



**UNIVERSITY OF THE PHILIPPINES
OPEN UNIVERSITY**

MASTER OF ASEAN STUDIES

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**INDOMALPHI TRILATERAL COOPERATIVE ARRANGEMENT
AND THE SHARED RESPONSIBILITY TO COMBAT PIRACY AND
ARMED ROBBERY AGAINST SHIPS:
TOWARDS GREATER COOPERATION AND SECURITY**

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03 June 2024

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INDOMALPHI TRILATERAL COOPERATIVE ARRANGEMENT AND THE SHARED RESPONSIBILITY TO COMBAT PIRACY AND ARMED ROBBERY AGAINST SHIPS: TOWARDS GREATER COOPERATION AND SECURITY

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Acceptance

This thesis titled “*INDOMALPHI Trilateral Cooperative Arrangement and the Shared Responsibility to Combat Piracy and Armed Robbery against Ships: Towards Greater Cooperation and Security*” is hereby accepted by the Faculty of Management and Development Studies, U.P. Open University, in partial fulfillment of the requirements for the degree Master of ASEAN Studies.

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Biographical Sketch

The researcher was born on November 9, 1992, in Santa Cruz, Manila. She graduated from the University of the Philippines – Baguio in 2013 with Bachelor of Arts in Social Sciences, major in Economics and minor in Psychology.

She is presently connected with the security sector of the Philippine government as a research officer. She is a member of the Christ's Commission Fellowship. She is an alumnus of the Ship of Southeast Asian and Japanese Youth Program in 2017, where she took part as a youth ambassador to promote friendship and mutual understanding among the youth of Japan and Southeast Asian countries in the spirit of international cooperation and collaboration.

Acknowledgment

I express my deepest gratitude to God Almighty for providing me with His strength and wisdom to pursue and finish this course. His faithfulness and love empowered me to finish this research despite the challenges of life. To God be all the Glory, Honor, and Praise!

I am deeply thankful to my thesis adviser, Prof. Rolando Talampas, for his invaluable and unending patience, support, and impactful feedback to finish this work. He never gave up on me. He has supported me from the beginning until the end. May the Lord continue to bless him throughout his life. I also express my gratitude to Prof. Rene Borromeo for his insightful comments and support while I was writing this paper.

This study would not have been possible without the cooperation and support of the government officers I interviewed during the data gathering. You are preoccupied with work responsibilities, yet you dedicated time to answer my interview questions.

I am indebted to my mom, Helen B. Abellera for her care and love for me. I miss her so much. I would like to recognize my family in Baguio City and Davao City for their encouragement and moral support. My nieces, Frances Bjorn Abellera and Hailey Vonn Abellera, have greatly helped me in terms of technical editing and presentation. Thanks to my family in Christ in CCF for praying for my academic endeavor. I also thank my office, supervisors, and workmates for giving me time to pursue my studies.

I deeply appreciate Mr. Reyzeljan Josef Delos Trinos for his helpful insights and reviews on this paper.

Special thanks to Mr. Samuel Diciano and Mr. Jesus Leonardo Auxilio for believing in me and supporting my studies.

Dedication

This study is dedicated to the Philippines, may the Lord All-Powerful richly
bless, pour out His favor, and protect this country for His Glory.

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ABSTRACT

This study was conducted to assess the Trilateral Cooperative Arrangement (TCA) in combatting piracy threats in the Sulu-Celebes Sea as it contributes to greater regional cooperation. The TCA was able to address piracy, armed robbery against ships, and maritime kidnapping-for-ransom in the tri-border of Indonesia, Malaysia, and the Philippines. Said engagement remains relevant in combatting other maritime security threats in the Sulu-Celebes Sea, including smuggling of goods, human trafficking, illicit trade of endangered species, and illegal, unreported, and unregulated fishing, among others.

To foster greater regional maritime security cooperation, the TCA needs to hurdle both internal challenges within the TCA and external challenges that affect the members. The TCA serves as an example of regional collaboration that can address maritime security challenges in Southeast Asia.

The study recognizes the ASEAN as a relevant intergovernmental institution that promotes regional identity building and the sociocultural aspect that addresses security in the region. It recommends that the TCA establish a centralized database, utilize an output-based strategic development, and expand the cooperation to cognizant agencies. The study also suggests the strengthening of the piracy regime in Southeast Asia and that the ASEAN establish a maritime security partnership, centralized maritime coordination center, and centralized maritime security task force.

Keywords: Trilateral Cooperative Arrangement, Sulu-Celebes Sea, piracy, armed robbery against ships, maritime kidnapping for ransom, maritime security

Chapter I INTRODUCTION

Background of the Study

The Southeast Asian (SEA) Region is one of the most contested geopolitical areas in the 21st century. Aside from the already existing natural resource in the tropical and coastal region that has piqued the interest of the colonizers for the past four centuries, the rapid development of the countries in the region has seen an unabated expansion of their domestic economies. According to the press-released estimates of the World Bank (2021), the outlook for the still young economies in the region still retains very high confidence although the countries in the region are yet to bounce back to their pre-pandemic GDP growth. This builds upon the previous statement of the World Economic Forum in 2017 that forecasted the region's output which would amount to at least a fifth of the global output by 2050. This estimate is largely based on the rapid shift of the SEA countries' economy from agriculture and other extractive industries towards manufacturing, service, and knowledge production.

With this economic boom, the Organisation for Economic Cooperation and Development (OECD) has noted that the increased aggregate output experienced by these countries for the past two decades has exposed an increasingly prevalent condition of income inequality. This is highly visible, especially in drawing comparisons between highly urbanized centers and the maldevelopment experienced by the agricultural and coastal communities. The underdevelopment in rural communities is highly vulnerable and is easily manipulated by extremists and anti-government factions for their benefit. In the long run, this has entailed domestic security issues erupting from civil unrest that is prevalent in almost all countries in the region.

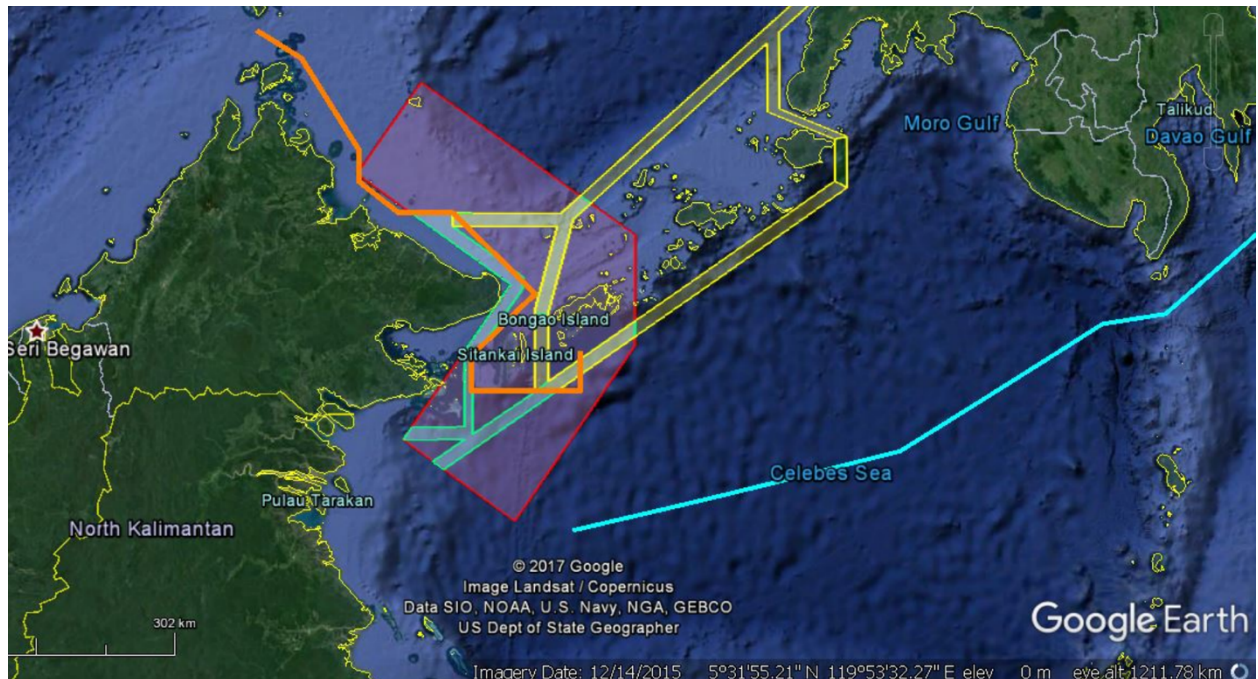
Furthermore, two key factors relating to international relations and regional cooperation have persisted in Southeast Asia for the past decade. One factor is the emergence of China as an economic superpower in the region. Another factor is the presence of religious extremist groups which emerged due to the tensions in the Middle East. These domestic and international security concerns are not independent of one another. Domestic and regional security issues are offshoots of historical, institutional, and structural policy gaps that allowed them to co-exist. Thus, in today's age of greater cooperation and globalization, the thrust for security has become both a domestic issue and a regional concern.

