maritime Cooperation 2005

in line with the constructivist argument regarding the role of shared identity. Indonesia agreed to cooperate with China even though China is a non-ASEAN state.

Bureaucratic politics might be expected to put emphasis on the presence of competing preferences among government actors as the reason informing Indonesia's decision. Could it be the case that competing government actors preferences influence Indonesia's maritime cooperation with China? Analysis of Indonesia's bureaucratic politics shows that the competing interests of government actors' and their corresponding policy preferences cannot explain Indonesia's participation in bilateral cooperation with China. If bureaucratic politics, as understood by competing interests within government, then the following preferences would have come into play. The negotiation of the MoU on Maritime Cooperation was led by the MFA and involved representatives of the Coordinating Ministry of Political, Legal and Security Affairs, Ministry of Communications, Ministry of Fisheries and Maritime Affairs, Ministry of Defence, Navy Headquarters and Marine Police.⁷¹³ It could be argued that with the MFA as an exception other agencies would support the MoU because the bilateral maritime cooperation with China would provide benefits to these agencies. Nevertheless, the MFA would be expected to oppose the arrangement because the arrangement does not only fails to provide any incentives for the MFA; but also could potentially increase China's political leverage when negotiating its EEZ with the Indonesian MFA. In 1993 China extended its claims in the South China Sea.⁷¹⁴ The EEZ China has claimed since 1993 overlaps with waters above the Indonesian Natuna gas and oil fields.⁷¹⁵ Arguably, the establishment of enterprises and joint ventures based on maritime technology and defence weaponry between Jakarta and Beijing could make any future bargaining process regarding EEZ limits more complicated for the Indonesian MFA. However, in contrast to this potential conflict the MFA supported Indonesia's participation in the MoU. The MFA preference to support bilateral maritime cooperation with China was not consistent with the incentives offered to this individual ministry but by the calculation of net benefits for the country as a whole. The MFA considered the benefits of cooperation for various agencies in Indonesia and held national meetings with domestic agencies to establish concrete steps to implement the cooperation programme.⁷¹⁶

⁷¹³ Indonesian MFA (1 March 2007)

⁷¹⁴ R. Emmers (2007: 51-52)

⁷¹⁵ Emmers (2007: 51-52); Siboro (28 April 2011)

⁷¹⁶ Indonesian Coordinating Ministry of Legal, Political and Security Affairs (2007:33; 2008:28)

The calculation of the aggregate costs and benefits of cooperation in absolute terms provides a useful explanation of Indonesia's cooperation. The neoliberal argument on the importance of the calculation of absolute gains is consistent with Indonesia's participation in the MoU. The bilateral cooperation provides four benefits to Indonesia. First, the Indonesian Navy receives support during patrols along the coast of the Natuna Islands that border the South China Sea.⁷¹⁷ This includes naval coordination support provided by the Chinese Navy. Support during patrol is a core benefit. It is highly valued by the Indonesian government because, as explained in Chapter Two, in recent years there have been an increasing number of armed robbery attacks in this area. Second, the cooperation is beneficial for Indonesia because the cooperation assists Indonesia in achieving pre-existing security goals without the need for additional investment. These goals include dealing with illegal fishing in Indonesian waters that border the South China Sea where illegal fishing is often carried out by Chinese fishermen.⁷¹⁸ Although coordination with the Chinese Navy is beneficial to address this issue, however, such a benefit does not contribute to Indonesia's counter sea robbery measures. Third, the bilateral cooperation provides an opportunity for Indonesia to improve defence technology through joint research, co-production, sale and purchase of goods, exchange of goods or transfer of technology. These include joint production of ships, shipping equipment, and short, medium and long range rockets, as well as, C-705 anti-ship missiles that can equip Indonesia's warship.⁷¹⁹ This benefit is an ancillary benefit for Indonesia. Although technology cooperation is useful for Indonesia because it encourages the growth of Indonesian shipping manufactures and its defence industry it does not necessarily contribute to the government efforts to address sea robbery. This is because the technology cooperation does not specifically target the development of fast patrol boats or surveillance aircraft that would be most useful to deal with sea robbery. Finally, cooperation with China provides financial assistance and maritime equipment. These are core benefits for Indonesia. As the Indonesian government has been struggling to modernize its patrol and surveillance equipment, financial support and new equipment from China were highly valued. China pledged to provide 1 billion Yuan (US\$ 154 million) to start a fund for the maritime cooperation programme and a remote sensing satellite to monitor activities at sea for the Indonesian Maritime Security Coordinating

⁷¹⁷ Jakarta Post (23 May 2011)

⁷¹⁸ Interview IG05; Jakarta Post (23 May 2011); Antara (17 May 2005); Indonesian Coordinating Ministry of Political, Legal and Security Affairs (2007:35-36; 2008:81); A.Kustia (2003: 55)

⁷¹⁹ Article 2(1) and 2(6) of the Indonesia-China MoU on Maritime Cooperation 2005; Antara (17 May 2005); Straits Times (24 August 2012); Indonesian Coordinating Ministry of Political, Legal and Security Affairs (2007: 32)

Board.⁷²⁰ The Indonesian Head of the Maritime Security Coordinating Board claimed that “although the satellite will be owned by the Bakorkamla” the monitoring results “could be used by other agencies in the country.”⁷²¹

In term of costs the MoU does not introduce significant changes to Indonesia-China cooperation. Although one of the key areas of cooperation under the MoU includes the establishment of maritime enterprises and joint ventures the MoU is not accompanied by an obligation to make reparations or restitution when one party’s breach of the agreement leads to the other’s loss or injury. The agreement does not assign functions to interpret, implement, amend and add rules to the MoU to an independent third party or an international tribunal. Only the Indonesian and Chinese governments can carry out these functions.⁷²² The MoU is built on existing links between the two governments. Most of the activities that are covered by the agreement such as ocean research, naval dialogue, exchange of personnel, naval visits and military exercises began after the resumption of diplomatic relations between the two countries in December 1989.⁷²³ This was many years before the establishment of the MoU on Maritime Cooperation in 2005. The agreement only formalizes the cooperation mechanism and activities between the two countries.

The lack of changes explained in the above paragraph leads to a conclusion that the agreement has low sovereignty costs. Indonesia carries out activities that it has been conducting prior to the establishment of the MoU. The agreement introduces neither requirement to compensate others if one’s failure to meet its commitments creates loss to another nor external authority to monitor compliance and resolve disputes. The absence of meaningful changes also implies that the economic costs to implement the bilateral maritime cooperation are low as the agreement does not oblige Indonesia to go through substantial changes at national level.

In summary, Indonesia joined the MoU on Maritime Cooperation with China because the absolute gains offered by the initiative were significantly high. The MoU brought high

⁷²⁰ China Daily (30 April 2011); Kompas (1 May 2011); Indonesian MoD (2003: 67); Antara (22 January 2009)

⁷²¹ Antara (22 January 2009)

⁷²² Article 6 of the Indonesia-China 2005 MoU on Maritime Cooperation

⁷²³ Embassy of the People’s Republic of China in Jakarta (21 April 2004); Indonesian MoD (2003: 67); Indonesian Coordinating Ministry of Political, Legal and Security Affairs (2007: 33); Kustia (2003:48-49, 52)

incentives because it did not require Indonesia to do much but provided Indonesia with support to deal with sea robbery and illegal fishing and a new source of weaponry.

5.6 Malacca Straits Patrol (MSP) Agreement

Indonesia, Malaysia and Singapore signed the Malacca Straits Patrol cooperation agreement on April 21st, 2006.⁷²⁴ The cooperation agreement governs the two already ongoing cooperation activities including the Malacca Straits Sea Patrols (MSSP) and the "Eyes-in-the-Sky" (EiS) air patrols.⁷²⁵ The MSP requires each state to be involved in coordinated maritime and air patrols. As explained in Chapter Two, Indonesia, Malaysia and Singapore started trilateral coordinated sea patrols in the Strait of Malacca as early as 1992 during the first surge of sea robbery in early 1990s. In early 1990s this patrol was limited to only four patrols a year.⁷²⁶ On July 20th, 2004, the Chief of Armed Forces from Indonesia, Malaysia and Singapore established a new arrangement for coordinated sea patrol.⁷²⁷ The new coordinated patrol entails year-round sea patrols. The agreement allows patrol ships from a participating country to enter into another country's territorial waters up to 5 nautical miles when pursuing a ship involved in maritime crime, provided the patrol ship does not open fire or conduct any form of military action.⁷²⁸ This agreement allows air patrols to fly up to three nautical miles inside the three countries' territorial waters.⁷²⁹ It obliges participating countries to deploy seventeen warships, comprising seven warships from Indonesia and five warships each from Malaysia and Singapore, as well as two aircraft from each state to patrol the Strait.⁷³⁰

As part of the MSP agreement Indonesia, Malaysia and Singapore are also required to undertake a combined air patrol code named the EiS. The EiS was first proposed by the Malaysian Deputy Prime Minister Najib Razak at a meeting in Singapore in June 2005, when he suggested using patrols aircraft to track sea robbers' movements.⁷³¹ Only three months after it was first proposed the first air patrol operation was carried out in September

⁷²⁴ Koh (2006) as cited in D.F. Anwar (2006:486)

⁷²⁵ Interview IG05; Singapore MoD (28 March 2008); Anwar (2006:486)

⁷²⁶ Mak (2006:155)

⁷²⁷ Singapore MoD (20 July 2004); Interview IG05

⁷²⁸ Singapore MoD (17 January 2008); Raymond (2007: 74); Business Times (13 September 2005); Sondakh (2004: 23)

⁷²⁹ Raymond (2007: 74); Jakarta Post (12 December 2005)

⁷³⁰ Anwar (2006:486); Mak (2006:155); Nik and Permal (2008:195)

⁷³¹ Indonesian MoD (2008: 142); A. David and S. Mahavera (3 August 2005)

2005.⁷³² Under this programme each state is obliged to take turns in providing two maritime patrol aircraft each week to patrol the Straits seven days a week.⁷³³ Personnel from all member states must take part in each EiS patrol. Military officers that take part in the EiS surveillance mission form a combined team known as the Combined Maritime Patrol Team (CMPT). The CMPT tasks include establishing a surface picture over the patrol area and reporting any suspicious contacts on designated radio frequencies to agencies on the ground in each participating country.⁷³⁴ To follow up the CMPT report the respective agency within a country in which incident takes place will need to activate their maritime assets to carry out necessary action. The MSP agreement requires the three states to establish coordination focal points within each country. Indonesia located its centre in Batam and Belawan, Malaysia positioned its national coordination centre in Lumut, while Singapore situated its coordination headquarter in Changi Naval Base.⁷³⁵

Neorealism would argue that relative gains concerns would influence Indonesia's decision to join a cooperation agreement. Indonesia would be expected to avoid cooperation with its near-peer competitors and pursue cooperation with larger or smaller states. Does Indonesia's cooperation in the MSP agreement reflect the relative gains calculation? The evidence shows that relative gains calculations did not influence Indonesia's decision to join the MSP agreement. Although the agreement involved Malaysia and Singapore, two near-peer states, Indonesia chose to join this initiative. Indonesia not only participated in the initiative but also proposed the idea to Malaysia and Singapore and, later in 2007, designed the Standard Operation Procedure to enable Thailand, another near-peer state, to get involved in the MSP.⁷³⁶

Constructivism would point out the role of shared identity in shaping Indonesia's cooperation in the MSP agreement. Constructivism argues that states with shared identity are more likely to cooperate with each other. Could this argument explain Indonesia's participation in the MSP agreement? Indonesia's decision to join the MSP agreement seems to meet the constructivist expectation regarding the role of shared identity to the degree that all participants of the MSP cooperation are ASEAN member states. However, since Indonesia also chose to join cooperation initiatives that involve non-ASEAN states

⁷³² Singapore MoD (17 January 2008)

⁷³³ A.C. Sjaastad (2007:12); J. Ho (2007b: 30); Agence France-Presse (8 September 2005)

⁷³⁴ Ho (2007b:30)

⁷³⁵ Antara (20 November 2008); Ho (2007b: 28, 30)

⁷³⁶ Interview IG05; Antara (3 September 2005)

(for instance the defence agreement with India and the MoU on Maritime Cooperation with China) the constructivist argument on shared identity cannot provide a satisfactory explanation for Indonesia's cooperation.

Bureaucratic politics, because of intense bargaining between government actors over decisions, might affect Indonesia's decision to cooperate. Can Indonesia's participation in this case be explained by competing government actors' preferences? The evidence shows that competing government actors' preferences did not inform Indonesia's participation in the MSP arrangement. Bureaucratic politics might have had some bearing in Indonesia's behaviour if there were competing preferences among self-interested actors. On the one hand the MoD and the Navy would be expected to support the initiative because it is in line with their interest to gain support during maritime patrol from Malaysia and Singapore. In addition, the initiative is not costly because prior to the signing of the MSP agreement the Navy has cooperated intensively with its Malaysian and Singaporean counterparts. Therefore, the Navy was not required to do more than what it already was. On the other hand, it could be argued that the MFA might oppose it because the arrangement includes joint air patrol and maritime patrol that can transgress Indonesian boundaries. The MSP is a precise arrangement that regulates clear procedures for coordinated sea patrols and combined air patrols including cross border pursuits.⁷³⁷ This arrangement could be problematic because Indonesia still has maritime boundary disagreements to settle with Malaysia.⁷³⁸ Since the signing of the MSP agreement a number of incidents have taken place in an overlapping area of the EEZ claimed both by Indonesia and Malaysia in the Strait of Malacca. In 2010 officials from the Indonesian Ministry for Marine and Fisheries were detained by the Malaysian law enforcement agency for alleged trespassing.⁷³⁹ In April 2011, an Indonesian patrolling team from the Ministry of Marine Affairs and Fisheries detained two Malaysian flagged vessels.⁷⁴⁰ This incident almost escalated to involve the military. As the Indonesian enforcement agency seized the vessels, three Malaysian Enforcement Agency and Navy helicopters flying over the waters demanded the release of the Malaysian flagged vessels.⁷⁴¹ These incidents generated more tasks for the MFA to negotiate and manage Indonesia's relations with Malaysia. In contrast to the bureaucratic politics argument, the Indonesian MFA, the MoD and the Navy supported

⁷³⁷ Interview IG04; Interview IG05

⁷³⁸ I.M.A. Arsana (9 February 2009); Dewan Maritim Indonesia (2007a:8-3 – 8-4)

⁷³⁹ Xinhua (27 August 2010); Arsana (2011:2)

⁷⁴⁰ Indonesian Ministry of Marine Affairs and Fisheries (21 December 2012); Arsana (2011: 8)

⁷⁴¹ Indonesian Ministry of Marine Affairs and Fisheries (21 December 2012); Arsana (2011: 8)

Indonesia's involvement in the MSP. Their preferences stemmed from the estimation of incentives of cooperation for the entire nation. They took into account the importance to secure the sea surrounding new port development areas and also the need to meet other security concerns including smuggling and illegal migration.⁷⁴²

It is argued in this section that Indonesia's cooperation in this case is in line with the neoliberal argument pertaining to the importance of absolute gains concerns. Indonesia joined the MSP agreement as the benefits offered by this initiative exceeded the costs. This initiative brought high incentives for Indonesia for three reasons. First, the cooperation assists Indonesia in achieving pre-existing policy goals in maritime security without having to make additional investments. These goals included halting smuggling of subsidized fuels, drugs and liquor, and illegal migration.⁷⁴³ As the Indonesian Chief of Western Navy Fleet, Colonel Amarullah Octavian confirmed: "the Indonesian Navy had shared information with the Singaporean and Malaysian maritime agencies and taken part in the MSP sea patrol to limit smugglers movement."⁷⁴⁴ This incentive is an ancillary benefit. Although smuggling and illegal migration are among the top security concerns of the Indonesian government curbing these activities does not necessarily have positive implications for the country's counter sea robbery efforts. Second, through the MSP the Indonesian Navy, particularly its Western Fleet and Marine Police, receive support during patrols along the coast of Sumatra. This includes aircraft accompanying ships on patrol and coastal coordination support provided from Singapore and Malaysia. These supports are most useful to monitor the Straits and track down sea robbers, in particular, when hot pursuit takes place. Therefore, this benefit can be seen as a core benefit. Finally, the cooperation to secure the straits is in line with Indonesia's national policy to develop ports and trading areas in islands at the northern end of the Straits of Malacca and Singapore. These areas include Nipah Island, Sabang (Weh Island, Klah Island, Rubiah Island, Seulako Island, Rondo Island), Breuh Island, Nasi Island and Teunom Island.⁷⁴⁵ A secure sea lane is important to facilitate economic activities in these areas. For the government the

⁷⁴² Interview IG03; Interview IG04; Indonesian MFA (2007:3; 2004: 41); Sumaryono (2009:141); Jailani (2005: 60); Indonesian MFA (6 January 2006); Suristyono (2005:47); Indonesian Coordinating Ministry of Political, Legal and Security Affairs (2006b: 35, 39, 51); Bakorkamla (2010: 7,8, 13, 47,77); Purnomo (2004:36)

⁷⁴³ Indonesian MFA (2007:3; 2004: 41); Sumaryono (2009:141); Jailani (2005: 60); Indonesian MFA (6 January 2006); Suristyono (2005:47); Indonesian Coordinating Ministry of Political, Legal and Security Affairs (2006b: 35, 39, 51); Bakorkamla (2010: 7,8, 13, 47,77); B. Semedi (2012:6-7); Purnomo (2004: 30, 32 36)

⁷⁴⁴ Sumut Pos (27 January 2013), see also Purnomo (2004:36)

⁷⁴⁵ Interview IG03; Interview IG04; Law No. 2 of 2000 on Free Trade Area and the port of Sabang; Indonesian MoD (2008:50); Indonesian MoD (24 June 2010)

success of this development project is crucial because the investment in Sabang and the surrounding area is aimed at accelerating economic growth in Aceh and also it is serving as a pilot project that might be implemented in other parts of Indonesia.⁷⁴⁶ This is a core benefit for Indonesia's efforts to halt sea robbery. The Indonesian government highly valued this benefit because, as explained in Chapter Two, economic development in areas close to Indonesia's key sea lanes is believed to discourage locals from resorting to sea robbery activities as a means to earn a living.⁷⁴⁷

For Indonesia the MSP arrangement is not costly cooperation. The MSP does not introduce many changes to existing counter sea robbery cooperation among the littoral states of the Straits of Malacca and Singapore. The initiative does not introduce intrusive obligations. It does not entail duties to make reparation or restitution if a party fails to deliver on its commitments or causes loss to the other.⁷⁴⁸ The MSP is mainly built on the network of bilateral patrols between the three states. Prior to the establishment of the MSP agreement, Indonesia has signed bilateral coordinated patrol arrangements with both Singapore and Malaysia in 1992. At sub regional level, prior to the launch of the MSP agreement in 2006, Indonesia together with other littoral states of the Straits of Malacca and Singapore had embarked on a year round coordinated sea patrol since 2004 and a combined air patrol since 2005. The two activities that form the crucial parts of the MSP: the MSSP sea patrol and the EiS air patrol had begun before the signing of the MSP. The agreement was aimed at formalising ongoing cooperation on the ground and improving information sharing between participating maritime agencies.⁷⁴⁹ Indonesia has already allocated resources to carry out coordinated patrols when the MSP agreement was introduced in 2006.⁷⁵⁰ At the domestic level Indonesian national policies are already compatible with MSP obligations.⁷⁵¹ As explained in Chapter Two and earlier in this chapter at national level Indonesian maritime agencies have carried out various patrols along the Straits. Indonesia has purchased radars and deployed its military personnel, patrol vessels and surveillance aircraft to monitor and secure the straits.