To further highlight this development, this thesis focuses on maritime security cooperation in the Sulu-Celebes Sea, a marine corridor jointly shared by Indonesia, Malaysia, and the Philippines. The tri-border area is a strategic environment not only for the three countries but also for other countries because it is an important trade route and a center of biodiversity. The potential location and high concentration of sea activity in the Sulu-Celebes Sea make it vulnerable to threats such as the problem of ship hijacking and kidnapping of ship crew members for ransom.

To combat security issues in the Sulu-Celebes Sea, the Trilateral Cooperative Arrangement (TCA) was organized by the defense departments of the Republic of Indonesia, Malaysia, and the Republic of the Philippines to concretize maritime security cooperation between the three countries (Ikrami, 2017). The common security challenges faced by these countries in the sea arise from ship hijacking and kidnapping (OBP, 2016). The presence of such threats requires cooperation to secure the trilateral area and create a Joint Working Group to reduce piracy. Cognizant of the fruitful and mutual benefits of the cooperation, Indonesia, Malaysia, and the

Philippines agreed to work together to uphold peace and secure their maritime domain to sustain a conducive economic environment.

Figure 1. TCA traditional and negotiated boundaries.



SOURCE: Batongbacal, n. d.

Statement of the Problem

The general problem this research wants to answer is:

How does combatting security threats in the Sulu-Celebes Sea contribute to the strengthening of regional cooperation among Malaysia, Indonesia, the Philippines and the ASEAN as a whole?

Specifically, this research seeks to shed light on the following questions:

1. What is the situation involving piracy, armed robbery, and maritime kidnapping in the Sulu-Celebes Sea?

2. What are the internal and external factors that restrain greater regional maritime security cooperation among Indonesia, Malaysia, and the Philippines?
3. How can the security cooperation in the Sulu-Celebes Sea contribute to ASEAN maritime security?

Objectives of the Study

The general objective of this study is to assess the Trilateral Cooperative Arrangement (TCA) in combatting security threats at the Sulu-Celebes Sea as it contributes to greater regional cooperation.

Specifically, this research aims to achieve the following objectives:

1. To describe the situation involving piracy, armed robbery, and maritime kidnapping in the Sulu-Celebes Sea;
2. To present the internal and external factors that restrain greater cooperation among Indonesia, Malaysia, and the Philippines; and,
3. To assess the TCA for greater regional cooperation.

Significance of the Study

The study aims to assess the impact of the TCA since its implementation in 2017 up to the present to combat security threats by comparing the occurrence of piracy, armed robbery, and kidnap-for-ransom at the Sulu-Celebes Sea.

Other important factors to be examined include the ancillary issues that might be related to the piracy issues at the Sulu-Celebes Sea and the plans of the TCA members to address the security issues in the trilateral area.

Through the assessment of the TCA, the arrangement's framework could be examined for greater regional cooperation at the ASEAN level. Greater cooperation could lead to either minilateral or multilateral coordination between member states and recommend policies to address other maritime threats.

Furthermore, an analysis of the potential replication of the TCA security mechanism can be used to strengthen cooperation between and among ASEAN Member States against other maritime security threats and unnecessary incursions in the contested waters.

Chapter II

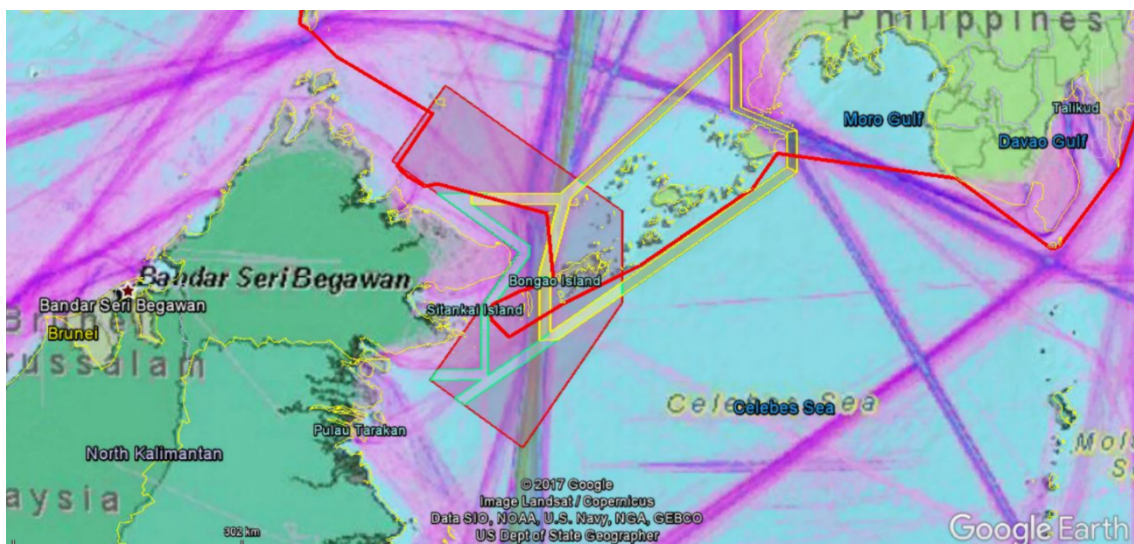
REVIEW OF RELATED LITERATURE

A. Maritime Security Situation in the Sulu-Celebes Sea

1. Regional Significance of the Sulu-Celebes Sea

The Southeast Asian archipelago is one of the most extensive groups of islands globally, spanning over 6,500 kilometers of seas, waterways, and thousand islands. The waters of this region are also known as the major arteries of world trade, with about one-third of world trade passing through these waters. The region encompasses several bodies of water that are used for international navigation and transport of goods and energy. The predominantly maritime characteristic of Southeast Asia fosters maritime trade which all the nations rely on as a major source of income.

Figure 2. TCA and shipping routes.



SOURCE: Batongbacal, n.d.

The Sulu-Celebes Sea, in particular, is an important shipping lane for Indonesia, Malaysia, and the Philippines (Amling et al, 2019). The Indonesian provinces of North and East Kalimantan rely on the oil, petrochemical, and shipping sectors. In contrast, Sabah and Sandakan along the Sulu Coast serve as crucial ports for exporting cacao and palm oil. It is significant to mention that the Philippines sources 70 percent of its coal imports via the Sulu-Celebes Sea route.

The Sulu-Celebes Sea caters to diverse economic activities for the TCA members. The major export industries are fisheries, mariculture, agriculture, and mining. Service industries, which include coastal tourism, contribute to the economy of the three countries (Heileman, n.d.). In rural areas, the primary occupations are subsistence farming and fishing. There is a promising prospect for the growth of offshore oil and mineral exploration in the trilateral region. The marine industry, including fish farming, plays a significant role in providing employment opportunities within this area.

The region is recognized as a global hub of biodiversity for land and sea creatures, boasting over 400 types of corals and 2,500 fish species (Veron, 2000). Connected to the high marine diversity are the food security and livelihood of the people in the tri-border area. High-value fish products are exported to international markets. For instance, live fish and aquarium fish are shipped to China and Hong Kong while aquaculture of mussels, prawns, seaweeds, and oysters is transported to Europe (Ahmed, 2022).

2. Global Significance of the Sulu-Celebes Sea

The sea routes in Southeast Asia are highly important for both the TCA members and other nations as they facilitate global shipping traffic. These waterways

are utilized by merchant vessels and cargo carriers from various parts of the world (Aliyah, 2024). The Sulu-Celebes Sea, in particular, is recognized as a viable alternative route for large ships traveling from East Asia to the Middle East (Masya, 2018). Approximately USD 40 million worth of goods are estimated to traverse through these sea lanes on a yearly basis (Quintos, 2017).

The importance of Southeast Asian waters makes it an area of interest for other countries. The United States has four-fold interests in the region according to Nichiporuk et al. (2006):

1. The maintenance of open sea lanes particularly through the Straits of Malacca because this is where much oil for the Persian Gulf is shipped to East Asia.
2. The practice of moderate Islam can help prevent violent extremism elsewhere.
3. The prevention of extremist infrastructure from developing in the region.
4. The establishment of robust strategic partnerships within the area is essential to ensure the presence of American air and naval units.

The safety and security of the regional sea lanes remain the principal security and economic interests of East Asia (Liss, 2014). Over 80 percent of Japan's crude oil imports are shipped through Southeast Asia (Anh, 2023). South Korea spent \$137.2 billion on energy imports in 2021 with the majority of its crude oil imports transiting through Southeast Asia's sea lanes (Holt, 2022).

Due to the increasing economic significance of the Southeast Asian Sea lanes, interest has also been exhibited by People's Republic of China (PRC) in the past three decades in the various marine corridors in the region. The PRC has solidified its presence not just through extending its claim in the South China Sea (SCS), but also

by linking the ASEAN Waterways to its objective of establishing a maritime Silk Road within the framework of the Belt and Road Initiative (BRI). The publication of Asia Policy emphasizes the alignment between China's BRI and the economic progress across Southeast Asia (Yu, 2017). Protecting the Southeast Asian Sea lanes under this context becomes a security concern for China as well as expanding its market in the region and strengthening the naval trade routes within and beyond the AMS.

The strengthened interest of China in the TCA member states is further exhibited in the infrastructure investment offered by governmental and non-governmental entities from the PRC. In 2021, the Philippines and China had a bilateral trade volume of approximately USD 80.52 billion, according to Falak (2022). Concurrently, China's bilateral trade with Indonesia in 2021 amounted to USD 124.3 billion, with Chinese investments in Indonesia surpassing USD 3.2 billion. This positioned mainland China as the third-largest investor in Indonesia, closely competing with Singapore at USD 5 billion and Hong Kong at USD 4.3 billion, as reported by Ellis (2022). Bilateral trade between China and Malaysia reached USD 176.8 billion in 2021. Investments are expected to rise in the coming years as economies recover from the economic repercussions of the COVID-19 pandemic and China progresses with its plans for the Maritime Silk Road.

3. Maritime Security Threat of Piracy in the Sulu-Celebes Sea

As such, the Sulu-Celebes Sea, rivaling only the Singapore Strait and the SCS as the most important waterway in Southeast Asia, is an economic and security concern not only for the TCA member states but also for the ASEAN cluster and the largest international economies, such as the United States, PRC, Australia, and Japan (Bateman, 2006).

The international focus shift to maritime security in the wake of the September 11 terrorist attack in the United States (Bateman et al, 2009). This is explained by the notion that religious extremists can use ordinary means of transportation as a destructive weapon against governmental and economic targets (Raymond, 2005). A significant portion of the world economy depends on maritime transportation and trade, rendering it a prime target for potential attacks. The challenges of enforcing security measures both at sea and in ports further compound this susceptibility. Disrupting shipping port infrastructure has the potential to severely impact the global economy (Bateman, 2006).

A significant proportion of global trade travels through the crucial sea passages and international pathways that run across Indonesia, Malaysia, and the Philippines. Any maritime peril in these areas could impede the flow of traffic through the straits and international routes, leading to substantial disruptions in both worldwide economic activities and maritime safety. The challenge related to maritime security is considered daunting, particularly within the Sulu-Celebes Sea region, which encompasses the tri-border shared by Indonesia, Malaysia, and the Philippines. This area is characterized by an intricate political history and a legacy of unlawful maritime operations.

a. Piracy, Armed Robbery at Sea, and Maritime Kidnapping

The Sulu-Celebes Sea has a long history of piracy, armed robbery, and maritime kidnapping dating back to the pre-colonial era. This segment explores the definitions of piracy and associated terms, the historical background of piracy, as well as the present-day risks of piracy in Southeast Asia overall, with a focus on the Sulu-Celebes Sea.

- **Piracy and Related Threats**

There are two perspectives on piracy. The first perspective views piracy as an act defined by international law, where pirates operating on the high seas are deemed outlaws without the protection of any flag, thus making them enemies of humanity who can be captured or punished by any nation. The second perspective, outlined in the 1932 Harvard Research Draft, argues that piracy is not considered an offense under international law due to the absence of mechanisms for arrest, trial, and punishment at the international level. Both views regard piracy as a violation under national laws, with the concept of piracy serving as a framework for states to assert jurisdiction over pirate activities occurring beyond their territorial boundaries.

The piracy framework examined in this research is established according to the definition outlined by the United Convention on the Law of the Seas (UNCLOS). Article 101 defines piracy as encompassing 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 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 an aircraft with knowledge of facts making it a pirate ship or aircraft;*
- (c) any act of inciting or intentionally facilitating an act described in subparagraph (a) or (b).*

Article 100 of the UNCLOS provides that all states shall cooperate to repress piracy. The provision states that “*all states shall cooperate to the fullest possible extent in the repression of piracy on the high seas or in any other place outside the jurisdiction of any State.*” According to Beckman et al (2012), the UNCLOS permits individual states to determine, in accordance with their domestic legislation, the extent to which they will enforce their authority over pirates operating in international waters.

Article 110 permits a warship operating on the high seas or in the exclusive economic zone (EEZ) to inspect a foreign vessel if there are valid reasons to suspect it as involved in piracy. Should the vessel be confirmed to be engaged in piracy, the warship has the authority to confiscate it according to the guidelines outlined in Article 105. Under Article 105, any state has the right to seize a ‘pirate ship or aircraft,’ apprehend individuals, and confiscate any assets found on board.