⁷⁴⁶ Interview IG04; Interview IG03; Law No. 2 of 2000 on Free Trade Area and the port of Sabang; Indonesian Coordinating Ministry of Political, Legal and Security Affairs (2007: 121-126); Indonesian MFA (2004: 15)

⁷⁴⁷ Interview IG02; Interview IG05; Sondakh (2004:24); Ho (2007a:211)

⁷⁴⁸ Interview IG02

⁷⁴⁹ Interview IG05; Interview IG02

⁷⁵⁰ Interview IG34; Sondakh (2006: 89)

⁷⁵¹ Interview IG07

As the MSP does not generate many changes it is argued that this initiative only poses low sovereignty costs. The agreement does not compel Indonesia to act against its interest. As explained above the MSP agreement does not pose intrusive obligations. The agreement only includes the littoral states of the Straits and excludes a third party to monitor cooperation, interpret rules or settle disputes.⁷⁵² The MSP agreement serves as an avenue for Indonesia and the littoral states of the Straits to share the burden of improving the security of the straits. The absence of changes also suggests that the implementation costs of the MSP agreement are low. The agreement does not require Indonesia to make additional investment or substantial adjustment at the domestic level to comply with MSP requirements.

To summarize, Indonesia's cooperation resulted from the significant absolute gains that the government could achieve. The calculation of costs and benefits shows that the incentives of the MSP outweighed the costs. This was because without making additional investment Indonesia could gain Malaysia and Singapore support not only in addressing sea robbery but also other concerns that it deemed important including smuggling and illegal migration.

5.7 The ASEAN Regional Cooperation to Combat Sea Robbery: ASEAN Regional Forum (ARF) and the ASEAN Maritime Forum (AMF)

Regional cooperation against armed robbery against ships is primarily conducted under two ASEAN forums: the ARF (ASEAN Regional Forum) and the ASEAN Maritime Forum (AMF).⁷⁵³ Indonesia has been actively involved in initiating and convening meetings, as well as proposing drafts of the cooperation agreement under the two ASEAN frameworks. Indonesia participated in the formulation of the ARF Statement on Cooperation against Piracy and Other Threats to Maritime Security and proposed the establishment of the ASEAN Maritime Forum (AMF) during the ASEAN Standing Committee meeting in Vientiane in 2005.⁷⁵⁴

The ARF is a dialogue and consultation forum on political and security issues that draws together the ASEAN member states and its dialogue partners including Australia,

⁷⁵² Sondakh (2004: 22; 2006:88); Purnomo (2004:36)

⁷⁵³ Jailani (2005: 56); Indonesian MFA (2009:1)

⁷⁵⁴ Indonesian MFA (2009:1); Indonesian MFA (26 August 2009)

Bangladesh, Canada, China, India, Japan, the Democratic Peoples' Republic of Korea, the Republic of Korea, Mongolia, New Zealand, Pakistan, Papua New Guinea, Russian Federation, Sri Lanka, Timor Leste, and the United States. The discussion of sea robbery in the ARF has been carried out through ad-hoc activities and subsumed under general discussion on transnational crimes for some years.⁷⁵⁵ A leap forward took place in 2003 when participating states endorsed the ARF Statement on Cooperation against Piracy and Other Threats to Maritime Security during the 10th ARF meeting in Phnom Penh. Since then the ARF has conducted various meetings to discuss maritime security and carry out maritime exercises.⁷⁵⁶

The ARF Statement on Cooperation against Piracy and Other Threats to Maritime Security requires participating states to cooperate at bilateral and multilateral level to combat armed robbery against ships; consider IMB proposal on prescribed traffic lanes for large super tankers with naval escort; provide technical and capacity building assistance to countries that need help; share information; develop regional anti armed robbery against ships training; encourage member states' shipping communities to report incidents to the relevant coastal states; review progress on efforts to combat sea robbery; establish a legal framework for regional cooperation to combat piracy and armed-robberies against ships and welcome the IMO discussion pertaining to the delivery of criminals who have committed crimes on a ship on the high sea or in the EEZ.⁷⁵⁷

Outside of the ARF, Indonesia also demonstrated its leadership at the ASEAN level by driving forward the proposal for the establishment of the ASEAN Maritime Forum (AMF) in 2005.⁷⁵⁸ The AMF is designed to improve the region's confidence building measures and capacity building and, in the long run, the AMF is expected to be a maritime dispute settlement forum in the region.⁷⁵⁹ It requires states to exchange information; carry out capacity building programmes such as educational and training programme; cooperate in maritime surveillance programmes; exchange naval personnel; cooperate to halt transnational crimes including sea robbery, smuggling and illegal fishing; and improve

⁷⁵⁵ E-mail correspondence with ASEAN Secretariat-Security Cooperation Officer, ASEAN Political Security Community Department, 30 June 2010

⁷⁵⁶ Indonesian MFA (2009:14-21); Jailani (2005:69)

⁷⁵⁷ ASEAN (17 June 2003)

⁷⁵⁸ Indonesian MFA (2009:1); Indonesian MFA (26 August 2009)

⁷⁵⁹ Indonesian MFA (2007: 2,4); Indonesian MFA (26 August 2009)

cooperation among law enforcement and conduct other collaborative activities not only in the area of maritime security but also marine environment and safety of navigation.⁷⁶⁰

Neorealism would point to the role of relative gains calculation in informing Indonesia's cooperation in the ARF or the AMF. In line with the calculation of relative gains, Indonesia would not be expected to cooperate with its near-peer competitors. Given the narrow power disparity between Indonesia and its near-peers, if a cooperation agreement brings greater benefits to its competitors Indonesia's survival could be at stake. Following this lead, could Indonesia's cooperation be explained by the relative gains consideration? Indonesia did not show any sensitivity over relative gains when proposing initiatives and taking part in the ASEAN cooperation frameworks to halt sea robbery. In contrast to the neorealist expectation regarding the calculation of relative gains Indonesia was willing to cooperate not only with larger or smaller states but also near-peer states such as Malaysia, Thailand and Singapore who also joined the ARF and the AMF.

Constructivism might be expected to argue that shared identity would influence Indonesia's participation and non-participation in a cooperation agreement. According to constructivism cooperation is likely to take place among states that shared the same identity. Is it the case that shared identity shape Indonesia's cooperation in the ARF and the AMF? Indonesia's participation in the two ASEAN initiatives does not reflect the constructivist argument regarding the role of shared identity. Although the ARF and the AMF involved non-ASEAN states Indonesia chose to join the two arrangements.

Bureaucratic politics is an alternative explanation to consider. This line of reasoning emphasises the role of competing preferences among self-interested government actors in informing states' cooperation. Does Indonesia's participation in ASEAN counter sea robbery initiatives advance such an argument? With respect to bureaucratic politics the evidence shows that Indonesian governmental actors' preferences were not informed by competing self-interest. Arguably, if bureaucratic politics matter we would expect for competing preferences to play out in the decision making process. At domestic level the dialogue forums to discuss ASEAN maritime initiatives were led by the MFA and involved representatives of the Navy, the MoD, the Ministry of Marine Affairs and Fisheries, and the MoT. It could be argued that the MFA could have turned down the ARF and the AMF

⁷⁶⁰ ASEAN (9 October 2012); Indonesian MFA (2007:63)

counter sea robbery cooperation because the two initiatives would not deliver any benefits to the ministry. In addition, involving more parties, in particular, non-littoral states in these initiatives could complicate the MFA's diplomatic efforts to manage the cooperation to deal with sea robbery.⁷⁶¹ The Navy and the MoD on the other hand would support the initiative. They do not need to make additional investment in both initiatives because - as shown earlier in this chapter - Indonesia had already joined various bilateral and sub regional arrangements with both littoral and user states and these ministries could receive additional benefits from both the ARF and the AMF.

The evidence, however, shows that there were no competing preferences between the MoD, the Navy and the MFA. Their active engagement to drive forward the AMF and participate in ARF activities was not derived from the benefits that this cooperation could provide their ministries.⁷⁶² The aggregate incentives of cooperation for the entire country were the prime driver for the cooperation. Government officials from the Indonesian MFA, the MoD, Navy, the Marine Police and the MoT confirmed this in interviews.⁷⁶³ As an MFA official put it, "our main consideration is how [ASEAN] cooperation initiatives add value to our maritime security efforts, and provide benefits to Indonesian maritime agencies."⁷⁶⁴ Through this cooperation framework Indonesian maritime agencies can draw on assistance from extra regional states to deal with sea robbery and other security threats.⁷⁶⁵

Indonesia's participation in these arrangements is best explained by the neoliberal argument regarding the absolute gains consideration. In terms of the calculation of absolute gains the benefits offer by ASEAN counter sea robbery initiatives exceed the costs of cooperation. The regional initiatives arguably generate two benefits for Indonesia. First, cooperation provides Indonesian maritime agencies with access to capacity building programmes including maritime exercises and training carried out as part of ARF and AMF activities. This is a core benefit for Indonesia's counter sea robbery measures. The ARF includes not only the ASEAN member states but also developed states including the U.S., China, Japan, Canada, Australia and South Korea that provide "technical assistance and capacity-building infrastructure," extending training and offer equipment to

⁷⁶¹ Interview IG40, Antara (25 September 2006)

⁷⁶² Interview IG04; Interview IG05; Interview IG09; Interview IG14; Indonesian MFA (26 August 2009).

⁷⁶³ Indonesian MFA (2007:3); Interview IG05; Interview IG09; Interview IG14; Interview IG40

⁷⁶⁴ Interview IG40

⁷⁶⁵ Indonesian MFA (2007:2-3); Interview IG40

Indonesia.⁷⁶⁶ Second, regional cooperation allows Indonesia to achieve specific policy goals in domestic maritime security without having to make additional investment. The AMF and the ARF forums assist Indonesia in dealing with not only with the issue of armed robbery against ships but also with a number of security concerns that lie at the heart of the government's priority list including illegal logging, illegal fishing and smuggling.⁷⁶⁷ Indonesia's efforts to shape ASEAN initiatives to suit its security concerns are particularly apparent in the attempt to deal with smuggling of arms. The smuggling of arms into the country has exacerbated internal conflict in the archipelago. These illicit weapons are smuggled from Thailand, Malaysia, the Philippines and Cambodia to Indonesia.⁷⁶⁸ Through regional cooperation Indonesia receives coastal coordination, exchange of information and monitoring support from the participating states to halt the trafficking of firearms to its territory.⁷⁶⁹ Indonesia regarded ASEAN member states assistance in dealing with smuggling highly. However, this benefit can only be considered as an ancillary benefit. It is an additional benefit that Indonesia gained from the cooperation, beyond assistance in dealing with armed robbery against ships.

The ARF Statement and the AMF do not generate high cooperation costs for Indonesia. These arrangements do not change Indonesia's counter sea robbery efforts. The two arrangements do not introduce cross border pursuit or joint patrols. The ARF Statement only seeks "to encourage" parties where and when possible to take action prescribed in the statement.⁷⁷⁰ It only requires parties to take various actions to address piracy and armed attacks against ships after taking into account their sovereignty and sovereign rights. Similarly, the AMF only provides guidelines and recommendations on member states pertaining to the existing and future maritime cooperation activities that states may or may not follow.⁷⁷¹ Member states use the forum only to discuss and exchange views on maritime cooperation.⁷⁷² Activities mentioned in the ARF Statement and the AMF arrangement have been conducted by Indonesia unilaterally, bilaterally and trilaterally with other littoral states and extra regional states prior to the launching of these cooperation arrangements. Therefore, it is concluded that the initiative causes a low degree of

⁷⁶⁶ ASEAN (17 June 2003); Indonesian MFA (2007:2)

⁷⁶⁷ Indonesian MFA (2007:3); Indonesian MFA (26 August 2009); I. Yusuf (2004: 25); S. Martosetomo (2004: 28-29); Huxley (2002: 72)

⁷⁶⁸ Yusuf (2004: 25); Martosetomo (2004: 28)

⁷⁶⁹ Interview IG04; Interview IG05; Indonesian Embassy in Canberra (8 May 2003); Jakarta Post (26 August 2010)

⁷⁷⁰ ASEAN (17 June 2003)

⁷⁷¹ ASEAN (9 October 2012); Indonesian MFA (2007:63)

⁷⁷² ASEAN (9 October 2012)

sovereignty costs. After the establishment of both initiatives Indonesia largely conducts similar counter sea robbery practices that had been carried out prior to their introduction.⁷⁷³ The implementation of both the ARF Statement and the AMF also posed low economic costs to Indonesia. This is because at the domestic level Indonesia is not required to make substantial changes to meet the ARF and the AMF cooperation requirements.⁷⁷⁴ Indonesia's resources and policies are already in line with the ARF and the AMF requirements.

In summary, Indonesia decided to participate in the ARF and the AMF because the two ASEAN initiatives do not oblige Indonesia to make any changes at domestic level and provide substantial benefits by providing access to capacity building programme, coastal coordination and monitoring support from the participating states to address smuggling of weapons to Indonesian territory.

5.8 Conclusion

The key findings in this chapter show that Indonesia's participation in cooperation arrangements dealing with armed robbery against ships is primarily informed by the calculation of costs and benefits in absolute terms as argued by neoliberals. The two coordinated patrol agreements with Malaysia and Singapore, bilateral cooperation with India and the Philippines and the sub regional MSP agreement provided Indonesia with high incentives as they offered burden sharing opportunities to secure waters between Indonesia and these states without making extra investments. Indonesia gained assistance in term of training and new maritime equipment through its cooperation with Japan and China whilst not having to take an additional costs, tasks or responsibilities. In the case of the ARF and the AMF Indonesia received capacity building assistance from ASEAN dialogue partners and coastal coordination support from other Southeast Asian member states but did not need to make substantial changes at the domestic level to secure this support.

The evidence shows that sensitivity over relative gains concerns did not matter. Indonesia joined cooperation arrangements that exclusively involve larger and smaller states, for instance bilateral cooperation with Japan, India, China and the Philippines, and those that

⁷⁷³ Staf Operasi Markas Besar Angkatan Laut (2004: 38); Sumaryono (2004: 44); Agoes (2005:39)

⁷⁷⁴ Interview IE23; Interview IG02; Indonesian MFA (26 August 2009)

involved near-peer states such as the Indo-Singapore and Indo-Malaysia coordinated patrol agreements, the Malacca Straits patrol agreement, the ASEAN Regional Forum (ARF) and the ASEAN Maritime Forum (AMF).

The constructivist argument regarding the role of shared identity in influencing states decision to cooperate cannot explain Indonesia's cooperation across cases. Indonesia did join cooperation arrangements which exclusively involved ASEAN states - for instance the two patrol agreements with Malaysia and Singapore, the defence arrangement with the Philippines and the sub regional MSP agreement. However, Indonesia also joined agreements that engaged non-ASEAN states - such as the three bilateral arrangements with India, Japan, and China, the ARF and the AMF.

Analysis in this chapter also shows that competing individual actor preferences did not inform the way Indonesia responded to counter sea robbery initiatives. In contrast to the bureaucratic politics expectation, this chapter shows that Indonesian government actors did not oppose or support counter sea robbery cooperation initiatives because of self-interest. The evidence presented in this chapter shows that the preferences of Indonesia's leading ministries to support both the Indo-Singapore and Indo-Malaysia coordinated patrol agreements, the bilateral agreements with India, the Philippines and China, the MSP, and the ARF and AMF regional arrangements were informed by the calculation of the net benefits of cooperation for the entire nation. In the case of the coordinated patrol agreements with Malaysia and Singapore and the MSP there was no intense bargaining between the MFA and the MoD and the Navy. Despite these initiatives included cross border patrols the MFA did not oppose the MoD and the Navy preferences to join this initiative. In the case of the bilateral defence agreement with the Philippines although there are unresolved maritime boundaries between the two countries the MFA did not challenge the MoD preference to participate in the agreement. Rather, the evidence shows that both the MFA and the MoD were highly in favour of this cooperation. Similarly, in the case of the defence agreement with India, despite the MFA strong disagreement over India's action in escorting merchant vessels navigating through the Straits of Malacca and Singapore the MFA did not disputed the MoD preference to cooperate with India. The MFA and the MoD supported the initiative. The MFA, which is an omnipresent feature in all cooperation initiatives, in particular led and proposed Indonesia's MoU on Maritime Cooperation with China, bilateral arrangement with Japan and ASEAN counter sea robbery efforts through ARF and AMF. The Ministry calculated that the benefits of the cooperation

for Indonesian maritime agencies, businesses including shipowners and shipping manufacture outweighed their own concerns and therefore provided them with means to participate in arrangements they might otherwise have seen little incentive in or have rejected.

Taken as a whole, this chapter has provided an explanation of Indonesia's participation in various alternative avenues for cooperation to address sea robbery. The findings in this chapter point to the crucial role of the calculation of absolute gains in informing Indonesia's decision when joining cooperation arrangements dealing with sea robbery. Indonesia cooperated in initiatives that brought significant incentives. These findings echo the argument presented in Chapters Three and Four regarding the importance of the absolute gains calculation in shaping Indonesia's decision to join or not to join a cooperation arrangement. The following chapter discusses whether these findings will be consistent with Indonesia's rejection of some initiatives dealing with sea robbery.

Chapter 6. Indonesia's Non-Cooperation to Address Armed Robbery against Ships

6.1 Introduction

Having seen in Chapters Three, Four and Five, that Indonesia played a central role in a number of cooperation arrangements to halt armed robbery against ships, one question remains. Why did Indonesia choose not to participate in three other similar arrangements: the Regional Maritime Security Initiative (RMSI), the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) and the Defence Cooperation Agreement (DCA) with Singapore? The RMSI is an initiative which was proposed and promoted by the United States (U.S.). In comparison, the ReCAAP was led by Japan. Both initiatives involved various states, 20 Asia-Pacific countries in the case of the RMSI, and 19 European and Asian countries in the ReCAAP. In comparison to the two initiatives the DCA exclusively involved Indonesia and Singapore.