Article 103 defines a ‘pirate ship or aircraft’ as one that is either intended by those in charge to be used for acts of piracy, or has already been used for such purposes and remains under the control of the perpetrators. The authority to seize and detain such a vessel or aircraft extends to those taken by pirates and under their command. This jurisdiction covers the high seas, EEZ, or any area beyond another state’s territorial jurisdiction. Pursuit of the ship or aircraft is permissible unless it enters the territorial waters of a state.

Article 107 stipulates that the seizure right is exclusive to warships, military aircraft, or government vessels clearly designated for official use. Furthermore, according to Article 105, the state’s courts conducting the seizure have the authority to determine penalties and actions concerning the seized ships, aircraft, or assets.

Armed robbery against ships is defined by the International Maritime Organisation (IMO) Assembly Resolution A.1025(26) as:

- (a) 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;*
- (b) any act of inciting or intentionally facilitating an act described above.*

The Regional Cooperation Agreement on Combating Piracy and Armed Robbery Information Sharing Centre (ReCAAP ISC) is the first government-to-government agreement in the region aimed at promoting cooperation to address piracy and armed robbery. It assessed the importance of each piracy and armed robbery incident involving ships based on two factors:

(a) Violence Factor. The intensity of violence in an incident is denoted by three factors:

- *Type of weapons used.* Less severe occurrences involve pirates or thieves boarding a vessel without visible weapons, while more severe incidents entail armed assailants with firearms, knives, machetes, or other lethal weaponry. Instances of heightened violence typically feature the use of advanced weapons.
- *Treatment of the crew.* Instances of greater violence are distinguished by the actions of pirates or robbers when they harm or abduct crew members, a contrast to minor thieves who escape once detected. Additional scenarios involve attacks, intimidation, or inflicting severe harm on crew members.

- *Number of pirates/robbers engaged in an attack.* A situation involving a higher quantity of pirates or thieves would be deemed more notable due to their capability and likelihood to employ violence. Moreover, a substantial number of pirates or robbers suggest the participation of criminal organizations or structured syndicates rather than minor or spontaneous pirates who function in smaller units.

(b) Economic Factor. The consideration involves the nature of the property taken from a vessel, with major incidents encompassing ship hijacking or theft of the entire vessel, while minor incidents involve theft of cash or personal belongings.

The ReCAAP ISC categorizes incidents into four classifications (CAT 1, CAT 2, CAT 3, CAT 4) based on indicators related to Violent and Economic aspects. In CAT 1 occurrences, a significant number of perpetrators (more than nine individuals) typically armed with guns and knives are involved, resulting in potential crew injuries and either ship hijacking or theft of cargo. CAT 2 events entail four to nine perpetrators armed with weapons such as knives, machetes, or guns. The crew is temporarily held captive with less severe injuries, accompanied by theft of cash and ship property, including engine parts. CAT 3 incidents include one (1) to six (6) men armed with knives, machetes, sticks, rods, etc. and the crew is not harmed, with no property stolen. CAT 4 incidents involve perpetrators that are not armed and the crew not harmed, with no reported stolen items.

Another piracy-related crime is maritime kidnapping for ransom, a crime of unlawful restraint of a crew's liberty by force or show of force on board a ship in exchange for cash, monetary instruments, property, or services from the family of

victims, or private or public institution. The International Convention against Taking of Hostages defined kidnapping-for-ransom, or hostage-taking, as “any person who seizes or detains and threatens to kill, to injure or to continue to detain another person to compel a third party, namely, a State, an international intergovernmental organization, a natural or juridical person, or a group of persons, to do or abstain from doing acts as an explicit or implicit condition for the release of hostages (article 1).

Maritime crimes such as piracy, armed robbery of ships, and kidnapping for ransom at sea are the crimes that will be looked into in this study.

The Southeast Asian region is a profound target of maritime conflicts due to its geographic parameters. The Sulu-Celebes Sea has a long history of maritime criminal activities, with piracy dating back to pre-World War II. In the aftermath of the war, there was an increase in incidents of abduction, drug trafficking, human trafficking, and arms trafficking in the region.

- **Colonial History Trend of Piracy in Southeast Asia**

Teitler (n.d.) discussed the prevalence of piracy in Southeast Asia during the colonial era, outlining three methods of piracy in the region at that time.

The initial two approaches followed a traditional piracy model focusing on fishermen and traders as primary targets. The first type of assaults was characterized as occasional events with few incidents of theft at sea, while the second type originated from the Riau and Lingga islands located south of Singapore. These attacks led to the formation of distinct pirate groups involving local elites.

The two ways of piracy attacks were not directed against European vessels. Nevertheless, the Dutch, British, and Spanish authorities were disturbed by the attacks against native or Chinese traders along the coast of the Riau and Lingga islands. The sultanates of the Riau-Lingga islands had autonomy, leading to a subdued response

as colonizers were apprehensive that launching an anti-piracy operation could negatively impact their diplomatic ties.

The third type of assault was deemed the most perilous due to its destructive nature. Rather than navigating open waters, the culprits targeted individuals in the coastal regions of the islands with the specific aim of gathering slaves for sale in the Sulu sultanate markets. Situated in an archipelago northeast of Borneo, between areas occupied by the Dutch, British, and Spanish powers, this nefarious activity led to a decrease in population along the coasts as residents relocated to safer inland territories. Slave raiding proved to be a lucrative economic venture characterized by what appeared to be a well-coordinated approach involving community-wide participation; elites funded expeditions, local inhabitants manned vessels, and slaves managed fishing and agriculture operations in their owners' absence. This practice was not merely an economic pursuit but a traditional and esteemed way of life for those involved. It served as a means to demonstrate independence from colonial authorities while resisting non-Muslim entities that posed a threat to their status and authority.

Accordingly, the colonial governments viewed piracy as a naval problem (Teitler, 2000; Tagliacozzo, 2000). Several factors constrained their ability to tackle this issue: local and regional traders were difficult to regulate in implementing defensive strategies, the colonial navy lacked sufficient coverage to patrol the islands adequately, and the cost of securing the coastal regions from slave-raiding pirates was high.

Piracy during the colonial time had some economic gain, but protection of prestige and power and resistance to the colonial rulers overruled it. The problem was

not addressed due to the high cost and apprehension of the colonial powers to confront the pirates.

- **Post-Colonial to Pre-TCA Trend of Piracy in the Sulu-Celebes Sea**

Piracy became a focal point for the international community due to its perceived role in causing increasing economic and financial harm to countries and the global shipping sector. As more than ten thousand ships crossed Southeast Asia for trade and the economies of the countries relied on imports and exports, the realness of the piracy problem was felt.

Liss (2014) explained that the desire for money is the driving factor behind the perpetration of piracy in Southeast Asia. Opportunistic individuals, including pirates and those employed by criminal organizations, were reportedly living in poverty, particularly following the 1997 Asian financial crisis. Impoverished fishermen turned to piracy due to depleted fishing grounds caused by overfishing and destructive practices like bomb fishing. These fishermen resorted to piracy leveraging their maritime expertise, local knowledge, and possession of necessary tools like boats and knives. Some pirates in the southern Philippines even carried firearms. Additionally, individuals recruited by criminal syndicates also engaged in acts of piracy for monetary compensation. For instance, a group attacked a buoy tender near Karimun Island in June 2001; the leaders of this pirate operation were located in Batam, Riau archipelago, who enlisted eight struggling fishermen from Karimun islands as pirates. Investigations revealed that the waters surrounding Karimun Island had been overexploited and marine habitats decimated by harmful methods such as bombing and cyanide use, prompting piracy to emerge as an alternative source of income for these individuals.

Pirates had opportunities to plunder because they took advantage of the geography in Southeast Asia wherein the enormous islands served as their hiding places and bases. The dense vegetation on most islands allowed the vessels to hide easily. Piracy was considered an additional source of income amid a faltering economy and a response to the indifferent national government. Two consequences arise from the issue of piracy in the area. First is that the sea lanes connect the countries; hence, when the sea lanes are affected, more centrifugal forces will exert themselves. Piracy not only negatively affects the economic state but also brings political consequences. Second is that the perpetrators had a support network such as the market where they disposed of their plunder and a community that assisted them morally and materially. It was also noted that the perpetrators had contact with powerful people who either supported secessionist movements or those after the financial gain from the piracy activities. Teitler (n. d.) claimed that both the secessionists and corrupt officials are an expression of a faltering political centralization.

During the period spanning from the 1990s to the mid-2000s, piracy cases in Southeast Asia were lower than the worldwide incidence. Piracy activities in Indonesia and the Philippines were predominantly conducted on a small scale within local communities, ports, coastal areas, and maritime passages. These pirates generally employed minimal violence, resulting in few casualties. They typically utilized small vessels such as fishing boats to target valuable monetary assets and movable goods. In contrast, Malayan piracy was perceived as more perilous and aggressive, particularly in the Strait of Malacca and the South China Sea. These pirates often used small coastal or ship-launched boats to rob individuals of their personal possessions. At times, the pirates steal the entire ship to turn it into a new one with forged documents.

Three categories of maritime piracy behavior in Southeast Asia were outlined by Chalk (1998):

- (a) *Low-Level Armed Robbery*. Incidents of attacks or theft occurring at docks and ports are typically opportunistic in nature and are perpetrated by a limited number of individuals who are armed with knives and operate small, high-speed boats. The primary objective behind these actions is theft, resulting in financial losses that can vary from USD 5,000 to USD 15,000.
- (b) *Medium-Level Armed Assault and Robbery*. Instances of searches and acts of piracy in the open seas or territorial waters are most common in the Malacca Strait and the Sulu-Celebes Sea. These unlawful activities are typically well-coordinated and often originated from a makeshift base resembling an aircraft carrier, posing serious risks to the safety of crew members on board.
- (c) *High-Level Crime of Piracy*. Ship hijacking, aiming for illegal trading, is known as the phantom ship phenomenon. It entails an illicit organization on a global scale that recruits individuals who are proficient in firearm use.

At the peak of the 21st century, religious extremist groups emerged and engaged in maritime kidnapping for ransom. Said groups had ties with Daesh and engaged in piracy activities to fund their operations. A group based in Southern Philippines was known to be notorious for kidnapping for ransom tactics in the complex island chain of the Sulu archipelago. They used customized dual-engine pump boats to approach their targets and they armed themselves with assault rifles and machetes

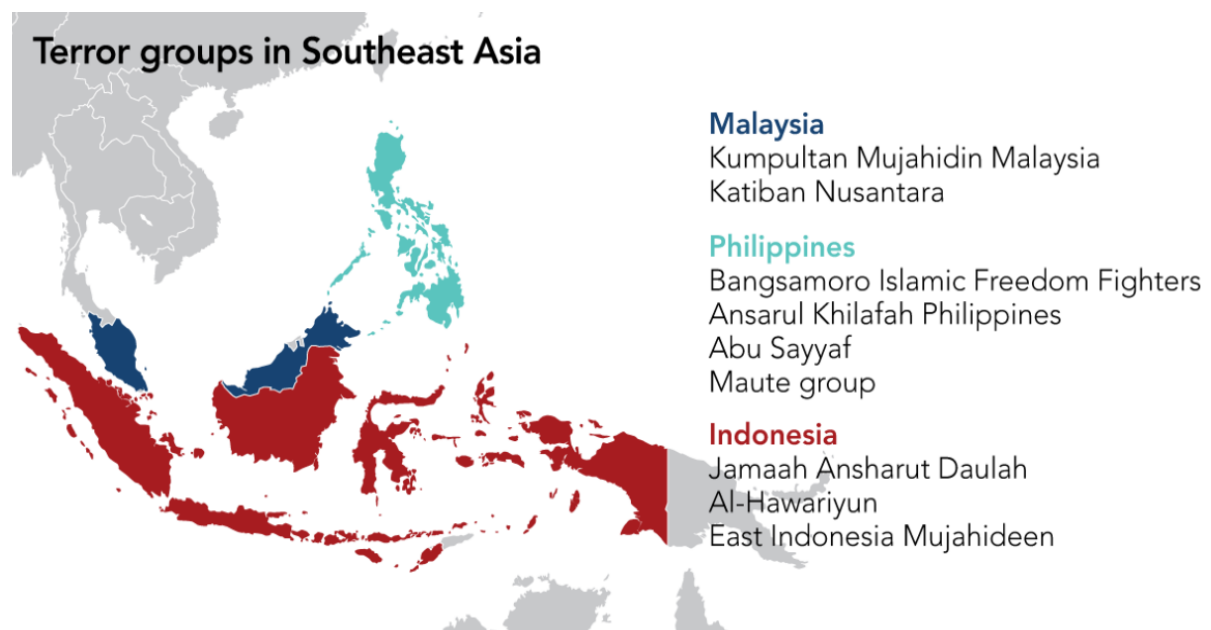
to overpower vulnerable vessels (fishing boats and tugboats) and coastal infrastructure (resorts and restaurants) (Yeo, 2024).

Profiles of the violent extremist groups and the subsequent security problems confronted by the three littoral nations bordering the Sulu-Celebes Sea are described in the next section.

b. Profile of Violent Extremist Groups in the Sulu-Celebes Sea

To further the understanding of the security threat governing the Sulu-Celebes Sea, this paper delved into the religious extremist groups that operated in the corridor and its subsequent areas. Attached below is a visual summary from Nikkei Asia (2018).

Figure 3. Religious extremist groups in Southeast Asia.



SOURCE: PNG Item, n. d.

- **Indonesia**

Indonesia's internal security problem stems from secessionist and extremist groups. It gained worldwide attention in the 2000s when the country experienced bombings in Jakarta and Bali, as well as attacks in 2016 in Jakarta, which was owned by militants inspired by Daesh. The Katibah Nusantara, local militants inspired by Daesh operating both in Indonesia and Malaysia, have been active in the last few years in recruiting fighters for their organization. It is observed that in the early 2000s, there was a transition from the Jemaah Islamiyah (JI) network towards endorsing and pledging allegiance to Daesh (Ryacudu, 2018).

Security threats in Indonesia experienced splintering and having various independent local groups pursuing their operations. For example, the Jakarta attacks have been claimed by Jemaah Anshar Khilafah. Other groups that operate in Indonesia's wide coverage are Kamaah Ansharut Tauhid and Mujahedin Indonesia Tamur. Most of these groups compete for notoriety and recognition from Daesh and are agreed upon by many researchers as a source for more adventurist and courageous attacks (Jones, 2016). However, this internal competition for recognition is also analyzed as one of the factors as to why the threat in Indonesia's borders has not reached its full momentum and can still be contained by their security forces.

To this end, Indonesia has instituted several policies since 2014 to counter the rise of militant groups inside its border. This policy direction coincides with the domino effect of the spread of Daesh in Southeast Asia. The country has banned public expression of support for Daesh while banning websites that contain content pertaining to Daesh. The country has also legislated broader definitions of terrorism to help its police forces monitor and address perceived threats. The new law has redefined the concept of backing terrorism and enables the legal pursuit of individuals who journey to the Middle East with alleged links to supporting Daesh.