The existing literature on these matters focuses upon sovereignty concerns as the main explanation for Indonesia's non-participation in these agreements.⁷⁷⁵ However, these scholarly works overlook Indonesia's apparent willingness to join various other counter sea robbery arrangements that enable cross-border sea and air patrols (see Chapter 5). If sovereignty costs were the decisive issue, we would expect Indonesia to eschew these arrangements also. As this is not the case, we must look elsewhere for alternative explanations. The burgeoning literature on cooperation provides five plausible explanations on Indonesia's decision to join or not to join cooperation arrangements including the calculation of absolute gains, concerns over relative gains, shared identity, hegemonic leadership and bureaucratic politics. Drawing on this literature, this chapter will contend that (a) hegemonic leadership offers little explanatory purchase as Indonesia did not cooperate despite the presence of hegemonic leadership in the RMSI; (b) the relative gains calculation cannot account for Indonesia's non-cooperation since contrary to neorealist expectations Indonesia refused to cooperate with larger states in the RMSI and the ReCAAP; (c) shared identity is unable to explain Indonesia's non-participation across cases since Indonesia chose not to join the DCA, a cooperation arrangement which

⁷⁷⁵ Huang (2008:93); Valencia (2006b:89); Shie (2006:178); Bateman (2007:109; 2009:118); Bradford (2005:73-75; 2008:489); Bingley (2004:363-364); T.M. Sittnick (2005: 752, 754); M. Murphy (2007: 169, 174)

involved only ASEAN states; (d) bureaucratic politics likewise cannot provide a useful explanation since there was no competing preferences between the Indonesian MFA and the MoD in all cases presented in this chapter; finally, (e) absolute gains offers a rationale for understanding Indonesia's decision not to join the three arrangements. This is because the benefits offered by the three initiatives were not much better than the status quo. Indonesia could gain the benefits offered by the RMSI, the ReCAAP and the DCA from existing cooperation.

This chapter will proceed as follows. Sections Two to Four will introduce the cooperation arrangements in question—the RMSI, ReCAAP, and DCA—and elaborate the requirements of each arrangement with a view to ascertaining their potential costs and benefits. The RMSI was launched in 2004, the ReCAAP agreement entered into force in 2006 and the DCA was introduced in 2007. Therefore, the first empirical section in this chapter explains the factors behind Indonesia's rejection of the RMSI. This is followed by a discussion of the way Indonesia responded to the ReCAAP and the DCA with Singapore in Sections Three and Four. Each of these sections also assesses the influence of hegemonic leadership, the relative gains consideration, shared identity, government actors' preferences and the calculation of absolute gains had on Indonesia's decision not to join the three cooperation arrangements. The concluding section argues that Indonesia's non-participation in the DCA, the RMSI and the ReCAAP is influenced primarily by the calculation of absolute gains. Hegemonic leadership, the relative gains calculation, shared identity or government actors' preferences cannot explain Indonesia's decision not to join the three agreements.

6.2 Indonesia's Non-Cooperation in the RMSI

In 2003, the U.S. Pacific Command, working with the Department of State, started conceptual discussion with countries in the Asia-Pacific on the development of the RMSI.⁷⁷⁶ The initiative requires states to share information on maritime threats, standardize procedures for decision making processes, enhance interception capacity and synchronize international cooperation among agencies and ministries in the Asia-Pacific to

⁷⁷⁶ ASEAN (5 December 2004); USPACOM (2004a); S. Bateman (2005: 260)

address armed robbery against ships, piracy and other transnational threats.⁷⁷⁷ As part of the information sharing activities member states needed to forward maritime data to the U.S. Pacific Command to obtain a real time maritime picture.⁷⁷⁸ After the RMSI negotiations Indonesia declined to join the initiative.

Indonesia did not decline to join the RMSI because of concerns that the U.S. would send its naval vessels to patrol the Straits as cited in national and foreign media. In a Congressional hearing on March 31st, 2004, Admiral Fargo explained that as part of the RMSI, the U.S. was “looking at things like... putting Special Operations Forces on high-speed vessels, potentially putting Marines on high-speed vessels...to conduct effective interdiction.”⁷⁷⁹ His statement was quoted in various international and national media. Despite Fargo’s comments and the media reports they produced, the U.S. never intended to send patrols as part of the RMSI and the Indonesian government understood this.⁷⁸⁰ A former MoD official that took part in the formulation of Indonesia’s policy on the RMSI explained that the administration understood that direct patrols by the U.S. Marines were not part of the cooperation activities that Washington offered to Indonesia.⁷⁸¹ In order to clarify media reports, U.S. officials including the U.S. Ambassador to Indonesia, Ralph L. Boyce, the U.S. Charge d’Affaires, Embassy of the United States of America in Malaysia, John Medeiros and the U.S. Defence Secretary Donald Rumsfeld explained to the media that the U.S. had no plan to deploy troops in the Straits of Malacca as part of the RMSI.⁷⁸² According to Ambassador Boyce, Fargo’s statement was purely hypothetical.⁷⁸³ The U.S. Defence Secretary Donald Rumsfeld, during his visit to Indonesia in June 2004, felt it necessary to emphasize the U.S. stand over RMSI. Rumsfeld suggested that there were no plans for the U.S. to send standing forces or set up a military base in the Straits.⁷⁸⁴ The main question to pose here is: why Indonesia did not join the RMSI?

The RMSI represents a case that shows Indonesia’s puzzling decision regarding cooperation. Indonesia’s conduct was in contrast to the expectations of many IR theories

⁷⁷⁷ USPACOM (2004a); USPACOM (2004b:6)

⁷⁷⁸ USPACOM (2004c); J. Boutilier (2005: 27)

⁷⁷⁹ U.S. House of Representatives (31 March 2004)

⁷⁸⁰ Interview IG21; see also J. Medeiros (7 April 2004); Jakarta Post (20 April 2004); W.Choong (6 June 2004)

⁷⁸¹ Interview IG21

⁷⁸² J. Medeiros (7 April 2004); Jakarta Post (20 April 2004); Choong (6 June 2004)

⁷⁸³ Jakarta Post (20 April 2004)

⁷⁸⁴ Choong (6 June 2004)

on cooperation. A neorealist or neoliberal would argue that the presence of hegemonic leadership would be sufficient to encourage Indonesia to cooperate. Keeping this argument in mind, could Indonesia's non-cooperation in the RMSI be attributable to the absence or presence of U.S. leadership? The evidence shows that U.S. leadership in the case of the RMSI could not inform Indonesia's decision. The U.S. created and proposed the RMSI. The U.S. initiated this cooperation programme partly due to perceived "slowness in the implementation of concrete measures to address transnational maritime threats."⁷⁸⁵ The U.S. used its diplomatic leverage to begin discussion of the RMSI with the littoral states of the Straits of Malacca and Singapore. During a meeting with Indonesian officials in 2003, the U.S. Pacific Fleet Commander in Chief Admiral Fargo stated his concern over the security of the Straits of Malacca and Singapore, pointing out that the U.S. government viewed the security of the Straits as a serious issue and would expect Indonesia to join the U.S. led initiative.⁷⁸⁶ The U.S. leadership was most apparent in its willingness to bear the costs to establish the RMSI. The U.S. Department of State had proposed to allocate US\$ 2 billion to finance the implementation of the RMSI.⁷⁸⁷ As explained earlier the U.S. was willing to assist participating states in building a complete maritime picture, training their law enforcement to deal with organized crimes, and aiding the development of their national coast guard.⁷⁸⁸ The presence of U.S. leadership, however, was not sufficient to ensure Indonesia's cooperation. On April 16th, 2004, the Ministry of Foreign Affairs spokesperson, Marty Natalegawa announced Indonesia's rejection of the RMSI.⁷⁸⁹

Neorealists might be expected to argue that the calculation of relative gains would play a major part in any decision taken by Indonesia in respect of cooperative arrangements. As a middle-power Indonesia would be expected to cooperate with larger or smaller states. With this in mind, could Indonesia's non-cooperation in the RMSI be explained by the relative gains calculation? Indonesia's rejection of the RMSI did not reflect concerns over relative gains. Neorealism would expect Indonesia to join the RMSI because the U.S. is a larger state in comparison to Indonesia. As the U.S. is a much larger state the arrangement would

⁷⁸⁵ Ho (2007a:216)

⁷⁸⁶ Indonesian MFA (2005a: 82); Indonesian MFA (2004: 25, 35); Sudrajat (2005:6); Indonesian MFA (2005b:18); Jailani (2005: 56); Siregar et. al. (2004:2-3, 13-14); Bakorkamla (2010:99); Statement of an Indonesian Navy official (key note speaker) during Indonesian Coordinating Ministry for Political, Legal and Security Affairs Focus Group Discussion on "Deployment of Armed Forces Personnel in Special Mission to Secure National Interests," 2 November 2011, Jakarta, Indonesia.

⁷⁸⁷ J. Kucera (2006:13) as cited in Y. Song (2007: 110)

⁷⁸⁸ Stryken (2007:135); Doughton (2006:44-45); Ho (2007a: 216)

⁷⁸⁹ Detik News as cited in Indonesian MoD (16 April 2004)

not materially influence the great power discrepancy between the U.S. and Indonesia. Indonesia's rejection of the RMSI does not support this expectation.

Constructivists might emphasize the role that shared identity plays in explaining instances of cooperation and non-cooperation. In line with this expectation, is Indonesia's non-participation in RMSI potentially derived from the lack of shared identity with the other actors involved? There is a certain correlation here insofar as the RMSI was proposed by the US, a non-ASEAN state and would include other states from the Asia-Pacific that are not ASEAN members. However, given that Indonesia refused to participate in a cooperation arrangement with an ASEAN state (the DCA with Singapore) and join cooperation arrangements with non-ASEAN states (for instance the ARF), this is an insufficient explanation.

An alternative explanation to consider is bureaucratic politics. Following the argument of bureaucratic approach, competing government actors' preferences might be expected to inform Indonesia's decision making process regarding the RMSI. Does the case meet this expectation? The answer to this question is competing government ministries' preferences did not influence Indonesia's non-participation in the RMSI. The MFA and the MoD were the government actors who shaped the Indonesian decision on the RMSI.⁷⁹⁰ If we expected bureaucratic politics to matter we would have witnessed competing interests between government actors playing out in the policy process. For example, as the MFA would not gain any incentives from the RMSI arguably, the MFA would be expected to oppose the RMSI.

The MoD, however, could have supported the initiative because at bilateral level the Ministry has extensively cooperated with its U.S. counterpart. As explained in Chapter Three, Indonesia has exchanged intelligence and maritime information with the U.S., and took part in various U.S. military exercises. If Indonesia participated in the RMSI, the MoD would not have to do much more than what it already did.

In contrast to this expectation, both the MFA and the MoD agreed to reject Indonesia's participation in the initiative. Their actual preferences to refuse the initiative were not

⁷⁹⁰ Interview IG05; Interview IG14; Interview IG21; Interview IG40

derived from the calculation of costs and benefits for their own ministries. Rather, the evidence shows that the two ministries assessed the RMSI based on the aggregate costs and benefits of the cooperation initiative for the entire nation. Two reasons underscored the ministries' preferences. First, the MFA and the MoD suggested that the initiative was perceived as overtly militaristic. Both ministries preferred not to take part in the initiative to avoid any possibility of the country being seen as aligning too closely with the U.S. by the public.⁷⁹¹

The Indonesian Parliament did not state its official position regarding the RMSI.⁷⁹² However, members of the Parliament, in particular those who are members of opposition parties, were not convinced by the U.S. government's attempt to clarify Admiral Fargo's statement.⁷⁹³ Amris Hassan, Chairman of Commission I (Foreign Affairs Commission), House of Representative and also a member of the opposition party, the Indonesian Democratic Party of Struggle (PDI-P), categorized the initiative as an act of intervention and violation of Indonesia's sovereignty.⁷⁹⁴ Senior politicians in Indonesia's main Islamic party, the United Development Party (PPP), also shared this view. Aisyah Aminy, a senior politician from the PPP, warned the U.S. not to intervene in Indonesia's sovereign territory and declared a readiness to support an increase in the military budget to improve naval capacity.⁷⁹⁵

Although the public and members of the opposition parties were not directly involved in formulating Indonesia's stance on the RMSI, their reactions to the initiative have influenced government decisions. In the case of the RMSI the societal actors, particularly members of opposition parties in the Parliament, made a difference in the way the government assessed the costs and benefits of cooperation. A former government official from the MoD explained how the two ministries' preferences were also derived from careful calculations of the possible political implications that the RMSI might bring. According to him the RMSI was overtly militaristic and strong public opposition against the initiative suggested that taking part in the initiative could compromise the "political

⁷⁹¹ Interview IG21

⁷⁹² Indonesian Parliament (2000-2013); Interview IG40; Interview IG21

⁷⁹³ Indonesian MoD (26 April 2004)

⁷⁹⁴ Indonesian MoD (26 April 2004)

⁷⁹⁵ Indonesian MoD (26 April 2004)

manoeuvrability of Indonesian political leaders.”⁷⁹⁶ Although the strong rejection by opposition parties, particularly those with nationalist platform, were symbolic, it was important to maintain a careful balance between halting sea robbery and cooperating with foreign countries without going against the will of the public.⁷⁹⁷ As the official put it, this was because “states with high regional pride such as...Indonesia...on the one hand need U.S. assistance but on the other hand they do not want to be assisted in such a large scale because we want to maintain the symbolic sense of pride.”⁷⁹⁸

More importantly, the MoD and the MFA, in line with Indonesian law enforcement agencies and in particular the Navy and Indonesian Maritime Security Coordinating Board, strongly opposed the initiative because of the potential security challenges posed by militant groups to the security of the Straits.⁷⁹⁹ As explained earlier, although U.S. patrols in the Straits of Malacca and Singapore were not part of the cooperation activities covered by the RMSI, media reports on Fargo’s comments created negative publicity in Indonesia. Despite U.S. officials efforts to clarify Fargo’s statements the Indonesian public believed that the U.S. planned to send their Marine forces to patrol the Straits as part of the RMSI.⁸⁰⁰ Radical factions such as the Majelis Mujahidin Indonesia stated their intention to expel American troops from the Straits of Malacca.⁸⁰¹ The Navy and Maritime Security Coordinating Board were concerned that taking part in the RMSI could provoke a backlash from radical elements in Indonesia and make the Straits of Malacca a more desirable target for both Al Qaeda and JI.⁸⁰² A Maritime Security Coordinating Board document explained that the RMSI “will create new problem, such as the rejection from groups that opposed” U.S. involvement in securing the Straits of Malacca.”⁸⁰³

Second, the MFA and the MoD preferred bilateral cooperation with the U.S compared to the RMSI because through bilateral negotiation Indonesia has a better chance to influence the terms of agreement, which would in turn presumably contribute to generating preferable outcomes for Indonesia. As the MFA Director General of Legal Affairs and

⁷⁹⁶ Interview IG21

⁷⁹⁷ Interview IG21

⁷⁹⁸ Interview IG21

⁷⁹⁹ Bakorkamla (2010:100); Oegroseno (2005:59); BBC (29 June 2004); A. Acharya (2007:87)

⁸⁰⁰ Interview IG21; BBC (29 June 2004); Acharya (2007:87); J. Medeiros (7 April 2004); Jakarta Post (20 April 2004); Choong (6 June 2004)

⁸⁰¹ Bakorkamla (2010:100); BBC (29 June 2004); Acharya (2007:87)

⁸⁰² Wisnumurti (2009:347); Acharya (2007: 87); Bakorkamla (2010:100); BBC (29 June 2004)

⁸⁰³ Bakorkamla (2010: 103)

International Treaties, Eddy Pratomo, confirmed in terms of security issues Indonesia prefers technical assistance to be given through bilateral channels.⁸⁰⁴ Joining the RMSI was not an immediate concern for Indonesia. The Indonesian and the U.S. security relation had significantly improved after 9/11, three years before the RMSI was introduced. The U.S. has provided training and equipment as part of the bilateral cooperation. Therefore, the country could gain the benefits of cooperation through existing bilateral cooperation

The reasons underlying governmental actors' preferences show that their decision was not based on incentives that the RMSI offered to their ministries. Instead, the MFA and the MoD rejection of the RMSI stemmed from the consideration of incentives for the country.

The neoliberal argument on the importance of the calculation of absolute gains and the government anticipation of problems generated by societal actors in this case offer explanations on Indonesia's rejection of the RMSI. The Indonesian government found that the RMSI only provided low absolute benefits because the initiative offered unsubstantial benefits and the implementation of this initiative would bring high costs. The RMSI provided three core benefits if Indonesia participated. First, under this programme Indonesia could receive assistance in the form of new equipment from the U.S. The U.S. equipped participating countries with devices in order to build capacity in generating "a complete operating picture of the Malacca Strait."⁸⁰⁵ Second, the RMSI provides training, education and military exercises to assist participating countries in improving its decision making structures, create fast domestic and international command and control processes to provide a rapid response to maritime threats, and improve maritime interdiction capabilities.⁸⁰⁶ Finally, the RMSI was potentially beneficial in assisting Indonesia to develop its coast guard. The RMSI was designed to assist participating states, including Indonesia, in empowering their human resources and building their own coast guard.⁸⁰⁷ In 2004 when the initiative was introduced Indonesia was in the process of developing the country's sea and coast guard.

⁸⁰⁴ Indonesian MFA (21 September 2006)

⁸⁰⁵ T.F. Doughton (2006:45)

⁸⁰⁶ Stryken (2007:135); Doughton (2006:44); Ho (2007a: 216); USPACOM (2004a); USPACOM (2004b)

⁸⁰⁷ Doughton (2006:44)

Despite this, the Indonesian government found that the RMSI only provided low benefits for two reasons. First, when the U.S. introduced the RMSI in 2004 Indonesia was consistently highlighted in various media as a dangerous area of rampant sea robberies, hijackings and maritime kidnapping.⁸⁰⁸ However, the actual number of attacks had significantly reduced by the time that Indonesia declined to join RMSI. As discussed in Chapter Two a careful reading of the statistics of armed robbery attacks in the Straits of Malacca and Singapore between 1991 and 2010 points out that sea robbery incidents in the Straits were already in decline from 2001.⁸⁰⁹ Indonesia's actions to address armed robbery against ships which had been carried out prior to 2004 had already begun to show positive results. This temporal disjuncture between the problem of sea robbery in the Straits and the launching of the RMSI reduced the benefits for Indonesia to join the initiative. Second, the incentives were further reduced because Indonesia could gain the benefits of cooperation in the form of bilateral exchanges of training and equipment with the U.S. As explained in Chapter Three Indonesia and the U.S. have intensified their bilateral security and defence cooperation since 2001. Thus, without participating in the RMSI, Indonesia can benefit from cooperating with the U.S. via bilateral channels.