- **Malaysia**

While Malaysia lacks a prominent local separatist or extremist organization, it remains vulnerable to the repercussions of Daesh's emergence in the surrounding region. According to Jadoon et al. (2002), the Syrian civil conflict led to Malaysia becoming both a target and a hub for Daesh's radicalization and enlistment efforts, facilitated by decentralized groups and online platforms. From 2014 to 2019, the Malaysian authorities detected 23 reported plots of attacks in the country, with only one resulting in casualties. The Malaysian government was able to arrest 319 people between 2014 and 2019 across 15 provinces who were either planning or threatening an attack. Efforts are being made by the authorities in the country to enhance community resilience against violent extremism, despite the limited presence of Daesh in the country.

- **Philippines**

Throughout its existence as an independent nation, the Philippines has faced ongoing internal security challenges. These include groups like the New People's Army, associated with the Communist Party of the Philippines, as well as Muslim separatist groups, such as the Moro National Liberation Front (MNLF) and the Moro Islamic Liberation Front (MILF). Additionally, religious extremist organizations like the ASG are prominent in the region. The close alliance between the Philippines and the United States, its primary partner, is also a factor in heightening security risks, positioning the country as a target for both state and non-state adversaries.

The primary radical religious group in the Philippines, connected to the global Islamic extremist network, was the ASG, which is situated in the southernmost island clusters of the archipelago. During its peak around the early 2000s, the ASG presented a considerable threat and received backing from both the MILF and JI. The ASG

gained infamy for engaging in criminal activities such as kidnapping for ransom, murder, and bombing of public areas. Its most notable assault occurred in 2004 when it bombed a ferry in Manila Bay, resulting in over 100 casualties. The severance of financial ties between the ASG and the Al-Qaeda group in 1998 was agreed upon by scholars as the start of the group's gradual shift from a political organization into a criminal enterprise (Bateman, 2006; Obrien, 2012; Nichiporuk et al, 2006).

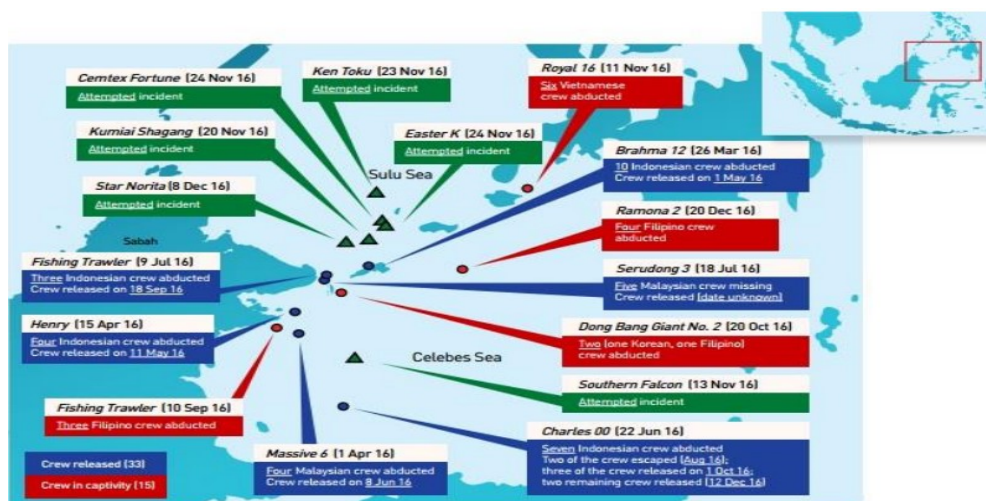
The subsequent negotiations between the Government of the Republic of the Philippines (GRP) and the MILF, followed by the ratification of the Bangsamoro Organic Law, resulted in the emergence of smaller separatist factions in Mindanao. It is noteworthy that a similar trend occurred in 1978 after the Tripoli Agreement between the GRP and the MNLF gave rise to the formation of the MILF (Ryacudu, 2018). Among these factions operating in Mindanao are splinter groups such as the Bangsamoro Islamic Freedom Fighters (BIFF), Ansarul Khilafah Philippines, and the Maute Group. Concerns have been raised by analysts at the Department of State's Office of the Coordinator for Counterterrorism in the United States regarding recent developments including the rise of Islamic State in the Middle East, efforts by various extremist groups in the Philippines to collaborate, and global dispersal of Islamic State fighters, which could impact security threats within Mindanao and beyond.

Attacks in the Sulu-Celebes Sea were mostly carried out by the ASG and the regional affiliates of Daesh. The ASG consists of religious radicals who have sworn loyalty to Daesh. As reported by the Jakarta Post in 2016, the ASG carried out 15 abductions for ransom activities, held 35 hostages, and generated USD 7.3 million in ransom money in just that year (Gomez, 2016). To finance their activities, the ASG capitalized on the vulnerabilities of the landscape and focused on seafarers and merchants in the region (Obrien, 2012). The ASG was joined by other religious

extremist groups that operated in the open seas and kidnap for ransom and tactical operations against state forces. Following the relentless operations launched by the Philippine government and the subsequent surrender of the ASG members in Sulu, the area was declared ASG-free in September 2023 (Zenn, 2023).

A report by the Asia Foundation (2013) highlights the significance of the limited development opportunities in Southern Philippines/Mindanao as a key factor influencing the security situation in the area.

Figure 4. Map of location of maritime piracy incidents carried out in the Sulu-Celebes Sea in 2016.



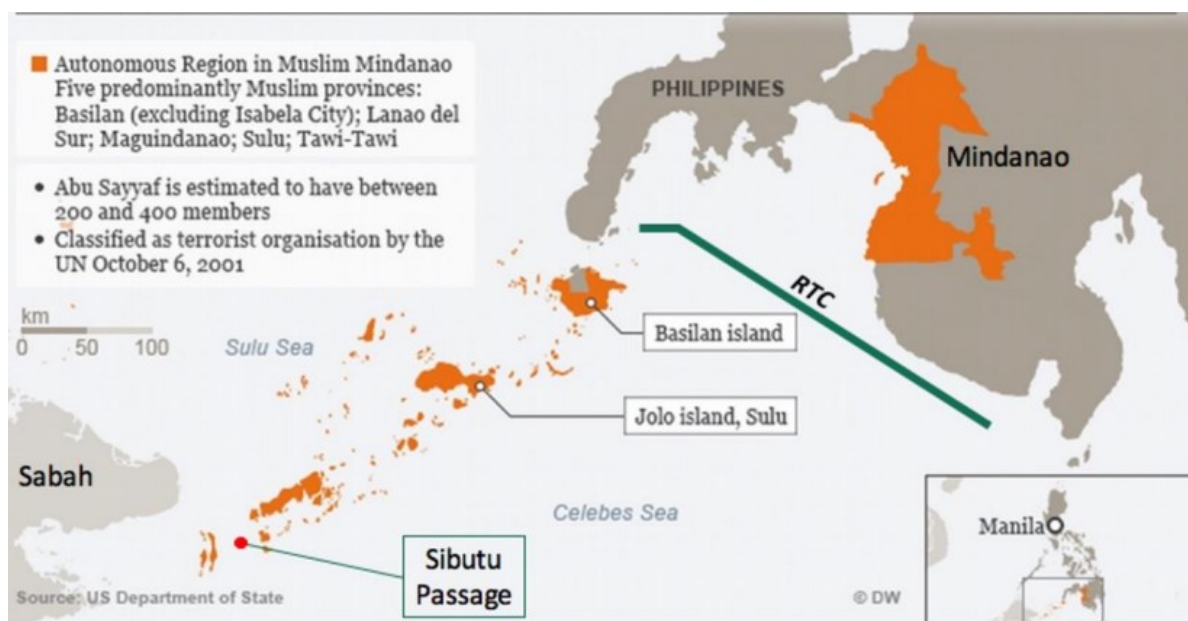
SOURCE: ReCAAP Information Sharing Center, 2016.