The initiative did not introduce significant changes to Indonesia's policies to deal with sea robbery in the Straits of Malacca and Singapore. The RMSI relies solely on good faith compliance and not on enforceable requirements. The initiative clearly points out that the conduct of activities under the RMSI, including "information sharing with other states or acting against a threat remains voluntary and sovereign for each participating nation."⁸¹⁰ Therefore, the ultimate decision for member state to join any maritime security activity including information sharing and intercepting threats is entirely voluntary.⁸¹¹ It did not specify any requirements for Indonesia to purchase new equipment nor did it oblige Indonesia to undergo significant policy changes at national level.⁸¹² Indonesia already has the necessary infrastructure to participate in counter sea robbery cooperation with other states, including the U.S. As explained in Chapters Two and Three Indonesian aircraft and vessels have been patrolling the waterways, maintaining a 24 hours presence in the straits, and have been coordinating closely with other littoral states to conduct cross-border

⁸⁰⁸ D.Urquhart (10 April 2004)

⁸⁰⁹ IMB (2001-2010); Jailani (2005: 68)

⁸¹⁰ USPACOM (2004a); USPACOM (2004d: 1)

⁸¹¹ USPACOM (2004c)

⁸¹² USPACOM (2004c); Boutilier (2005: 27)

pursuits if required. At bilateral, sub regional and regional level Indonesia has been cooperating closely with both littoral states and major powers, including the U.S. Indonesia's decision not to take part in the RMSI was certainly not based on its reluctance to share maritime information with the U.S. As has been noted in Chapter Three, Indonesia exchanges information with the U.S. defence agencies as part of their bilateral defence arrangement.

Reviewing the RMSI requirements it is argued that there is a significant continuity in Indonesia's existing counter sea robbery practices. This leads to the conclusion that the initiative posed only low sovereignty costs. If Indonesia participated in the RMSI the government would carry out similar activities to those it has conducted as part of the country's policies to deal with sea robbery. Indonesia did not need to change its counter sea robbery governance structures or accept the presence of an external authority in national decision making processes. Cooperative activities under the RMSI including capacity building programmes and exchanges of information with the U.S. had been carried out by Indonesia before the initiative was introduced in 2004.⁸¹³ The absence of substantial changes also implies that in economic term the costs to implement this initiative were low. The RMSI did not require Indonesia to make substantial adjustments or investments at domestic level to comply with the arrangement. However, despite the low economic costs, participation in the RMSI would bring high political and security costs. According to a former official who was involved in decision making on the RMSI both ministries were aware that direct U.S. involvement in the Straits, as reported by the media, was not part of the RMSI, yet, the misreporting of the initiative by the media had some bearing in informing the government assessment of the costs and benefits brought by the RMSI.⁸¹⁴ Due to the media storm generated from Admiral Fargo's comments, members of opposition parties in Parliament and radical groups in Indonesia understood that direct U.S. patrols in the Straits of Malacca and Singapore were part of the cooperation deal offered to Indonesia.⁸¹⁵ Participation in the RMSI would lessen government credibility with the electorate, reduce the space for political manoeuvre at the domestic level and could invite

⁸¹³ Interview IE23; Interview IG21; Indonesian Coordinating Ministry of Political, Legal and Security Affairs (2006a: 60); Indonesian MoD (2003:30, 85)

⁸¹⁴ Interview IG21; Interview IG05; Interview IG40

⁸¹⁵ Bakorkamla (2010:100); Interview IG21; Indonesian MoD (26 April 2004)

radical groups and terrorist groups to make vessels and port facilities in the Straits a target.⁸¹⁶

In summary, Indonesia's non-participation in the RMSI is best explained by the calculation of the costs and benefits in absolute term. Indonesia decided not to join the RMSI because the costs of cooperation outweighed the benefits. The high costs of cooperation resulted from the opposition of legal societal actors and government anticipation of trouble from non-legal societal actors. The benefits offered by the RMSI were insignificant. Before the RMSI was introduced Jakarta has gained the incentives of cooperation through bilateral cooperation with the U.S.

6.3 Indonesia's Non-Participation in the ReCAAP

The ReCAAP was established through a negotiated process which involved 10 ASEAN member states including Indonesia, three East Asian states (Japan, China and South Korea) and three South Asian states (India, Bangladesh and Sri Lanka).⁸¹⁷ The agreement was finalized in Tokyo on November 11th, 2004 and came into effect on September 4th, 2006.⁸¹⁸ When the ReCAAP agreement came into force it became open to accession by others states.⁸¹⁹ The agreement requires states to communicate with the ReCAAP ISC, respect the confidentiality of information transmitted from the centre, ensure smooth communication between its national focal point and other relevant government and non-governmental organizations, oblige its shipping businesses to notify national focal points and the ISC of armed robbery incidents, disseminate alerts to ships when receiving a warning from the ISC, cooperate in detecting the perpetrators of armed robberies against ships, and participate in the rescuing of victims of armed robberies.⁸²⁰ After the agreement was concluded Indonesia refused to sign it. The question arises in this case is: what could explain Indonesia's refusal to sign the ReCAAP agreement?

Indonesia's rejection of the ReCAAP agreement is puzzling as it does not conform to the expectations of some IR theories on cooperation. Given Indonesia's status as a middle

⁸¹⁶ Interview IG21; Bakorkamla (2010:100); BBC (29 June 2004); Acharya (2007:87)

⁸¹⁷ Interview SN17; S. Bateman (2009:118)

⁸¹⁸ ReCAAP (9 January 2011)

⁸¹⁹ Article 18 (5) of the ReCAAP agreement; D. Guilfoyle (2009:58)

⁸²⁰ Articles 9-16 of the ReCAAP Agreement 2004

power, a neorealist would expect Indonesia to join the ReCAAP. This is because the agreement was led by Japan, a larger state in comparison to Indonesia. Following this lead, does Indonesia's non-cooperation in the ReCAAP meet this expectation? The evidence shows that relative gains concerns did not shape Indonesia's rejection of the ReCAAP. In contrast to this expectation Indonesia decided not to join the ReCAAP. Government officials and documents did not suggest that Indonesia limited its commitments to the ReCAAP because of concerns over relative gains.⁸²¹ Rather, they cited the lack of gains in absolute terms as the main reason underlying Indonesia's decision not to sign the agreement.⁸²²

Constructivism argues that shared identity would have some bearing in informing Indonesia's refusal to join the ReCAAP. Does the case conform to the constructivist expectation? Indonesia's decision not to join the ReCAAP was in line with the constructivist argument on shared identity to the extent that Japan who proposed the initiative is a non-ASEAN state and a large number of ReCAAP members are non-ASEAN states. However, since Indonesia was willing to cooperate with non-ASEAN states in dealing with sea robbery (for instance in the ASEAN Maritime Forum), the constructivist argument regarding the role of shared identity cannot offer a satisfactory explanation of Indonesia's participation or non-participation in cooperation agreement.

The bureaucratic politics approach expects that competing preferences of government actors could influence Indonesia's rejection of the ReCAAP. Could it be the case that competing government actors' preferences were the source of Indonesia's non-participation in the ReCAAP? The evidence shows that competing government actors' preferences did not influence Indonesia's rejection of the ReCAAP. Rather, what mattered in the case of the ReCAAP, was whose preference prevailed in informing Indonesia's decision. In this instance the MFA preference is important in shaping Indonesia's decision not to join the ReCAAP. Both in negotiations with foreign counterparts and in formulating Indonesia's decision towards the ReCAAP the MFA was the leading agency among governmental actors.⁸²³ The MFA organized an inter ministerial meeting and invited other

⁸²¹ Interview SN17; Interview IG02; Interview IG10; Interview IG40; Interview IG05; DKPT (2008:12); Sumaryono (2004:44); Indonesian MFA (2006: 15)

⁸²² Interview IG40; Indonesian MFA (2006: 15); DKPT (2008:12); Indonesian MoD (2003:62-68); Indonesian MoD (2008:140-150); Bakorkamla (2010:176-177,181)

⁸²³ Interview IG02; Interview IG03; Interview IG04; Interview IG05; Interview IG14

relevant governmental actors including the MoD, the MoT, the Coordinating Ministry for Political, Legal and Security Affairs to discuss Indonesia's position regarding the ReCAAP agreement.⁸²⁴

If ministries behaved as expected by conventional bureaucratic politics explanations it could be argued that the MFA would oppose the agreement because it offered no incentives to the ministry. However, although the MFA opposed the ReCAAP initiative, the MoT, the MoD, and the Coordinating Ministry for Political, Legal and Security Affairs could have supported it. This is because the cooperation initiative would not impose additional costs as their associated agencies all cooperated informally with the ReCAAP ISC. Despite these expectations, the MoD and the Coordinating Ministry for Political, Legal and Security Affairs supported the MFA preference to reject Indonesia's participation in the ReCAAP. As an official from the Indonesian Ministry of Defence maintained:

That [decision about ReCAAP] is not within our [referring to an agency that he lead] scope of authority. We always follow the foreign policy formulated by the MFA. When the MFA said 'this,' we have to do the same...⁸²⁵

An official from the MoT confirmed this account of the internal deliberations, claiming:

ReCAAP...it is more a policy of the MFA...we need to follow the guidance from the MFA. The MFA prohibited the involvement of us in ReCAAP.⁸²⁶

The MFA also instructed officials from other ministries who attended ReCAAP meetings. As a government official from the Department of Sea Transportation, MoT suggested:

It was the MFA that gave note. Usually, whenever there were ReCAAP forums, they [the MFA] would provide us with a note, on what we should do.⁸²⁷

The MFA was initially enthusiastic about ReCAAP, but ultimately chose not to join the agreement. The Ministry's early enthusiasm was due to seeing it as a possible burden sharing agreement between the user states and the littoral states of the Straits.⁸²⁸ It thus

⁸²⁴ Interview IG40

⁸²⁵ Interview IG04

⁸²⁶ Interview IG14

⁸²⁷ Interview IG11

⁸²⁸ Interview IG40; Interview IE23; Jailani (2005: 69-70); Sumaryono (2004:44); Indonesian MFA (2006: 15)

expected to gain material and capacity building support from user states. The final agreement, however, did not include burden-sharing arrangements, and the MFA's enthusiasm began to diminish.⁸²⁹ The MFA was further put off the ReCAAP by its inability to get the ISC located in Indonesia. It had hoped that locating the ISC in Indonesia would both facilitate capacity building in Indonesia's maritime agencies and address Indonesia's dissatisfaction about what it considered exaggerated reporting of sea robbery and piracy incidents in regional waters by the IMB.⁸³⁰ Its concern that unfair reporting of sea robbery incidents would continue if the ISC were placed in another country was sufficient that the Indonesian MFA consistently maintained their standpoint that if the ISC was not placed in Indonesia, Indonesia would refuse to participate.⁸³¹ This was ultimately the critical sticking point. A vice president of a nongovernmental organization that specializes in maritime security in Asia confirmed Indonesia's disagreement regarding the location of the ISC. He indicated in an interview that:

Indonesia's objection to ratify ReCAAP agreement derived from their dissatisfaction over the decision on ReCAAP ISC location...⁸³²

In order to understand Indonesia's refusal to join the ReCAAP it is argued in this section that the calculation of absolute gains is a useful insight. Indonesia did not join the ReCAAP because although participation in the initiative generated low costs for Indonesia the initiative offered insufficient benefits in absolute terms. The ReCAAP offers a number of benefits for each contracting party. The ReCAAP ISC provides information on the statistics of piracy and armed robbery incidents in the region, facilitates information exchange among participating governments, offers capacity building programmes and joint exercises. It also enables each participating state to send their representatives to manage and oversee the work of ReCAAP.⁸³³ Indonesia, however, found these incentives insufficient for three reasons: First, the benefits that the ReCAAP offered were not much better than the status quo.⁸³⁴ The agreement did not deliver benefits in absolute terms. The ReCAAP would add little benefits because critically, the Indonesian government already secured the benefits offered by the ReCAAP through bilateral cooperation with littoral and

⁸²⁹ Interview IG40; Interview IE23

⁸³⁰ Interview IG40; Interview IG07; D. Urquhart (19 January 2006); Nuswantoro (2005: 25); Jailani (2005: 67); Interview IG11; Interview IG14

⁸³¹ Bradford (2004: 499); Interview SN17

⁸³² Interview SN17

⁸³³ Article 4(4) of the ReCAAP Agreement 2004

⁸³⁴ Interview IG40; Jailani (2005: 69-70); Sumaryono (2004:44); Indonesian MFA (2006: 15)

extra-regional states since the early 1990s, many years before the ReCAAP was launched (see Chapter 5).⁸³⁵ In addition, Indonesia already had two anti-sea-robbery centres - the Rescue Coordinating Centre of the Maritime Security Coordinating Board and the Navy Command Centres (Puskodal) in Batam and Belawan - that served the same purpose as the ISC.⁸³⁶ Almost two years before the ReCAAP agreement came into force, Indonesia together with Malaysia, Singapore and with IMO assistance established the Co-Operative Mechanism initiative.⁸³⁷ The Co-Operative Mechanism became a key cooperation institution in the Straits of Malacca and Singapore for the strait states, user states and businesses to discuss, exchange information and contribute to improving navigational safety and marine pollution control.⁸³⁸ Although the Co-Operative Mechanism does not cover cooperation to deal with armed robbery against ships or other maritime security concerns this initiative brings a positive impact for Indonesia's maritime security. Prior to the establishment of the Co-Operative Mechanism the burden for maintaining the safety of navigation and pollution prevention was left primarily to the strait states (Indonesia, Malaysia and Singapore); for example the strait states are required to allocate resources to prevent and deal with the aftermath of accidents caused by the high volume of traffic in the Straits. The substantial burden sharing provided by user states through the Co-operative Mechanism means that the government can have greater flexibility to use its budget and invest more resources to improve the capacity of Indonesian maritime agencies.⁸³⁹

The second reason the benefits of ReCAAP were not appealing to Indonesia was that the problem it was intended to address was not perceived as pressing. Sea robberies in Indonesian waters and the Straits of Malacca and Singapore were already in decline by 2004, the year in which ReCAAP was signed (see Chapter 2). As a result, joining the initiative was seen by the government as a low priority as it would not add much to what was already being done.⁸⁴⁰ Indeed, Indonesia could still cooperate through ReCAAP without formally taking part. As a government official put it, "We can gain the same

⁸³⁵ Interview IG40; Indonesian MFA (2006: 15); Antara (25 September 2006)

⁸³⁶ Interview IG02; Interview IG03; Interview IG07; Sondakh (2004:86); Indonesian MFA (2004: 8); Indonesian Ministry of State Secretariat (2001: X-6);

⁸³⁷ Singapore Maritime and Port Authority (MPA) (24 December 2012)

⁸³⁸ Singapore MPA (24 December 2012)

⁸³⁹ Interview IG40; Interview ME01; Sakhuja (16 May 2007); X. Ke (2009:91); Jailani (2005: 71)

⁸⁴⁰ Interview IG05; IMB (2005:28); Lloyds (11 August 2006); Indonesian MoD (2003:62-68); Indonesian MoD (2008:140-150); Bakorkamla (2010:176-177,181)

advantages from the cooperation [in ReCAAP] with or without being a member.”⁸⁴¹ ReCAAP established links with the Indonesian Maritime Security Coordinating Board (Bakorkamla) and the Ministry of Transportation, Sea and Coast Guard unit.⁸⁴² The ReCAAP ISC disseminates information to Indonesian maritime agencies including the Navy, Marine Police and Maritime Security Coordinating Board. In return, based on Indonesia’s free choice even in the absence of formal membership, Indonesian maritime agencies such as the Maritime Security Coordinating Board, the Navy, and the Sea and Coast Guard cooperate with ReCAAP. As the Indonesian Director of Sea and Coast Guard points “We exchange information through ReCAAP, even though we are not a member state... ReCAAP also shares information with us.”⁸⁴³ Shipping businesses can also attend a number of events held under the ReCAAP framework. The ReCAAP establishes cooperation with national shipping associations and regularly organizes piracy and sea robbery conferences and nautical forums to engage the shipping community in the fight against sea robbery, enable exchanges of views and provide an opportunity for feedback and recommendations.⁸⁴⁴ The Indonesian National Shipowners’ Association (INSA) participates in the ReCAAP public-private collaboration programmes. Ever since the ReCAAP invited external participants to attend its Governing Council Annual Meeting in 2008, industry organizations such as the Federation of ASEAN Shipowners’ Associations (FASA) and the Asian Shipowners’ Forum (ASF) have sent their delegates to these events.⁸⁴⁵

In terms of costs the changes brought by the ReCAAP are insignificant. The ReCAAP reserves the rights of states to exercise jurisdiction on their own territory.⁸⁴⁶ An official from an international maritime institution confirmed that the ISC does not impinge on national authorities within their jurisdiction.⁸⁴⁷ The agreement also obliges states to endeavour to extradite pirates or sea robbery and render mutual legal assistance in criminal

⁸⁴¹ Interview IG02

⁸⁴² J. Ho (2009a: 433); Interview IG02; Interview IG10; Bradford (2008: 484); Interview IG11

⁸⁴³ Interview IG10

⁸⁴⁴ Interview SN17; Email correspondent with an official of an international nongovernmental organization that focuses on maritime security and the safety of navigation, July 25th, 2011; ReCAAP (28 February 2008); ReCAAP (8 March 2012)

⁸⁴⁵ ReCAAP (28 February 2008); ReCAAP (8 March 2012); BIMCO (12 March 2010)

⁸⁴⁶ Article 2(5) of the ReCAAP agreement

⁸⁴⁷ Email correspondent with an official of an international maritime organization that focuses on maritime security and the safety of navigation, July 25th, 2011

matters to others, but only after considering their national laws.⁸⁴⁸ The ReCAPP would have imposed low sovereignty costs on Indonesia had it joined. The absence of significant changes also implies that if Indonesia joined the ReCAAP Indonesia would not have incurred high implementation costs as compliance would be automatic.

In short, Indonesia did not sign the ReCAAP because it did not provide for burden sharing and did not locate the ISC in Indonesia, which would have addressed its long-standing concern about the misreporting of information.

6.4 Indonesia's Non-Participation in the Defence Cooperation Agreement with Singapore

Although the Indonesia-Singapore Coordinated Patrol arrangement has been a success, the Defence Cooperation Agreement (DCA) that was signed by the two states' Ministers of Defence on April 2007 was not. The DCA required Indonesia to provide Singaporean Armed Forces sites for individual and joint air, land, and naval military exercises.⁸⁴⁹ Indonesia was required to provide air space, code named Alpha areas, to be used for air combat manoeuvring, weapons firing, and overland flight training space. These areas included air space above Pekanbaru in Riau, which is located in the Strait of Malacca, adjacent to Malaysia and Singapore.⁸⁵⁰ The DCA also obliged Indonesia to provide areas, code named Bravo, for naval exercises that would involve the use of naval gunfire support systems, firing of arms and missiles.⁸⁵¹ The agreement also obliged Indonesia to provide training grounds for army exercises. The agreed location for the army training site was the Batu Raja Training Area, South Sumatra.⁸⁵² In addition to the provision of war exercises sites, the agreement required Indonesia and Singapore to restore and maintain areas and facilities used for exercises including the Air Combat Manoeuvring Range and Baturaja Training Area; operate and develop an Air Weapon Range facility; provide naval technical assistance to the Indonesian Navy; and provide the Indonesian Armed Forces with

⁸⁴⁸ Article 12 and 13 of the ReCAAP agreement

⁸⁴⁹ Xinhua (27 April 2007)

⁸⁵⁰ Xinhua (23 February 2007)

⁸⁵¹ Detik News (28 May 2007)

⁸⁵² Detik News (28 May 2007); Xinhua (23 June 2007)

sustainable access to Singapore Armed Forces military training facilities, simulator training, academic courses and technology.⁸⁵³

As explained in Chapter Five Indonesia has cooperated extensively with various states, including Singapore, in dealing with armed robbery against states. The question to pose here is: what could explain Indonesia's rejection of the DCA with Singapore?

Neorealism would expect that the calculation of relative gains would influence Indonesia's decision not to join the DCA. Neorealism suggests that because of Indonesia's status as a middle power it would be less likely to cooperate with a near-peer competitor such as Singapore. Bearing this in mind, does the evidence confirm the neorealist expectation? The DCA indicates that the calculation of relative gains was consistent with Indonesia's decision not to join the agreement. However, the relative gains calculation cannot offer a sufficient explanation because, as explained in Chapter Five, Indonesia did cooperate with near-peer competitors (as shown in the case of the two coordinated patrol agreements with Singapore and Malaysia and the Malacca Straits Patrol agreement).

A constructivist might argue that shared identity would have some influence on Indonesia's decision to participate or not to participate in a cooperation agreement. Following this argument, the question is could Indonesia's decision not to cooperate in the DCA advance the constructivist expectation on the role of shared identity? This case shows that Indonesia's decision not to cooperate in the DCA was not in line with the constructivist argument on the role of shared identity. According to the constructivist notion of shared identity since Singapore and Indonesia are ASEAN member states cooperation between the two would be expected to take place. In contrast to this expectation Indonesia cancelled the agreement.

Proponents of a bureaucratic politics approach would argue that competing preferences among government actors would shape Indonesia's rejection of the DCA. Indonesia's decision not to join the DCA was not consistent with the bureaucratic politics analysis. If the conventional interpretation of bureaucratic politics was to have some bearing in explaining Indonesia's non-cooperation then competition between actors might have taken

⁸⁵³ Xinhua (27 April 2007); Detik News (28 May 2007); Indonesian Democratic Party of Struggle (26 January 2013)

the following forms. The two key ministries in the negotiation of the DCA were the MoD and the MFA. Among the two Ministries the MoD, particularly, would be expected to oppose the negotiation of the DCA in the first place. Although the agreement provides assurances on Singapore's sustainable training assistance, the absence of the DCA would not have serious implications for the Indonesian Armed Forces. The existing links between the two armed forces would allow the Singapore armed forces to provide training assistance to their Indonesian counterpart and contribute significantly to the development and maintenance of training facilities.⁸⁵⁴ In contrast to the bureaucratic politics literature expectation the Indonesian MoD preferred to cooperate because by joining the DCA Indonesia could obtain Singapore's commitment to take part in the Extradition Treaty.⁸⁵⁵

The MoD and the MFA did not obtain substantial benefits from the DCA. The lack of benefits for promoting the DCA for the MFA and the MoD was even more apparent at domestic level. On the domestic front the two ministries' preferences were met with strong opposition from the Parliament. Members of Parliament asserted that the terms of the agreement were highly in favour of Singapore.⁸⁵⁶ Parliament members from opposition parties including the National Mandate Party (PAN), the National Awakening Party (PKB), the United Development Party (PPP), the Golkar Party and the Indonesian Democratic Party of Struggle (PDIP) urged the government to cancel the DCA.⁸⁵⁷

As the issue become more politicized the Riau Islands local government officials and legislators felt it necessary to raise their objections over military exercises in their vicinity to the President, the Minister of Defence and Parliament.⁸⁵⁸ They raised their concern that military exercises which involved the use of war equipment could harm the local population and cause environmental damage.⁸⁵⁹ This is despite their support of Indonesian armed forces large scale national joint military exercises and Indonesia-Singapore bilateral

⁸⁵⁴ Antara (22 September 2007)

⁸⁵⁵ Interview IG21; Indonesian Coordinating Ministry of Political, Legal and Security Affairs (2008: 55); Indonesian Parliament (21 September 2006)

⁸⁵⁶ Deutsche Press-Agentur (20 March 2009); Xinhua (18 September 2007); Xinhua (14 June 2007); Xinhua (12 June 2007)

⁸⁵⁷ Xinhua (12 June 2007); Xinhua (18 September 2007); Indonesian Parliament (25 June 2007); Indonesian Parliament (17 September 2007); Xinhua (23 February 2007)

⁸⁵⁸ Xinhua (24 May 2007); Antara (2 August 2007); Indonesian Coordinating Ministry of Political, Legal and Security Affairs (2008: 24)

⁸⁵⁹ Indonesian Parliament (28 May 2007); Xinhua (24 May 2007); Antara (2 August 2007)

routine maritime exercises that involved the use of fast patrol boats and heavy armaments in their area.⁸⁶⁰

Responding to the growing opposition at domestic level both ministries presented the DCA as both a beneficial arrangement and a necessary trade off to gain the Extradition Treaty.⁸⁶¹ Despite the mounting opposition both ministries did not immediately cancel the DCA, instead they proceeded with negotiation on implementing arrangements of the defence treaty.⁸⁶² In 2007, however, Singapore's rejection of the retroactive application of the Extradition Treaty for 15 years set back the negotiation of the DCA.⁸⁶³ For Indonesia, Singapore's action removed the side payment of Indonesia cooperating. The Indonesian Minister of Defence, Juwono Sudarsono stated that Singapore's rejection of the retroactive application of the Extradition Treaty suggested that the city state had dropped the DCA.⁸⁶⁴ He explained that both agreements were signed as one package, thus, if one failed the other would be discontinued.⁸⁶⁵ Indonesia decided to freeze both agreements indefinitely in late 2007.⁸⁶⁶

It could be argued that the neoliberal account of the absolute gains consideration provides a useful explanation to understand Indonesia's rejection of the DCA. Although the DCA is not a costly cooperation the initiative also did not offer sufficient incentives. The DCA brought low incentives for Indonesia's counter sea robbery efforts because without taking part in the DCA the Indonesian armed forces already had access to Singapore's military training facilities, academic and technical courses and technology.⁸⁶⁷ Even though the DCA provides a better deal for Indonesia in term of cost sharing, because Singapore agreed to finance 90 per cent of the costs for the development and maintenance of army training ground in Baturaja (South Sumatra) and air combat training facility in Seabu

⁸⁶⁰ Antara (8 September 2012); Antara (10 September 2012); Suara Karya (13 April 2010)

⁸⁶¹ Indonesian Democratic Party of Struggle (26 January 2013); Indonesian Parliament (25 June 2007); Indonesian Parliament (17 September 2007)

⁸⁶² Xinhua (14 June 2007); Antara (22 September 2007)

⁸⁶³ Antara (19 September 2007); Indonesian Coordinating Ministry of Political, Legal and Security Affairs (2008: 55)

⁸⁶⁴ Jakarta Post (28 December 2007); Kompas (8 February 2008)

⁸⁶⁵ Antara (8 July 2007); Straits Times (26 July 2007)

⁸⁶⁶ Jakarta Post (28 December 2007)

⁸⁶⁷ Antara (22 September 2007); Singapore MoD (7 June 2001); Singapore MoD (30 October 2001); F.D. Poerwoko (2 July 2007); Xinhua (27 April 2007); Detik News (28 May 2007); Indonesian Democratic Party of Struggle (26 January 2013); Suryadinata (1998:102)

(Pekanbaru),⁸⁶⁸ before the signing of the agreement Singapore already bore most of the expenditures to develop and maintain these facilities.⁸⁶⁹ The Minister of Defence confirmed this in an interview, according to him if the agreement failed: “it would have no implication because the two countries had already been” conducting joint exercises and cooperating for a long time before the DCA.⁸⁷⁰

Indonesia decided to join because of the side payment of this agreement. In exchange for the DCA, the Singaporean government agreed to sign an Extradition Treaty that has long been desired by Indonesia.⁸⁷¹ All previous administrations have failed to secure the Extradition Treaty.⁸⁷² Indonesia tied the negotiation of the DCA together with the Extradition Treaty. During the negotiation Indonesia and Singapore discussed the DCA and the Extradition Treaty as one package.⁸⁷³ Indonesia has long sought an Extradition Treaty with Singapore to prosecute around 80 businessmen that fled the country with government bailout funds worth US\$ 87 billion during the 1997/1998 financial crisis.⁸⁷⁴ Following the signing of the DCA and the Extradition Treaty Indonesia proposed for the implementing arrangement for the naval exercise areas (Bravo Areas) to be discussed together, the same way the two countries have discussed the implementing arrangements for Alpha I and Alpha II training areas.⁸⁷⁵ During the negotiation Singapore requested the naval training to be conducted once a month for 15 days each, in contrast, the Indonesian Minister of Defence demanded that the frequency of training be limited to 4-6 times in a year in recognition of the impact on the environment and local fishermen.⁸⁷⁶ Singapore was persistent that negotiation of such an arrangement was unnecessary because Indonesia did not raise this matter prior to the signing of the DCA and the Extradition Treaty.⁸⁷⁷ Singapore's position was that the two agreements “were already settled, and the terms

⁸⁶⁸ J. Kristiadi (17 July 2007)

⁸⁶⁹ Poerwoko (2 July 2007)

⁸⁷⁰ Antara (22 September 2007)

⁸⁷¹ Indonesian Coordinating Ministry of Political, Legal and Security Affairs (2008: 55); Indonesian Parliament (21 September 2006); Xinhua (27 April 2007)

⁸⁷² Jakarta Post (28 December 2007)

⁸⁷³ Indonesian Coordinating Ministry of Political, Legal and Security Affairs (2008: 55); Indonesian Parliament (21 September 2006); Xinhua (27 April 2007)

⁸⁷⁴ Indonesian Coordinating Ministry of Political, Legal and Security Affairs (2008: 55); Surya Citra Televisi (SCTV) Liputan 6 (26 June 2007); Indonesian Parliament (28 May 2007); Indonesian Parliament (17 September 2007); Deutsche Press-Agentur (20 March 2009); Xinhua (27 April 2007a); Xinhua (27 April 2007b); Deutsche Press-Agentur (27 April 2007)

⁸⁷⁵ Antara (10 July 2007)

⁸⁷⁶ Kristiadi (17 July 2007); Jakarta Post (14 December 2007)

⁸⁷⁷ Singapore MoD (16 July 2007)

cannot be changed casually or piecemeal, without risking the whole package of the Extradition Treaty and DCA unravelling.”⁸⁷⁸ Singapore then proposed a standard operating procedure for the naval exercise area without involving the Indonesian MoD in the negotiation.⁸⁷⁹ Indonesia’s dissatisfaction continued when Singapore rejected making the Extradition Treaty retrospective for 15 years and this then led to Indonesia’s decision to cancel the DCA.⁸⁸⁰ As Singapore did not approve the retroactive application of the DCA the city state took away the only side payment wanted by Indonesia. This led to Indonesia’s subsequent rejection of the DCA.

In term of the costs of cooperation the DCA did not introduce significant changes to Indonesia’s counter sea robbery activities. The agreement did not delegate authority to review, interpret rules and resolve conflict to a tribunal or an independent third party.⁸⁸¹ In addition, as explained in Chapter Two at unilateral level Indonesia has conducted maritime patrols, military exercises, dissuasion programmes and allocated resources including manpower, vessels and aircraft to deal with sea robbery. At bilateral level the DCA only provided a continuation of a number of activities that Indonesia and Singapore have conducted prior to the establishment of the DCA. Military exercises between the two countries have existed since 1974 when the two navies started their bi-annual military exercise code named the Eagle Exercise. Indonesia and Singapore military exercises also include an air force joint exercise called the Elang-Indopura (since 1980), armed forces annual exercises called SAFKAR-INDOPURA (since 1989) and the Fighter Weapon Instructor Course to train combat pilots (since 1999).⁸⁸² Indonesia has also provided training areas for the Singapore armed forces before the signing of the DCA in 2007.⁸⁸³ These areas include Baturaja as the location for army training, Kayu Ara, West Kalimantan and Natuna, Riau Islands as the location for naval exercises and Siabu, Riau for air force joint exercises.⁸⁸⁴ These military exercises, held under Indonesian jurisdiction, have used combat equipment, weapons, bombs and jet fighters.⁸⁸⁵ Most training facilities have been built by the two countries. Indonesia and Singapore developed the Air Weapons Range

⁸⁷⁸ Singapore Ministry of Foreign Affairs (13 June 2007)

⁸⁷⁹ Antara (10 July 2007)

⁸⁸⁰ Jakarta Post (28 December 2007); Kompas (8 February 2008)

⁸⁸¹ Section C of the Indonesia-Singapore Defence Cooperation Agreement

⁸⁸² Singapore MoD (7 June 2001); Singapore MoD (30 October 2001); F.D. Poerwoko (2 July 2007); Staf Umum Operasi Markas Besar Angkatan Laut (2004:38)

⁸⁸³ Indonesian MoD (2003: 80); Antara (8 July 2007)

⁸⁸⁴ Antara (19 January 2006)

⁸⁸⁵ Sunday Times (17 September 2000); Poerwoko (2 July 2007); Suryadinata (1998:102)

facility (1989), Air Combat Manoeuvring Range facility (1991), Military Training Area (MTA) and Overland Flying Training Area (OFTA) that are located in Pekanbaru Air Base.⁸⁸⁶ Indonesia and Singapore are provided a 40 per cent allocation to use these facilities and the remaining 20 per cent is reserved for maintenance.⁸⁸⁷ Initially the costs of development and maintenance of equipment were borne equally by the two states. This arrangement changed in 1995 with Singapore responsible for 75 per cent of the costs.⁸⁸⁸

Having surveyed the changes posed by this agreement it is argued that the agreement generated low sovereignty costs. It does not limit Indonesia's authority to govern its territory or introduce an independent third party to implement rules or resolve disputes. As previously discussed, Indonesia was not required to do much more than what it already did under the arrangement. Most activities covered by this agreement have been conducted by the two countries since 1970s. The lack of changes also suggests that the DCA generates low implementation costs. The government is not required to make additional investment to comply with the DCA because Indonesia's policies are already in line with the agreement's requirements.

To summarize, since its formulation the DCA did not offer any core benefits to support Indonesia's counter sea robbery efforts. The only ancillary benefit sought by Indonesia from the DCA was Singapore's approval of the Extradition Treaty. Therefore, when Singapore refuse the retroactive application of the Extradition Treaty the city-state eliminated the only side payment wanted by Indonesia from the DCA.

6.5 Conclusion

This chapter shows that Indonesia's non-cooperation in the case of the RMSI, the ReCAAP and the DCA was informed by insignificant absolute gains offered by these initiatives. This is because in the case of the RMSI, the ReCAAP and the DCA the overall incentives to cooperate were low. Although in the RMSI, the ReCAAP and the DCA cases Indonesia was not expected to do more than it already was, it did not receive substantial benefits. The benefits of cooperation offered by the RMSI and the ReCAAP were low because when

⁸⁸⁶ Poerwoko (2 July 2007); Suryadinata (1998:102)

⁸⁸⁷ Poerwoko (2 July 2007)

⁸⁸⁸ Poerwoko (2 July 2007)

both initiatives were introduced Indonesia had taken part in similar initiatives at bilateral, sub regional and regional level to deal with sea robbery. Similarly, the DCA added little to the benefits of cooperation that Indonesia could gain from other existing bilateral arrangements with Singapore. Singapore's decision to make the DCA non-retroactive had removed the only side payment sought from the cooperation. There was thus scant incentive for Indonesia to participate in the three initiatives.

The neorealist emphasis on the importance of relative gains cannot explain Indonesia's non-cooperation across all three cases. Indonesia was not willing to cooperate with either larger states or near-peer states. Indonesia did not join either the RMSI or the ReCAAP in spite of the fact these initiatives were proposed and led by larger states; the U.S. in the case of the RMSI and Japan in the case of the ReCAAP. Indonesia also refused to join the DCA that involved Singapore, a near-peer state.

The constructivist argument about the role of shared identity in informing state's cooperation also could not account for Indonesia's decision not to participate in all cases presented in this chapter. Indonesia refused to cooperate with an ASEAN state, as shown in the case of the DCA, and non-ASEAN states in the case of the RMSI and the ReCAAP.

In the case of RMSI, hegemonic leadership was insufficient to overcome Indonesia's reluctance and even contributed to popular opposition to the agreement.

In neither case did bureaucratic politics provide a push for agreement, with the MFA very much in the ascendency, particularly in the case of the ReCAAP. The MFA and - in the case of the RMSI and the DCA - the MFA and the MoD preferences not to cooperate were not based on the calculation of benefits for their own ministries. For the MFA incentives delivered by the RMSI, the ReCAAP and the DCA were not useful for the ministry, yet in some cases such as the ReCAAP and the DCA, the MFA was willing to promote these agreements during the early stage of negotiations because they saw potential benefits for the country. These included burden sharing assistance in the case of the ReCAAP and the success of the Extradition Treaty negotiation in the case of the DCA. Similarly, the MoD saw little benefits from the DCA, yet they pushed for the signing of the agreement. The MoD together with the MFA only rejected to promote the DCA further after Singapore refused the retroactive application of the Extradition Treaty.

Chapter 7. Conclusion: The Sources of Cooperation

7.1. Introduction

Indonesia occupies a vitally important position in respect of global maritime security. Situated between two shipping routes connecting the Indian and Pacific Oceans and with maritime areas covering the three Sea Lanes of Communications of Malacca and Singapore, Lombok and Sunda Straits, it exercises responsibility for a large percentage of the world's shipping trade. In one year it is estimated that over 3 million ships pass through Indonesia's waters.⁸⁸⁹ This makes Indonesia's role in securing shipping against piracy and armed robbery at sea of great significance. Given the economic and security significance of the issue and the cross-border nature of the problem, there have been numerous international efforts to secure the sea lanes. Strikingly, Indonesia has joined some of these maritime security arrangements, such as the Malacca Straits Patrol (MSP) Agreement and the World Customs Organization (WCO) SAFE Framework, but not others, like the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) and the Container Security Initiative (CSI). Both the MSP Agreement and the ReCAAP are aimed at increasing coordination and information sharing among states to deal with armed robbery attacks at sea. Whereas, the WCO SAFE Framework and the CSI are designed to improve port and container security and deter terrorist attacks. This prompts the motivating question of this thesis: why did Indonesia participate in some maritime security arrangements, but not join functionally similar initiatives?