Armed robbery of ships, maritime kidnapping, and hijacking have become mutually inclusive with religious extremism. This is exacerbated by the profound rates of poverty situated in most Southeast Asian communities particularly those in the coastal regions. According to Santos (2006), certain communities have a long history of such crimes woven into their social fabric and are even seen as a means of survival. Generations have grown up with it as part of their culture and economic reality. This

phenomenon is widespread in the Tawi-Tawi archipelago and the southern region of Mindanao. The perpetrators are primarily involved in smuggling, but they also conduct opportunistic “snatch and grab” kidnappings for ransom, targeting quick abductions for immediate financial gain (Bird, 2017).

Most of these perpetrators were directly linked to the ASG (Bird, 2017). The ASG, which seeks an autonomous Islamic state in Mindanao and the Sulu archipelago, has been identified as the most aggressive group among Islamic separatists operating in the southern Philippines (National Counterterrorism Center, 2014). The Sulu-Celebes Sea, specifically the Jolo and Basilan islands, gained notoriety due to the presence of the notorious ASG as a criminal extremist organization. Known for its connection with global networks like JI and Al-Qaeda, the ASG initially gained attention in the early 2000s with a series of high-profile kidnappings in Malaysian and Philippine resorts to fund their activities.

Figure 5. ASG Bases in Southern Mindanao.



SOURCE: US Department of State, 2016.

The extensive island-dotted geography of the Sulu Sea renders it highly susceptible to ASG occupation. These islands served as the main stronghold for approximately 200 to 400 active members of the ASG, facilitating the incursions and assaults on vessels navigating the area (Albek, 2021). Their infamy reached a tragic peak in February 2004 with the bombing of the Superferry 14. This deadliest act of maritime terrorism to date took 116 lives and injured hundreds, showcasing their ruthless tactics. A decade later, the ASG raised concerns by pledging allegiance to Deash (Storey, 2018).

Between 2016 and 2018, the ASG orchestrated a series of violent assaults targeting maritime activities. According to the ReCAAP Information Sharing Center, the Sulu-Celebes Sea experienced 12 confirmed and nine attempted attacks in 2016. Among the 12 verified incidents, 61 crew members were abducted. Subsequently, 28 were released, often through payment of ransom by ship owners while 17 were successfully rescued, seven (7) lost their lives, and nine (9) remained captive at that time.

B. Maritime Security Cooperation in the Sulu-Celebes Sea

Indonesia, Malaysia, and the Philippines have a longstanding history of cooperation. They reached an agreement in 2002 known as the Trilateral Agreement on Information Exchange and Establishment of Communication Procedures to share information and set up communication protocols (Beckman, 2012). The primary objective of this agreement is to enhance cooperation and interoperability among the countries to effectively address border security incidents, transnational crimes, and other illegal activities within their jurisdictions. It also aims to establish common

strategies for managing the various complex issues surrounding transnational crimes. Moreover, the agreement focuses on boosting national and sub-regional capabilities in handling border security incidents and transnational crimes through information sharing, agreed communication protocols, and training programs. In addition, it involves reviewing and improving internal legal and administrative regulations to ensure prompt, efficient collaboration and responses during border security incidents or operational challenges related to defense arrangements. The agreement further enables authorized representatives from each country to establish connections for fostering cooperation, facilitating discussions on criminal activities impacting their territories adversely, and setting up mechanisms for immediate response and mutual assistance (ASEAN, 2002). As part of the agreement, the countries recognized potential threats and committed to preventing the misuse of their land, air, and sea territories for activities such as terrorism, smuggling, piracy at sea, hijacking, intrusion, illegal entry, drug trafficking, theft of marine resources, marine pollution, and illicit arms trafficking.

In July 2017, the defense and foreign ministers of Indonesia, Malaysia, and the Philippines jointly decided to enforce the TCA as a measure to tackle escalating security issues in the Sulu-Celebes Sea. The decision was prompted by incidents of civilian abductions by armed groups within the maritime zones that concern these nations. They acknowledged that these security threats have a detrimental impact on trade, commerce, and the overall economic well-being of the local population.

The TCA involves three main forms of collaboration: Exercise and Training, Coordinated Patrols, and Port Visits. In 2019, the initial exercise and training took place during the Latma Land Exercise with 180 personnel participating for 13 days. The activities included reaction and precise shooting drills, sniper exercises, close

combat training, and non-combatant evacuation procedures. Coordinated patrols consisted of naval and air patrols in the respective territorial waters of the members. Port visits entail ships visiting other countries for warship exercises. These visits include courtesy calls, seminars, and discussions aimed at enhancing cooperation efficiency in patrol operations. According to Sangga (2018), port visits facilitate emotional bonding among troops and improve coordination, thereby enhancing established security cooperation.

Maritime Command Centers have been established in Tarakan Indonesia; Tawau, Malaysia; and, Bongao, Philippines to function as operational command and monitoring facilities. These centers are designed to support the exchange of intelligence and facilitate collaborative patrol operations among the member states of the TCA.

In 2023, a meeting of the INDOMALPHI Joint Working Group was convened by TCA members to explore ways to further strengthen trilateral cooperation among Indonesia, Malaysia, and the Philippines in addressing security concerns. During the meeting, participants emphasized the significance of maintaining connectivity between the command centers to ensure the safety and security of the area of maritime interest (AMI). They also underscored the importance of ongoing coordination efforts and improved intelligence sharing with a focus on secure communications (Department of National Defense, 2023).

C. Other Security Concerns of the TCA Members

1. Territorial Dispute in the South China Sea

Given the rapid changes in geopolitical dynamics in Southeast Asia, particularly concerning maritime and territorial issues among member states and their interactions

with external parties like the United States, Japan, Australia, and China, it is essential to review the potential of the TCA.

First and foremost, the heated maritime tension perpetuated by China not only in the Taiwanese Strait but, more importantly, in the SCS with its naval incursions has not only increased tension between the AMS and China but also between and among members of the ASEAN community. This is because, in the absence of a multilateral approach towards Chinese incursions, each AMS is pursuing its claims for territories in the SCS in courts of arbitration that overlap with China's claims and supposed jurisdiction over the Spratly Islands and other nearby reefs and islands that have been claimed by the Philippines, Vietnam, China, Taiwan, Malaysia, and Brunei Darussalam (Triggs, 2009). This is laid out in the following independent claims and occupations (Triggs, 2009: 2):

1. Vietnam has sovereignty over 19 islets or rocks, asserting full rights to the continental shelf as a unified state.
2. The Philippines controls nine rocks or islets, justifying its claims through discovery, proximity, and occupation. It also governs the "Kalayaan" Island discovered by Tomas Cloma in 1956; however, it remains uncertain whether this claim encompasses the surrounding seas based on declared coordinates.
3. China currently holds eight islets or rocks and in 1993 presented a map outlining its "historic claims" to islands, rocks, and potential reefs in the South China Sea. A map from 1947 by the Republic of China featuring nine undefined dotted lines further supports its claim. The extent of this claim regarding all waters within the South China Sea remains ambiguous due to historical maritime zone limitations. Notably, China's coordinates suggest

an overlap with the EEZ of Indonesia, although China has confirmed no boundary disputes with Indonesia.