The existing literature on Indonesia's maritime security cooperation fails to suggest a convincing argument. In particular, the existing literature, which is overwhelmingly informed by individual cases, advances explanations that suggest that Indonesia should either join all such cooperation arrangements or none. A careful reading of the Indonesia-specific literature reveals five possible explanations to Indonesia's behaviour:

⁸⁸⁹ This figure is an estimate generated from data of vessels navigating through Indonesian waters on 12 December 2013, 08:30 GMT. As shown by the live marine traffic map (available at <http://www.marinetraffic.com/en/>) there were 1,735 vessels plying through Indonesian waters at this time. This number only includes ships that are fitted with Automatic Identification System (AIS) transponders. According to IMO regulations (Regulation 19 of SOLAS Chapter V) the AIS is only required to be fitted abroad all ships of 300 gross tonnage and upwards engaged on international voyages. Therefore, this figure does not include vessels below 300 gross tonnage involved in international shipping.

- whether Indonesia shares an identity with other participating states, which is a constructivist argument;
- whether a great-power is leading the cooperative venture, which is consistent with both neo-liberal and neo-realist accounts of cooperation; and
- whether key government actors anticipate gaining or losing from the agreement, which would be suggested by foreign policy analysis.

International Relations theories suggest two further possible explanations:

- whether Indonesia expects to gain more or less than other key actors from cooperation. Such relative gains calculations are suggested by neo-realist accounts of cooperation, which are thought to capture security cooperation particularly well; and
- whether Indonesia expects the gains from cooperation to outweigh the costs; an absolute gains calculation, as suggested by neo-liberalism.

This thesis has tested propositions derived from these explanations across the entire population of maritime security cooperation agreements affecting Indonesia from 1988 to 2013. In doing so, it has demonstrated that most of the explanations in the existing literature over- or under- or mis-predict Indonesia's cooperation. The explanation that best fits the evidence is one that has been neglected in the literature to date: the importance of absolute gains, as stressed by neo-liberal accounts of cooperation. This finding is particularly surprising since it suggests that, contrary to what one might otherwise assume, the consideration of absolute gains trumps concern for relative gains concerns even in the sphere of maritime security cooperation.

This chapter proceeds by summarizing the evidence from across all of the cases in order to demonstrate that the absolute-gains explanation is the most persuasive. This chapter, and indeed this thesis, will then conclude with a brief discussion of the further lines of enquiry that can be derived from this research and which might be profitably developed in future work.

7.2. Findings

This section draws together findings of this thesis. For this purpose this section is divided into six sub-sections. The first five sub-sections are structured based on five plausible

explanations offered by the existing IR literature on cooperation and bureaucratic politics. Sub-section one begins with the neorealist argument regarding the role of relative gains concerns since neorealism claims to explain security particularly well.⁸⁹⁰ Sub-sections two to five continue with other alternative explanations provided by the IR literature on cooperation and bureaucratic politics including shared identity, hegemonic leadership, bureaucratic politics and absolute gains. Sub-section six summarizes the findings of this thesis.

The summary of evidence across cooperation cases presented in this thesis can be found in Table 7.1 and Table 7.2 below.

⁸⁹⁰ Krasner (1992: 40)

Table 7.1

Cooperation to Address Maritime Terrorism: Variables and Negotiated Outcomes

Initiative	Relative Gains	Shared Identity	Hegemonic Leadership	Absolute Gains			Bureaucratic Politics	Outcome
				Benefits	Sovereignty Costs	Implementation Costs		
U.S.-Indonesia Defence Arrangement	Advantage position	Not present	N/A	High	Low	Low	In favour	Cooperation
Indonesia-Japan Joint Announcement on Counter-Terrorism	Advantage position	Not present	N/A	High	Low	Low	In favour	Cooperation
Three security arrangements with Australia	Advantage position	Not present	N/A	High	Low	Low	In favour	Cooperation
Two BIMP-EAGA MoUs	Disadvantage position	Present	N/A	High	Low	Low	In favour	Cooperation
The Agreement on Information Exchange and Establishment of Communication	Disadvantage position	Present	N/A	High	Low	Low	In favour	Cooperation
The ASEAN Convention on Counter-Terrorism	Disadvantage position	Present	N/A	High	Low	Low	In favour	Cooperation
The International Ship and Port Facility Security (ISPS) Code	Disadvantage position	Not present	N/A	High	Low	High	In favour	Cooperation
The World Customs Organization (WCO) SAFE Framework	Disadvantage position	Not present	N/A	High	Low	Low	In favour	Cooperation
The Asia-Pacific Economic Cooperation Trade Recovery Programme (APEC TRP)	Disadvantage position	Not present	N/A	High	Low	Low	In favour	Cooperation
The Convention for the Suppression of Unlawful Acts (SUA) against the Safety of Maritime Navigation	Advantage position	Not present	High	Low	High	Low	Not in favour	Non-cooperation
The Proliferation Security Initiative (PSI)	Advantage position	Not present	High	Low	High	High	Not in favour	Non-cooperation
The Container Security Initiative (CSI)	Advantage position	Not present	High	Low	High	High	Not in favour	Non-cooperation

Table 7.2

Cooperation to Address Sea Robbery: Variables and Negotiated Outcomes

Initiative	Relative Gains	Shared Identity	Hegemonic Leadership	Absolute Gains			Bureaucratic Politics	Outcome
				Benefits	Sovereignty Costs	Implementation Costs		
Indonesia-Singapore Coordinated Patrol Arrangement	Disadvantage position	Present	N/A	High	Low	Low	In favour	Cooperation
Indonesia-Malaysia Coordinated Patrol Arrangement	Disadvantage position	Present	N/A	High	Low	Low	In favour	Cooperation
Indonesia-the Philippines Defence Agreement	Advantage position	Present	N/A	High	Low	Low	In favour	Cooperation
Indonesia-India Defence Agreement	Advantage position	Not-present	N/A	High	Low	Low	In favour	Cooperation
Indonesia-China MoU on Maritime Cooperation	Advantage position	Not-present	N/A	High	Low	Low	In favour	Cooperation
The Malacca Straits Patrol (MSP) Agreement	Disadvantage position	Present	N/A	High	Low	Low	In favour	Cooperation
The ASEAN Regional Forum (ARF) and the ASEAN Maritime Forum (AMF)	Disadvantage position	Not-present	N/A	High	Low	Low	In favour	Cooperation
The Regional Maritime Security Initiative (RMSI)	Advantage position	Not-present	High	Low	Low	High	Not in favour	Non-cooperation
The Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP)	Advantage position	Not-present	N/A	Low	Low	Low	Not in favour	Non-cooperation
The Defence Cooperation Agreement (DCA) with Singapore	Disadvantage position	Present	N/A	Low	Low	Low	Not in favour	Non-cooperation

7.2.1 Relative Gains Concerns: Lack of Explanatory Purchase

Both neorealism and neoliberalism argue that the state is a rational actor and therefore, is likely to join a cooperation arrangement when the benefits are higher than the costs to cooperate. The two lines of reasoning, however, differ in their understanding of how costs and benefits are calculated. For neorealists, as explained in Chapter One, states are not only preoccupied with the total gains that they can achieve from a cooperation arrangement since they also take into account their concerns over relative gains. The existing literature does not advance the calculation of relative gains as an explanation for Indonesia's participation or non-participation in security cooperation dealing with maritime terrorism and armed robbery against ships. Despite the existing literature not making much reference to the relative gains calculation, this argument is worth considering in this thesis given that neorealism purports to offer its most precise explanations when investigating security cooperation.⁸⁹¹

A neorealist would argue that given Indonesia is a middle power it is likely to cooperate with larger and smaller states. Cooperation with larger and smaller states would put Indonesia in an advantageous position. This is because the power disparity between them is vast and, therefore, a cooperation arrangement would not change the power gap between them and put Indonesia in a risky situation. In contrast, neorealists would expect that a middle power like Indonesia would be less likely to cooperate with near-peer states because a single cooperation arrangement between Indonesia with near-peer states can easily close the narrow power disparity between them and risk disadvantaging Indonesia.

Contrary to these expectations, Indonesia chose to cooperate with near peer-states, as well as with larger and smaller states (see Table 7.1 and Table 7.2). For instance, Indonesia was willing to join cooperation arrangements that involved near-peer states including two coordinated patrol arrangements with Malaysia and Singapore, the MSP agreement, the AMF and ARF, the BIMP EAGA MoUs on Sea Linkages and Transport of Goods, the Agreement on the Information Exchange, the ASEAN Counter-Terrorism Convention, the ISPS Code, the WCO SAFE Framework and the APEC TRP. Moreover, Indonesia refused to join cooperation arrangements that were led by larger states such as the U.S. and Japan, for instance the SUA Convention, the PSI, the CSI, the RMSI and the ReCAAP, where

⁸⁹¹ S. Krasner (1992:40)

relative gains considerations would not be expected to matter. The only instance in which Indonesia refused to cooperate with a near-peer was the DCA with Singapore. Taken as a whole, the neorealist argument regarding the role of relative gains calculation cannot explain Indonesia's cooperation or non-cooperation. In contrast to the neorealist expectation Indonesia agreed to cooperate with near-peer states as well as smaller and larger states.

7.2.2 Shared Identity: Not A Cause of Cooperation

Constructivism argues that states that share a similar identity are more likely to cooperate than those who cannot identify positively with each other. Scholars including Ball, Johnston, Acharya and Tan echo the constructivist argument regarding the importance of shared identity in informing states' cooperation. They point out that ASEAN states have a sense of shared identity often called the "ASEAN way" norm that put emphasis on the role of consensus and accommodation to settle dispute and advance security-cooperation among them.⁸⁹² Given the "ASEAN way" identity is believed to be embraced by ASEAN states ASEAN membership is an appropriate proxy for shared identity. In this context, Indonesia is expected to cooperate with other ASEAN states, and less likely to do so with non-ASEAN states.

The constructivist argument regarding the role of shared identity cannot account for Indonesia's varying participation across cases. As seen in Table 7.1 and Table 7.2 Indonesia joined agreements that included non-ASEAN states, as shown in the case of bilateral arrangements with the U.S., Japan, Australia and India, the ISPS Code, the WCO SAFE Framework, the APEC TRP, the ARF and the AMF; and those that exclusively involved ASEAN states, including the BIMP EAGA MoUs on Sea Linkages and Transport of Goods, the trilateral information sharing agreement between Indonesia, Malaysia and the Philippines, the ASEAN Counter-Terrorism Convention, two coordinated patrol arrangements with Malaysia and Singapore, a bilateral defence agreement with the Philippines, and the MSP agreement. Shared identity also did not play a major part in cases that showed Indonesia's non-cooperation. Indonesia cancelled the DCA with Singapore that only involved Indonesia and Singapore, both ASEAN member states. Indonesia also

⁸⁹² Acharya (1992; 1995;1997:328-329; 1998:80;2004:249, 256); Acharya & Tan (2006:42, 53); A.I. Johnston (1999:294-295); D. Ball (1993: 53)

refused to participate in cooperation arrangements that were led and involved a large number of non-ASEAN states, as shown in the case of the SUA Convention, the PSI and the CSI, and the RMSI. A closer observation of Indonesia's participation in maritime security arrangements shows that Indonesia is most likely to cooperate with states with which it shares common maritime boundaries. Most of these states happen to be members of ASEAN. Therefore, it is concluded that shared identity cannot account for the full range of cases involving both Indonesia's participation and non-participation in cooperation arrangements.

7.2.3 Hegemonic Leadership: Insufficient Cause of Cooperation

King, Byers, Stryken, Rosenberg and Chung's studies on maritime cooperation touch upon the neorealist and neoliberal hegemonic leadership argument. They draw attention to U.S. leadership in promoting new maritime arrangements, such as the PSI and the RMSI among others, but do not assess how the U.S. leadership informs Indonesia or other states participation in these arrangements.⁸⁹³ Using these scholarly works as a point of departure this thesis treats hegemonic leadership as a plausible explanation to understand Indonesia's cooperation and non-cooperation.

As discussed in Chapter One both neorealism and neoliberalism explain that when the benefits of cooperation are insignificant the presence of hegemonic leadership can convince states to cooperate. Contrary to this expectation this thesis show that hegemonic leadership cannot explain Indonesia's participation or non-participation in cooperation because in a number of arrangements that involved the U.S. including the SUA Convention, the PSI, the CSI and the RMSI the presence of U.S. leadership was not sufficient to ensure Indonesia's cooperation (see Table 7.1 and Table 7.2). The U.S. drafted, initiated, and actively promoted the SUA Convention, the CSI, the PSI and the RMSI both through its bilateral relations with Indonesia and its engagement in multilateral forums. In the case of the PSI the U.S. for instance actively enforced rules through developing various agreements with major flag-states to facilitate interdiction of vessels suspected of carrying WMD materials and conducting actual interdiction activities. In the case of the CSI the U.S. could place U.S. Customs in foreign ports and bar all containers

⁸⁹³ J.King (2005:236,241); M. Byers (2004; 2003: 171-10); Stryken (2007: 136-137, 141-142); Rosenberg and Chung (2008: 53-4, 63-4)

coming from non-CSI ports from entering U.S. ports. Yet, despite the presence of strong U.S. leadership Indonesia decided not to join these cooperation arrangements. Thus, it would seem that the neorealist and neoliberal argument on hegemonic leadership is not sufficient to explain Indonesia's decision to cooperate or not cooperate in a maritime security arrangement.

7.2.4 Bureaucratic Politics: Absence of Competitive Preferences among Self-Interested Actors

A group of works have used bureaucratic politics to understand Indonesia's foreign policy making. Liddle, Jackson, Suryadinata, Emmerson and Nabbs-Keller point to the centrality of government actors in the decision making process.⁸⁹⁴ Given the importance of bureaucratic actors and processes in Indonesia's policy making this thesis uses bureaucratic politics as a plausible explanation to account for Indonesia's varying participation across cooperation cases.

Allison's bureaucratic politics focuses on the process of formulation and reformulation of policy decisions through the interaction of various actors' competing preferences.⁸⁹⁵ This thesis shows the limitation of bureaucratic politics approach in understanding Indonesia's participation and non-participation in maritime security arrangements. It demonstrates that Indonesia has a distinct bureaucratic politics, different from Allison's focus on competing preferences of various government institutions involved in the policy process. Chapters Three, Four, Five and Six show that the MFA has been a leading agency in Indonesia's decision making process. The main function of the MFA is to make assessments of cooperation and to lead both the negotiation at international level and formulation of policy at national level. This is solely delegated to the MFA or shared between the MFA and other agencies because the area of cooperation falls under these agencies' remit. Given the MFA's dominant role in Indonesia's foreign policy competitive bargaining among self-interested actors as expected by the bureaucratic politics literature does not take place.

⁸⁹⁴ Nabbs-Keller (2013: 56, 68); Emmerson (1983: 1223, 1228, 1230); Liddle (1985: 70-71); Jackson (1978:10-11); Suryadinata (1998:50-51)

⁸⁹⁵ Allison and Zelikow (1999: 255)

The discussion in this thesis also shows that Indonesia's decision to join or not to join cooperation was not informed by individual ministries' self-interest. Leading ministries did not assess each cooperation arrangement on the basis of the benefits that they might attain. Rather, government ministries assessed each cooperation initiative according to the calculation of costs and benefits for other government agencies, Indonesian businesses and the country as a whole. The MFA as one of the leading agencies supported Indonesia's participation in various maritime security arrangements including the bilateral counter-terrorism cooperation with the U.S., Japan and Australia, a trilateral information sharing arrangement, the BIMP EAGA MoUs on Transport of Goods and Sea Linkages, the ASEAN Convention on Counter-Terrorism, the ISPS Code, the WCO SAFE Framework and the APEC TRP, bilateral coordinated patrol arrangements with Singapore and Malaysia, defence arrangements with the Philippines and India, the MoU on maritime cooperation with China, the MSP agreement, the AMF and the ARF counter sea robbery initiatives despite the ministry not receiving any benefits from Indonesia's cooperation. Cooperation activities under these initiatives including training, military exercises, gifting of equipment and patrols were tailored to assist the work of Indonesia's law enforcement agencies such as the Navy, the MoT Coast Guard unit, Customs, the Maritime Security Coordinating Board and the Marine Police. All arrangements discussed in this thesis did not allocate incentives or resources to the MFA. The consistent feature of the MFA in all cooperation cases was also shown even in a cooperation case that involved a large number of Indonesian government actors such as the ReCAAP. In addition to the MFA, the ReCAAP also involved the MoD, the MoT, and the Maritime Security Coordinating Board. However, as explained in Chapter Six, officials from other government agencies confirmed that the MFA played the key role in deciding Indonesia's non-participation and informing how their agencies should engage with the ReCAAP ISC.

7.2.5 The Calculation of Costs and Benefits: Absolute Gains Matter

As explained above concerns over relative gains, shared identity, hegemonic leadership and bureaucratic politics cannot explain Indonesia's participation and non-participation across cooperation cases. Therefore, we need to locate the reason of Indonesia's varying cooperation elsewhere. Bradford and Sato cited the calculation of costs and benefits as the

reason underpinning Indonesia's reluctance to sign the ReCAAP.⁸⁹⁶ The calculation of costs and benefits in absolute terms is the final plausible explanation to consider.

The findings in this thesis confirm the neoliberal argument regarding the role of absolute gains calculation. Chapters Three, Four, Five and Six show that the calculation of absolute gains corresponded with negotiated outcomes. Indonesia only joined cooperation initiatives where the overall benefits exceeded the costs.

Indonesia participated in bilateral cooperation with the U.S., Japan and Australia, the BIMP EAGA MoUs on Sea Linkages and Transport of Goods, a sub regional information sharing cooperation, the ASEAN Counter-Terrorism Convention, the ISPS Code, the WCO SAFE Framework, the APEC TRP, two coordinated patrol arrangements with Malaysia and Singapore, bilateral agreements with the Philippines, India, and China, the MSP sub regional patrols, and the AMF and the ARF because the incentives offered by these initiatives exceeded the costs. Without having to do much Indonesia gained new equipment, funds to establish counter-terrorism centres and capacity building assistance in the form of training and exercises for its maritime agencies from bilateral cooperation with the U.S., Japan, Australia and China. Indonesia did not need to make significant adjustment for its maritime agencies to gain naval and aircraft surveillance support during patrols from Malaysia, Singapore, the Philippines and India.

The BIMP EAGA initiatives, the Exchange of Information Agreement, the ASEAN Counter-Terrorism Convention and the MSP agreement did not require Indonesia to make substantial changes at national level. Yet, these sub regional and regional initiatives enable Indonesia to receive enormous support from countries in the region in investigating terrorist attacks, and providing access to their finger print databases, lists of airline passengers, visa blacklists, and intelligence information and sharing burdens among them in dealing with armed robbery against ships and deterring maritime terrorism. The ISPS Code posed high implementation costs because Jakarta needed to allocate additional resources to install new security devices in its international ports, carry out ISPS Code training and exercises and review ports and ships compliance to the Code. Nevertheless, the payoff that Indonesia gained from making these additional investments was high. This

⁸⁹⁶ Sato (2007:6-7); Bradford (2004: 497)

was because Indonesian ports and ships were not excluded from international trade, and the government received assistance to establish a Sea and Coast Guard. As the ISPS Code was one of the requirements demanded by marine insurance companies, compliance with the Code also provided the additional economic benefit of avoiding an increase in insurance premiums. Cooperation in the WCO SAFE Framework and the APEC TRP was even more straightforward for Indonesia because these initiatives provided high incentives and generated low costs. From both initiatives Indonesia gained capacity building programmes from other member states and secretariats of the WCO and the APEC to develop its own trade facilitation and recovery programme, while not having to do much more than what it already did.

Indonesia's reluctance to join some maritime security cooperation arrangements also confirms the neoliberal argument regarding the importance of the calculation of absolute gains. Indonesia did not join three arrangements dealing with maritime terrorism: the SUA Convention, the PSI and the CSI; and three arrangements to address sea robbery: the RMSI, the ReCAAP and the DCA because these initiatives did not offer sufficient absolute gains. The Indonesian government deemed that participation in these initiatives was redundant because Indonesia could gain the benefits offered by the initiative including exchange of intelligence information, new equipment and capacity building assistance through its participation in other maritime arrangements. Some of these arrangements including the SUA Convention, the RMSI, the PSI and the CSI also brought high costs. The SUA Convention regulates how Indonesia must deal with unlawful acts that occur in parts of Indonesia's maritime jurisdiction and requires Jakarta to accept external authority over disputes settlement without offering tangible economic and security benefits. The RMSI was costly for Indonesia because of problems caused by the rejection of the agreement from some Parliament members and security risks posed by radical groups. The PSI and the CSI posed even higher costs in comparison to the SUA Convention and the RMSI. The PSI would compromise Indonesia's rights as a coastal or flag state since under this initiative Jakarta would be subjected to other participants' demands for access when an act of interdiction took place in Indonesian waters or was carried out against vessels registered under the Indonesian flag. In addition, when a false interdiction takes place the Indonesian government faces the risk of compensating businesses for any loss and delay suffered by them. Indonesia felt that bearing such costs were unnecessary because Jakarta can gain the incentives of cooperation offered by the PSI, particularly in term of new

equipment and capacity building training and exercises, through bilateral cooperation with the U.S. The CSI required Indonesia to change its legislation to accommodate the presence of external authority in its ports, accept external authority over significant decision making in relation to port and container security and invest more resources to purchase new security devices that meet the cooperation standard. At the same time, the high costs of the cooperation were not met with sufficient benefits. The main advantage of the CSI is to ensure unimpeded access to U.S. ports. Indonesia can gain this benefit of cooperation by transshipping its containers bound to the U.S. through Singapore and Malaysia CSI ports, a practice that has been conducted for many years by Indonesian businesses.

Across the cooperation cases presented in Chapters Three to Six the calculation of absolute gains was not influenced by societal actors, with the RMSI the only exception. In the case of the RMSI, because of popular sentiment against the initiative, societal actors which included parliament members and radical groups rejected the agreement and this influenced the government's assessment of the costs and benefits posed by the initiative. Having surveyed the calculation of absolute gains in all cooperation cases discussed in this thesis it is concluded that Indonesia's decision to participate in some cooperation arrangements and not to participate in others is consistent with the absolute gains calculation.

7.2.6 Conclusion

The main findings of this thesis confirm the neoliberal account of the role of the calculation of absolute gains in international cooperation. This thesis, therefore, offers four major contributions. First, given the importance of absolute gains across cooperation cases this thesis shows that even in maritime security cooperation relative gains concerns did not matter. Although the neorealist claim that the calculation of relative gain would have better explanatory purchase in explaining security issues, the findings presented in this thesis contradict this expectation. Only the calculation of absolute gains can explain Indonesia's cooperation and non-cooperation in maritime arrangements.

Second, by analysing the absolute gains calculation of each cooperation cases this thesis provides a conceptual definition and a method to assess the benefits of cooperation. Although the IR cooperation literature has provided a wealth of discussion to define and

assess the costs of cooperation, the concept of benefits has been overlooked. Most scholarly work only mentions the term benefits in passing. This thesis provides a conceptual definition of different types of benefits. It introduces the concepts of core benefit and ancillary benefit to different sorts of benefits brought by certain cooperation arrangements. This thesis also shows a consistent way to assess the benefits of cooperation across multiple cases.

Third, by focusing solely on explaining Indonesia's decision to join or not to join a cooperation arrangement this thesis has met its main purpose to seek the causes underlying Indonesia's participation in maritime security arrangements. As a result this thesis also offers a conceptual discussion on the reasons underlying middle power participation or non-participation in cooperation agreements. The IR cooperation literature tends to focus on cooperation between major powers.⁸⁹⁷ Little attention has been given to the study of middle power participation in cooperation arrangements, some of which they have little influence on. This thesis has provided as starting point for a new research agenda to search for the reasons underpinning middle power participation in cooperation arrangements. Most literature on middle power focuses on explaining traditional middle power leadership at international organization such as the United Nations.⁸⁹⁸ These works primarily centre on Canadian and Australian foreign policy. Very little attention has been given to discussing the behaviour of emerging middle power such as Indonesia. The existing studies on emerging middle powers show a lack of theoretical discussion on factors that inform state decision in approaching different cooperation settings.⁸⁹⁹ By systematically testing IR arguments on why a state cooperates this thesis has filled the gap left both by the current IR literature on cooperation and the middle power literature.

Finally, the evidence in the empirical chapters supports the role of absolute gains in informing Indonesia's cooperation also dismisses scholarly arguments which state that Indonesia was reluctant to participate in maritime cooperation during the early years

⁸⁹⁷ see J.D. Singer (1958); R. Jervis (1978); K. Waltz (1979); R. Axelrod (1981); S.D. Krasner (1982); R.O. Keohane (1984); C. Lispon (1984); K.A. Oye (1985); R. Axelrod and R.O. Keohane (1985); D. Snidal (1985); J. Gowa (1986); J.M. Grieco (1988); R. Jervis (1988); D. Snidal (1991); A. Moravcsik (1993); L.L. Martin and B.A. Simmons (1998); J.J. Mearsheimer (2001).

⁸⁹⁸ Glazebrook (1947); Higgott and Cooper (1990); Behringer (2005); Chapnick (1999); Chapnick (2000); Fox (1980); Granatstein (2011); Ravenhill (1998); Granatstein (1973); Holmes (1976)

⁸⁹⁹ See Jordaan (2003); Neufeld (1995); Ping (2005); J.V.D. Westhuizen (1998); C. Efstathopoulos (2011); R. Pfister (2005)

following 9/11, particularly between 2001 and 2004. This study demonstrates that Indonesia cooperated when the benefits of cooperation exceeded the costs. Indonesia does take part in maritime cooperation and has been a willing participant and aspiring leader in establishing various arrangements. Indonesia has been less willing to commit itself to some arrangements because the incentives offered by these arrangements do not outweigh the costs. Indonesia can gain the benefits offered by a number of arrangements including the SUA Convention, the PSI, the CSI, the RMSI and the ReCAAP through other cooperation channels.

7.3 Future Work

This chapter has dealt with the main question of this thesis, why Indonesia joined some maritime security arrangements but refused to participate in others? In addressing this question, this thesis has revealed several further questions that warrant attention, and would thus provide fruitful lines for further inquiry.

First, why does Indonesia choose different forms of agreement across cases? The form of agreement refers to design of cooperation that can range from non-legally binding joint announcement to formal treaty that call for parliament ratification. This thesis does not aim to explain why some forms of cooperation are chosen by Indonesia over others. The reasons underpinning Indonesia's decision to join some cooperation arrangements and its lack of keenness to participate in other arrangements are the focus of this thesis. The question of why Indonesia chooses certain forms of cooperation that entail particular cooperative activities and levels of political commitment rather than others at a given time is a question that will be addressed in my future research.

Second, why did Malaysia and Singapore join the CSI when Indonesia did not? Why did Singapore choose to participate in the SUA Convention, the PSI and the ReCAAP and supported the RMSI when Indonesia and Malaysia did not? This thesis does not seek to compare Indonesia's varying participation in international cooperation with other littoral states policies in responding to maritime security arrangements. This study focuses solely on investigating Indonesia's participation in maritime security arrangements. Nevertheless, this study opens the avenue to embark upon a systematic comparison of the littoral states

of the Straits of Malacca and Singapore participation in maritime security arrangements in the future using the plausible explanations that I have developed in this thesis.

It would be useful to test whether these explanations hold across countries or if they are unique to Indonesia. Some of the alternative explanations offered in this thesis including relative gains, hegemonic leadership and shared identity apply in the same way to these countries as Indonesia. In term of relative gains, Malaysia and Singapore have relatively similar defence capabilities as Indonesia. Therefore, they would be expected to cooperate with larger or smaller states but avoid cooperation with their near-peer competitors. Given Indonesia, Malaysia and Singapore have cooperated among them to address maritime terrorism and sea robbery this argument offers no explanatory power. With regards to hegemonic leadership, the U.S. leadership was also present in the case of the SUA Convention, the PSI, the CSI and the RMSI. Despite a constant presence of U.S. leadership, the negotiated outcome varied across cases and countries. Singapore supported all of these U.S. led initiatives and Malaysia opposed most of them with the CSI as the only exception. This implies that hegemonic leadership argument cannot hold across cases. Finally, in terms of shared identity the three states are all ASEAN states. Since Malaysia and Singapore cooperated with non-ASEAN states as well as ASEAN states shared identity cannot account for their cooperation or non-cooperation. Taken as a whole, since relative gains, shared identity and hegemonic leadership arguments apply to Malaysia and Singapore exactly as they do to Indonesia these three arguments can be rejected. Therefore, future inquiry can focus on assessing the role of the absolute gains calculation and bureaucratic politics in informing Singapore and Malaysian cooperation or non-cooperation.

Third, to what extent does Indonesia comply with the requirements of cooperation initiatives that it has chosen to join? This thesis does not seek to test the degree of compliance, implementation and enforcement displayed by Indonesia towards cooperation arrangements dealing with maritime terrorism and armed robbery against ships. The Indonesian government and businesses level of compliance to a number of cooperation arrangements including the ISPS Code, the WCO SAFE Framework, and the APEC TRP at domestic level is beyond the scope of this thesis but this line of enquiry can be developed further in the future.

This thesis also raises questions about the behaviour of the U.S. Indonesia's participation was important to the U.S. objectives of halting the proliferation and transportation of WMD and securing important sea-lanes from terrorist and sea robbery attacks; yet, the U.S. only provided incentives and stated its agreement to bear the enforcement costs. The question arises from this circumstance is why the U.S. did not use overt coercion to compel Indonesia to join initiatives such as the SUA Convention, the PSI, the CSI and the RMSI? It would be useful in the future to study whether or not the Indonesian cooperation with U.S. unilateral initiatives, such as the 24 Hours Rule, the International Port Security Programme and the U.S. Customs-Trade Partnership against Terrorism was sufficient to induce changes at the domestic level and, therefore, U.S. coercion in the case of the SUA Convention, the PSI, the CSI and the RMSI was not required.

In this thesis the question of why Indonesia chose to cooperate with some initiatives but not others was addressed. As part of the process of answering this question a number of concepts were defined in a way which means that they can be applied in future case and comparative studies. In particular the concept of benefits in international cooperation has been defined and operationalised. It has been shown that Indonesia has been willing to make compromises in allowing cross-border maritime and air patrols and enabling its cooperation partners' aircraft to enter its airspace, land and refuel in its territory to enable the success of cooperation. This is in contrast to most academic works that cited concerns over sovereignty infringement as the main impediment for Indonesia's participation in maritime security arrangements. Indonesia chose to cooperate when the benefits of an initiative outweighed the costs. This is important not just to the academic exercise of trying to understand middle power cooperation in International Relations but it is also of significance to those involved in the design, negotiation and decisions on international cooperation agreements that involve middle powers. It is vital that negotiators and policy makers understand that in order to achieve success the absolute gains should be sufficient to entice a state to cooperate.

APPENDIX

Appendix I

Table A. Overfished Fishery Stocks in Indonesia

	Type of Fishery Product	Overfished Areas
1.	Shrimp	All Indonesian waters except from Seram Sea to Tomini Bay, Sulawesi Sea, Pacific Ocean and Indian Ocean
2.	Karang Tille Fish	Java Sea, Makasar Strait, Flores Sea, Sulawesi Sea, Pacific Ocean and Indian Ocean
3	Demersal Fish	The Strait of Malacca, Strait of Makasar and Flores Sea, Sulawesi Sea, Pacific Ocean and Arafura Sea
4.	Little Pelagic Fish	The Strait of Malacca and Java Sea
5.	Big Pelagic Fish	Sulawesi Sea and Pacific Ocean
6.	Lobster	The Strait of Makasar and Flores Sea
7.	Squid	The Strait of Malacca, Java Sea, the Strait of Makasar, Flores Sea and Arafura Sea

Sources: Dewan Maritim Indonesia (2007a: 5-6 – 5-7)

Appendix II

Table B. Status of Indonesia Maritime Boundaries Agreements with Neighbouring States

Neighboring State		Status of Maritime Boundaries Agreement			
		Territorial Sea	Contiguous Zone	Exclusive Economic Zone	Continental Shelf
1	India	×	×	-	√
2	Thailand	×	×	-	√
3	Malaysia	√	-	-	√
4	Singapore	√	×	×	×
5	Vietnam	×	×	-	√
6	The Philippines	×	-	-	-
7.	Palau	×	×	-	-
8	Papua New Guinea	√	×	√	√
9	Australia	×	×	√	√
10	East Timor	-	-	-	-

Source: Dewan Maritim Indonesia (2007a:8-3-8-4)

√ indicates that maritime border agreements between the two countries had been signed or ratified

×

- indicates that maritime border agreements have not been discussed

Appendix III

Table C. List of Indonesia's Outermost Islands

No	Name of the Island	Location	Bordering State
1	Rondo	Indian Ocean (Nangroe Aceh Darussalam)	India
2	Berhala	Strait of Malacca (North Sumatera)	Malaysia
3	Nipa	the Straits of Singapore (Riau Islands)	Singapore
4	Sekatung	the South China Sea (Riau Island)	Vietnam
5	Marore	the Sulawesi Sea (North Sulawesi)	The Philipines
6	Marampit	the Sulawesi Sea (North Sulawesi)	The Philipines
7	Miangas	the Sulawesi Sea (North Sulawesi)	The Philipines
8	Fani	the Pacific (West Papua)	Palau
9	Fanildo	the Pacific (Papua)	Palau
10	Bras	the Pacific (Papua)	Palau
11	Batek	the Sawu Sea (East Nusa Tenggara)	Timor Leste
12	Sebatik Island	East Kalimantan	Malaysia

Source: Indonesian Ministry of Defence (2008:48-49)

Appendix IV

Table D. Designated BIMP-EAGA Gateway Ports

Participating States	Gateway Ports
Brunei Darussalam	Kuala Belait and Muara
Indonesia	Balikpapan, Banjarmasin, Bitung, Jayapura, Makassar, Nunukan, Pantoloan, Pare-Pare, Pontianak, Sorong, Tarakan and Ternate
Malaysia	Bintulu, Kuching, Kudat, Labuan, Lahad Datu, Menumbok, Miri, Sandakan, Sepanngar/Kota Kinabalu, Sibul, Tanjung Manis and Tawau
Philippines	Bongao, Brooke's Point, Cagayan de Oro, Davao, General Santos, Glan, Pagadian, Puluhan and Zamboanga

Source: Schedule A of the 2007 MoU Between the Governments of Brunei Darussalam, Indonesia, Malaysia and the Philippines on Establishing and Promoting Efficient and Integrated Sea Linkages

Appendix V

Table E. List of Port Facilities that Have Been Visited by the United States Coast Guard

No.	Port Facility	Port Administrator	Date of Visit
1	Jamrud Pelindo III Tanjung Perak	Tg. Perak	2 September 2005
2	Senipah Terminal Total E & P Indonesia Balikpapan	Balikpapan	3 September 2005
3	PT. Caltex (Chevron) Dumai	Dumai	4 September 2005
4	PT. Pelindo III Cabang Banjarmasin	Banjarmasin	5 September 2005
5	Jakarta International Container Terminal	Tg. Priok	20 June 2006
6	Terminal Peti Kemas Koja	Tg. Priok	20 June 2006
7	Pelindo II Convention Terminal Jakarta	Tg. Priok	20 June 2006
8	Semarang International Container Terminal	Semarang	20 June 2006
9	PT. Pupuk Kaltim Bontang	Lhoktuan	23 June 2006
10	Indominco Mandiri Bontang (Bontang Coal Terminal)	Lhoktuan	23 June 2006
11	PT. Badak Bontang Natural Gas Liquefaction	Tg. Laut	23 June 2006
12	PT. Pelindo I Cabang Dumai	Dumai	26 June 2006
13	PT. Multimas Nabati Asahan	Belawan	24 June 2007
14	Belawan International Container Terminal (BICT)	Belawan	27 June 2007
15	Pertamina Unit Pengolahan II Dumai	Dumai	29 January 2007
16	Belawan Multi Purpose Terminal	Belawan	27 January 2007
17	PT. Pelindo II Cabang Padang	Tl. Bayur	30 January 2007
18	DUKS PT. Semen Padang	Tl. Bayur	30 January 2007
19	Pertamina Unit Pengolahan V Balikpapan	Balikpapan	30 January 2007
20	PT. Pertamina Unit Pemasaran III Jakarta	Tg. Priok	1 February 2007
21	PT. Terminal Peti Kemas Surabaya	Tg. Perak	2 February 2007
22	British Petroleum Arco Ardjuna	Kep. Seribu	3 March 2008
23	Chevron Santan Marine Terminal	Tg. Santan	5 March 2008
24	Newmont Nusa Tenggara	Benete	8 March 2008

25	PT. Pelindo IV Cabang Balikpapan	Balikpapan	22 June 2009
26	Pertamina Balikpapan	Balikpapan	24 June 2009
27	Petrosea Tanjung Batu Balikpapan	Balikpapan	26 June 2009
28	PT. Mahakam Sumber Jaya	Samarinda	29 June 2009
29	PT. Pelindo IV Cabang Tarakan	Tarakan	30 June 2009
30	North Pulau Laut Coal Terminal	Kotabaru	2 July 2009
31	PT. Pelindo IV Cab Makasar	Adpel Makasar	20 January 2010
32	PT. Pertamina Makasar	Adpel Makasar	20 January 2010
33	PT. Berdikari Sari Utama Flour Mills, Makassar	Adpel Makasar	20 January 2010
34	Belawan Internatioal Container Terminal (BICT)	Belawan	20 January 2010
35	Belawan Multi Purpouse, PT. Pelindo I Cabang Belawan	Belawan	20 January 2010
36	PT. Chevron (Caltex) Dumai	Dumai	22 January 2010
37	PT. Pelindo I Cabang Dumai	Dumai	22 January 2010
38	PT Salim Ivomas Pratama (BIMOLI)	Bitung	22 January 2010
39	Pelabuhan Petikemas Bitung	Bitung	22 January 2010
40	PT Pelindo III Cab.Semarang	Adpel Tg Emas	22 January 2010
41	Jakarta International Container Terminal (JICT), Jakarta	Adpel Tg. Priok	22 January 2010
42	Multi Terminal Indonesia, Jakarta	Adpel Tg. Priok	22 January 2010

Source: Indonesian DGST (2010e: 4-5)

Appendix VI Interview Methodology

This appendix will explain methods and triangulation techniques used in data collection and analysis for the thesis. My research benefited greatly from the use of interview and document collection in Indonesia, Malaysia and Singapore. I gathered interview and document data mainly during two periods of field work. The first period of field work was conducted in Indonesia, Singapore and Malaysia from June to September 2010. During my field work in Jakarta I was hosted by the Department of International Relations, Universitas Indonesia. In Singapore I was hosted by the International Centre for Political Violence and Terrorism Research, S. Rajaratnam School of International Studies. My first research trip to Southeast Asia also included a two week visit to Kuala Lumpur. The second period of field work was carried out in Indonesia's two largest cities: Jakarta and Surabaya from August to December 2011. During my second field trip I was hosted by the Department of International Relations, Universitas Indonesia.

I interviewed Indonesian active-duty and retired officials dealing with maritime security. Interview subjects were selected after I identified them from government and non-government websites, their writings, newspaper articles, discussions with other interviewees, and consultation with lecturers at the Department of International Relations, Universitas Indonesia. All interviews that I carried out in Indonesia were arranged through the Universitas Indonesia. The host institution has established good contacts with some retired and active officials, and security experts assisted me in gaining access. As part of my interview data collection the host institution also sent letters of request to key Indonesian bureaucratic actors in the field of maritime security. These institutions were identified primarily from Indonesian government websites, particularly the Indonesian Maritime Security Coordinating Board website, and documents that were available to me during my past research on Indonesian port security such as defence white papers and drafts of Indonesian maritime legislation. The host institution also wrote letters of request to Indonesian shipping and transport associations in Jakarta and Surabaya to facilitate my field work. I did not use a strict sampling frame to select interviewees. In practice to trace suitable interview subjects a snowball sampling procedure was useful to help me to select further interviewees.⁹⁰⁰ As I started the interview process some of my interviewees put me

⁹⁰⁰ A. Bryman (2004: 334)

in contact with other individuals including officials, business representatives, security experts and representatives of non-governmental organizations involved in security cooperation.

I used a similar sampling procedure for my research visit in Singapore and Malaysia. I identified research subjects through government websites, journal articles, newspapers and non-governmental organization and international shipping association websites such as the ReCAAP ISC, the Singapore Shipping Association, Asian Shipowners' Forum, and the International Maritime Bureau-Piracy Reporting Centre websites. In Singapore and Malaysia a letter of introduction from the host institution was not required to gain access to interview subjects. I was able to contact all interviewees directly, primarily via email. However, in conducting research in Singapore being associated with a research institute was helpful both to gain trust from interview subjects and to facilitate security clearance processes when it was required by government institutions. In a few situations I had to wait for security clearance to be issued before I could interview high profile government officials. As the interview began in Singapore a number of interviewees introduced me to other additional respondents that they had contacts with. In comparison to my field trip in Indonesia and Singapore, I did not interview government officials in Malaysia since I did not have a research permit from the Malaysian Economic Planning Unit (EPU). Although I applied for the permit in 2010 the EPU only contacted me few months before I submitted my thesis. In total I was able to carry out 63 interviews in Indonesia, Malaysia and Singapore by using the snowball sampling procedure.

I did not always get to interview desired subjects. I tried to interview representatives from the Indonesian Chamber of Commerce, Jakarta and the Southeast Asia Regional Centre for Counter-Terrorism, Kuala Lumpur but could not gain access. The former could not allocate time during my visit and the latter raised concerns over security and confidentiality.

In the beginning of each interview I provided a brief description about my research to the interviewee and a consent form. Interview proceedings were recorded with digital recorder if the interviewees deemed that this was acceptable. Interview transcripts and notes are currently available. However, in order to comply with the University of Glasgow ethic guidelines and major requirements from the College of Social Sciences Ethics Committee for Non Clinical Research Involving Human Subjects my interview data will not be kept

indefinitely. I agreed to erase the audio recording of all interview proceedings and transcripts of interviews after the completion of my study.

I am aware that there are three issues that could arise from the use of interview data in this thesis. First, not all interviewees can be assumed as equally important.⁹⁰¹ Only a few interviewees were involved in the decision making process or had access to closed meetings and therefore, could explain how the government decision was actually formulated.⁹⁰² Most interviewees that provided insightful answers were either the current or former leaders of government agencies, or relevant leaders of business associations and companies. One way to give weight to interviewee statements is to “place each item of material in light of the character structure and social position of the informant.”⁹⁰³ Providing detailed discussion of each interviewee’s professional position and role in relation to each cooperation agreements, however, would breach ethical guidelines for reporting the data with anonymity and in certain cases could endanger the career and safety of my interviewees.⁹⁰⁴ Second, in numerous interviews I also asked interviewees to recollect specific events, decisions or arrangements which happened in the past or “have developed over a long period of time.”⁹⁰⁵ This was because a number of bilateral, regional and multilateral arrangements dealing with maritime security covered in this thesis were introduced in mid 1990s and early 2000s. Under this circumstance distortion to the interview report could take place if the interviewee could not recollect the details of what happened and rather, stated what is supposed to happen.⁹⁰⁶ The data reported may also give a distorted account of what actually happened if interviewees unconsciously explained the situation to suit their own perspective, or consciously modified the facts.⁹⁰⁷ Third, I am aware that data from an interview was what the interviewee was willing to share with me at that particular moment.⁹⁰⁸ Under other circumstances, what the interviewee stated to me could be different.⁹⁰⁹

⁹⁰¹ L.A. Dexter (1970: 6)
⁹⁰² See Dexter (1970: 6-7, 130)
⁹⁰³ Dexter (1970: 148)
⁹⁰⁴ Dexter (1970: 148)
⁹⁰⁵ Dexter (1970:11)
⁹⁰⁶ Dexter (1970:126)
⁹⁰⁷ Dexter (1970: 126)
⁹⁰⁸ Dexter (1970: 120)
⁹⁰⁹ Dexter (1970: 120)

I used triangulation techniques in data collection to address concerns about validity and bias.⁹¹⁰ Interviews with officials, business and NGO representatives were cross-checked against each other.⁹¹¹ I compared statements made by an interviewee with the account provided by other interviewees.⁹¹² I talked to individuals from public and private sectors, and officials from different ranks. Talking to officials from different government agencies at different stages of their career has proved useful.⁹¹³ High government officials or former officials were able to explain Indonesia's participation or non-participation in certain cooperation agreements because they were consulted or involved in the decision making process. Their statements could be corroborated with mid-career officials involved in arranging and assisting meetings, drafting internal policy assessment and conducting maritime operations as part of the country's compliance with maritime agreements. I asked for further clarification through re-interviewing informants in person when possible or through phone and email correspondence when there were discrepancies found in the cross-examination of interviewees' accounts.⁹¹⁴

In order to validate interview data I also combined interviews with document analysis to learn about Indonesia's participation in maritime cooperation.⁹¹⁵ Documents that I gathered during field work were helpful as sources of information and for cross-examining interview data.⁹¹⁶ Under situations where statements and statistical data found in documents conformed with interview data I cited the two types of data to support my argument. However, a number of government officials granted me access to confidential and internal documents that were crucial for my research and asked me to cite these documents as part of the interview data. Although these documents were invaluable sources that confirmed interview data I did not cite them explicitly as document sources to honour my interviewees' requests. Giving complete sources of these documents means breaching their trust and could possibly endanger my interview subjects.

⁹¹⁰ For discussion about triangulation techniques see Arksey and Knight (1999: 22-23)

⁹¹¹ Dexter (1970: 15); H. Arksey and P. Knight (1999: 27)

⁹¹² Dexter (1970: 127)

⁹¹³ See Arksey and Knight (1999: 27)

⁹¹⁴ See Dexter (1970: 128)

⁹¹⁵ For discussion about combining other research methods see Dexter (1970:16-17); Arksey and Knight (1999: 20, 23, 28)

⁹¹⁶ Arksey and Knight (1999: 17)

Interviewees' statements were compared with statements and statistical data I collected from various documents. These documents included companies and NGOs' reports, official speeches, ministries' reports, defence white papers, yearbooks, draft legislation, meetings reports, inter-ministerial correspondence, national and sub regional development and transportation blueprints, transcripts of meetings, notes and guidelines published by government ministries. I used various document sources to develop statistical data to build a clear picture of Indonesia's participation or non-participation in maritime security agreements. These statistical data comprise statistics on Indonesia and its cooperation partners' defence expenditure, Indonesia's maritime agencies' expenditure, Indonesia's export and import values, Indonesia's shipment overseas, Indonesia's ISPS Code certified ports, armed robbery against ships attacks in Indonesian waters and the Straits of Malacca and Singapore and frequency of terrorism incidents as well as the number of perpetrators that have been captured in Indonesia. Sources of some of this data included the IMB-PRC annual reports, the Indonesian Ministry of Transportation yearbook, the Ministry of Defence' white paper and the Coordinating Ministry of Political, Legal and Security Affairs annual reports. Statistics on Indonesia's maritime agencies expenditure, shipment, foreign trade, and ports that were not available online and could not be found in documents collected were made available to the author during the interview process or through formal written request by the host institution to the head of relevant government agencies.

There were two concerns related to the statistical data that I managed to collect. First, I did not manage to obtain data of actual maritime defence expenditure from the Indonesian Ministry of Defence. Data that I obtained from the Indonesian National Development Planning Agency (Bappenas) was the planned defence budget for the Ministry of Defence established at the beginning of each government financial year. Therefore, this data does not capture any difference between planned and actual expenditure. Second, there were inconsistencies in the categories measured each year. Prior to 2002 categories measured in the Ministry of Defence expenditure were very broad and vague. For instance, categories used in the budget included state's defence awareness programmes and sub regional defence programmes among others. There was no clear indication of the allocation of resources for the Navy or maritime security. From 2002 onwards categories measured adopted in the defence budget showed a clearer numerical picture of budget allocation for the Navy, the Air Force and the Army. For this reason I only presented data of defence allocation for maritime security from 2002 onwards. Third, among statistical data of

Indonesian government agencies' expenditure only the data of the Ministry of Defence and the Coordinating Ministry of Political, Legal and Security Affairs' allocation for the Maritime Security Coordinating Board provides a relatively good numerical picture of these agencies' resources allocation for maritime security. Statistical data of the Indonesian National Police and the MFA expenditure does not provide clear indicators of budget allocations for maritime security cooperation. For instance, the expenditure of Indonesian National Police did not mention budget allocations for its Marine Police. Categories measured in the budget of these government agencies' expenditure were very broad and therefore, less useful. Given this limitation, in an attempt to show Indonesia's allocation of resources for maritime security, I only presented statistical data of Indonesia's defence expenditure, and the Maritime Security Coordinating Board expenditure. Expenditure of other civilian government agencies such as the MoT, Customs, and the MFA in dealing with maritime cooperation were either unavailable or too imprecise and vague to be useful.

Table F.1 List of Interviews Conducted in Indonesia

No	Code	Information on Interview
1.	IB01	Interview with a representative of Indonesian Shipowners' Association (Jakarta, 29 June 2010)
2.	IG02	Interview with a high government official at the Indonesian Maritime Security Coordinating Board (Jakarta, 2 July 2010)
3.	IG03	Interview with a former government official at the Indonesian Maritime Security Coordinating Board (Jakarta, 3 July 2010)
4.	IG04	Interview with a high government official at the Indonesian Ministry of Defence (Jakarta, 7 July 2010)
5.	IG05	Interview with a high government official at the Indonesian Navy (Jakarta, 14 July 2010)
6.	IG06	Interview with a high government official at the Indonesian Coordinating Ministry for Political, Legal and Security Affairs (Jakarta, 30 July 2010)
7.	IG07	Interview with a high government official at the Indonesian Maritime Security Coordinating Board (Jakarta, 23 August 2011)
8.	IG08	Interview with government officials at the Indonesian Ministry of Trade (Jakarta, 1 September 2010)
9.	IG09	Interview with a high government official at the Indonesian Marine Police (Jakarta, 2 September 2010)
10.	IG10	Interview with a high government official at the Indonesian Ministry of Transportation (Jakarta, 3 September 2010)
11.	IG11	Interview with a high government official at the Indonesian Ministry of Transportation (Jakarta, 3 September 2010)
12.	IG12	Interview with a high government official at the Indonesian Ministry of Transportation (Jakarta, 3 September 2010)
13.	IG13	Interview with a high government official at the Ministry of

		Transportation (Jakarta, 3 September 2010)
14.	IG14	Interview with two high government officials at the Ministry of Transportation (Jakarta, 7 September 2010)
15.	IG15	Interview with a high government official at the Indonesian Ministry of Foreign Affairs (Jakarta, 8 September 2011)
16.	IB16	Interview with a representative of Indonesian Forwarders Association (Jakarta, 9 September 2011)
17.	IB17	Interview with a corporate communication official of a port operator (Surabaya, 20 September 2011)
18.	IB18	Interview with a security and safety official of a port operator (Surabaya, 20 September 2011)
19.	IG19	Interview with a high government official at the Indonesian National Development Planning Agency (Jakarta, 28 September 2011)
20.	IG20	Interview with a high government official at the Indonesian Ministry of Transportation (Jakarta, 29 September 2011)
21.	IG21	Interview with a former high government official at the Ministry of Defence (Depok, 8 October 2011)
22.	IE22	Interview with an Indonesian security policy expert at the University of Indonesia (Depok, 11 October 2011)
23.	IE23	Interview with an Indonesian foreign and security policy expert at the University of Indonesia (Depok, 11 October 2011)
24.	IG24	Interview with an official at the Indonesian Customs and Excise, Ministry of Finance (Jakarta, 11 October 2011)
25.	IG25	Interview with a high government official at the Indonesian Ministry of Foreign Affairs (Jakarta, 26 October 2011)
26.	IN26	Interview with an NGO representative (Jakarta, 27 October 2011)
27.	IB27	Interview with a representative of an Indonesian local shipping company (Jakarta, 29 October 2011)
28.	IG28	Interview with a high government official at the Indonesian Coordinating Ministry for Political, Legal and Security Affairs (Jakarta, 2 November 2011)
29.	IG29	Interview with a high government official at the Indonesian Ministry of Industry (Jakarta, 2 November 2011)
30.	IG30	Interview with high government officials at the Indonesian Customs and Excise, Ministry of Finance (Jakarta, 3 November 2011)
31.	IG31	Interview with a high government official at the Indonesian Customs and Excise, Ministry of Finance (Jakarta, 3 November 2011)
32.	IG32	Interview with a high government official at the Indonesian Customs and Excise, Ministry of Finance (Jakarta, 4 November 2011)
33.	IG33	Interview with a high government official at the Indonesian Customs and Excise, Ministry of Finance (Jakarta, 9 November 2011)
34.	IG34	Interview with high government officials at the Indonesian Ministry of Defence (Jakarta, 24 November 2011)
35.	IG35	Interview with a high government official at the Indonesian Ministry of Industry, (Jakarta, 6 December 2011)

36.	IG36	Interview with a Japanese high government official at the Embassy of Japan in Indonesia (Jakarta, 13 December 2011)
37.	IG37	Interview with a high government official at the Indonesian Ministry of Foreign Affairs (Jakarta, 16 December 2011)
38.	IB38	Interview with representatives of Indonesian Shipowners' Association (Surabaya, 22 September 2011)
39.	IG39	Interview with a high government official at the Indonesian Ministry of Transportation (Jakarta, 3 November 2011)
40.	IG40	Interview with an Indonesian government official (Jakarta, 4 November 2011)
41.	IG41	Interview with an Indonesian Customs Official, Tanjung Priok Port (Jakarta, 11 October 2011)
42.	IE42	Interview with an Indonesian foreign policy expert at the University of Indonesia (Depok, 12 September 2011)

Table F.2 List of Interviews Conducted in Malaysia

	Code	Information on Interview
1.	ME01	Interview with a security expert at a Malaysian think tank institution (Kuala Lumpur, 23 July 2010)
2.	MI02	Interview with a representative of the International Maritime Bureau-Piracy Reporting Centre (Kuala Lumpur, 20 July 2010)

Table F.3 List of Interviews Conducted in Singapore

	Code	Information on Interview
1.	SG01	Interview with a Singaporean high government official (Singapore, 11 August 2010)
2.	SB02	Interview with a Singaporean local ship owner (Singapore, 6 August 2010)
3.	SB03	Interview with a representative of multinational shipping line (Singapore, 11 August 2010)
4.	SG04	Interview with a representative of the United States Coast Guards (Singapore, 20 August 2010)
5.	SG05	Interview with a high government official from the Singapore Maritime Port Authority (Singapore, 6 August 2010)
6.	SB06	Interview with a representative of an international shipping association (Singapore, 18 August 2010)
7.	SB07	Interview with representatives of Asian Shipowners' Forum (Singapore, 5 August 2010)
8.	SB08	Interview with a representative of the Baltic and International Maritime Council (BIMCO) (Singapore, 12 August 2010)
9.	SG09	Interview with a high government official from the Singapore Ministry of Foreign Affairs (Singapore, 16 August 2010)
10.	SB10	Interview with a representative of an international insurance company (Singapore, 17 August 2010)
11.	SB11	Interview with an international tanker operator (Singapore, 19 August 2010)
12.	SE12	Interview with a Singaporean maritime expert (Singapore, 4 August 2010)

		2010)
13.	SB13	Interview with a representative of an international re-insurance company (Singapore, 17 August 2010)
14.	SG14	Interview with a high government official at the Singapore Navy (Singapore, 19 August 2010)
15.	SB15	Interview with a representative of a chamber of commerce in Singapore (Singapore, 18 August 2010)
16.	SB16	Interview with a representative of an international insurance company (Singapore, 18 August 2010)
17.	SN17	Interview with a representative of a non-governmental organization in the area of maritime security (Singapore, 6 August 2010)

Table F.4 List of Interviews Conducted in New York

	Code	Information on Interview
1	IG43	Interview with an Indonesian official from the Ministry of Foreign Affairs (New York, 20 February 2013)
2	PG01	Discussion with a Philippines official 20 February 2013

Notes:

Interviewee profession is coded with letter G, B, N, E and I.

G: Government representative

B: Business representative

N: NGO representative

E: Expert

I: International organization

The last two digits indicate the number assigned for each different interview.

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