4. Malaysia asserts control over five islets or rocks southeast of the Spratly Islands, emphasizing proximity and continental shelf rights in its claim.
5. Taiwan has held Itaba (Taiping Dao), the largest island in the Spratly group, for around two decades. This island spans 1,400 meters in length and approximately 370 meters wide, with its highest point standing at 2.4 meters above high tide.
6. Taiwan bases its claim on similar historical grounds as China since Japan occupied the island during World War II but relinquished its claim after the victory of the Allies.
7. Brunei Darussalam lays stake to an EEZ and continental shelf within the South China Sea, including claim made in 1984 for Louisa Reef in the Southern Spratly Islands. Utilizing straight-line projection under UNCLOS guidelines without asserting claims over offshore reefs or additional territories, Brunei's assertion relies on land territory prolongation principles.

The overlapping claim between the AMS remains an unexplored possibility in potential partnerships between these countries in terms of multilateral cooperation in these contested waters (Gong, 2020). If we are to posit these overlapping claims as an issue of international relations and foreign policy, it is assumed that it is within the best interest of the People's Republic of China if the ASEAN community would not assume a united stand against any unlawful incursions in its member states littoral territories. It must be noted that most ASEAN member states have pursued a conciliatory tone towards China to maintain stable relationships and strengthen economic ties (Darmawan, 2021). Amid escalating tensions in the maritime conflict

between the Philippines and China since 2023, the ASEAN, along with Australia, released a collective statement in March 2024 advocating for a rules-based system in the Indo-Pacific region. This move was prompted by China's growing involvement in the South China Sea, emphasizing the importance of maintaining peace, stability, and prosperity in the area. The statement also urged all nations to refrain from taking unilateral actions that could jeopardize peace, security, and stability in Southeast Asia (Burton, 2024).

2. Impact of the COVID-19 Pandemic

Researchers concur that, in addition to the territorial dispute in the South China Sea, the impact of the COVID-19 on the region is likely to fuel a resurgence of piracy and religious extremism (Gordon, 2020).

Research has posited that piracy remains a lucrative economic venture and a potentially economically viable profession (Sandler, 2013). It was reported that piracy was already trending upward in the first quarter of 2020 with attacks happening in the mostly contented hotspots of the Malacca Strait, the Bay of Bengal, and the Sulu-Celebes Sea, with maritime attacks tripled in frequency in 2020. The economic impact of the pandemic shows that piracy is an alternative economic platform for extremist and secessionist armed groups because the lack of strong security presence in international and intra-jurisdictional waters allowed them to evade law enforcement personnel (Salleh, 2020). With the economic impact acting as an impetus, rebounding coastal communities experience a resurgence in the recruitment of extremist groups as people attempt to restart their livelihood and pursue local development.

To wit, these two more recent phenomena complicate the security situation in the TCA member states and neighboring countries. With the decline of groups loyal to

Daesh in the Middle East, there is a change in perspective on how supporters of Daesh would operate in the next few years, barring the lack of an ideological, political, and economic center. The change in direction would lead local militants to engage in criminal endeavors like kidnapping for ransom, smuggling, human trafficking, and taking control of commercial and civilian ships (Yeo, 2019). Furthermore, it must still be noted that researchers agreed upon the link to the lack of development for coastal communities in the Sulu Celebes Sea which makes it a fertile ground for the organizing and recruitment of secessionist and extremist armed groups (Amling et al, 2019; Liss, 2014). Without clear policies in addressing this gap in development, it is generally agreed that these communities would still be vulnerable to armed recruitment, regardless of the ideological or political intent of potential funders.

In conclusion, this literature review recognizes the clear connection between the security problem and the economic and development problem. This policy gap should complement the TCA to bolster the effectiveness of the partnership between the TCA members.

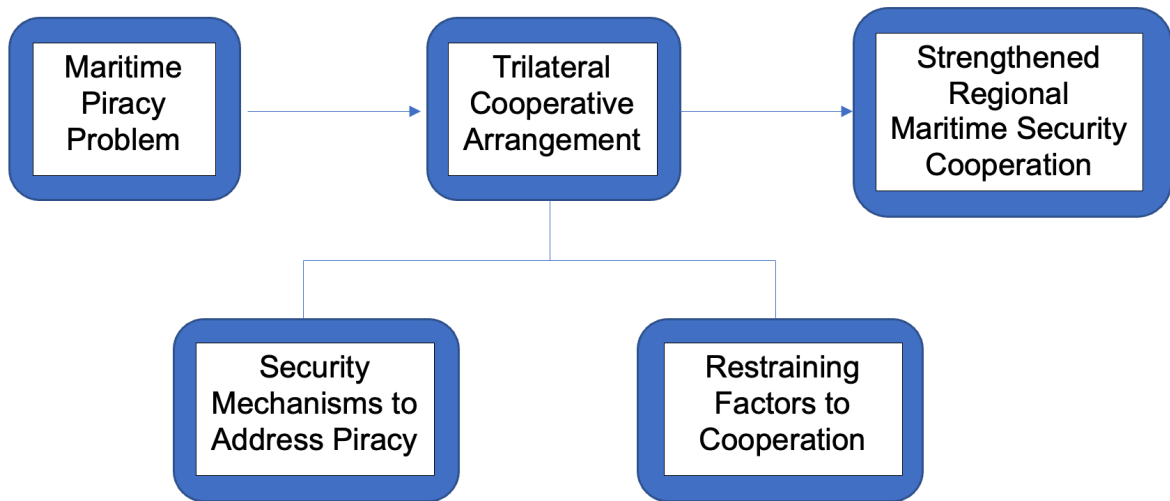
Chapter III

METHODOLOGY

A. Framework of the Study

- 1. Theoretical Framework.** This research attempts to use the meta-policy approach to widen the understanding of the TCA and the environment that necessitated its implementation. Under this approach, the specific conditions are analyzed through the problem of piracy, armed robbery, and kidnapping for ransom in the Sulu-Celebes Sea, the security mechanisms of the TCA to combat the piracy problem, and the factors that restrain greater cooperation. Firstly, the maritime security situation in the Sulu-Celebes Sea will be presented, highlighting the occurrence of piracy, armed robbery and kidnap for ransom before and after the implementation of the TCA. Secondly, the impact of TCA in addressing piracy and the factors that restrain greater cooperation will be looked into. Thirdly, policy recommendations to improve the TCA and strengthen regional cooperation will be presented.
- 2. Conceptual Framework.** The maritime threats of piracy, armed robbery, and kidnapping for ransom in the Sulu-Celebes Sea were the driving force behind the development and implementation of the TCA. The security mechanism and restraining factors to greater cooperation under the ambit of the TCA were looked into to strengthen regional maritime security cooperation in Southeast Asia. Presented below is the framework to be used in this study:

Figure 6. Conceptual Framework.



3. Operational Framework. Applying the above framework is based on the following assumptions in responding to the research objectives:

- a. The TCA was implemented to combat piracy, armed robbery, and kidnap for ransom in the Sulu-Celebes Sea;
- b. Past and present internal and external factors have restrained greater cooperation among the TCA members; and,
- c. The TCA has the potential to act as a blueprint for enhancing collaboration among countries in Southeast Asia.

The above assumptions shall serve as the guiding framework for this paper in providing a reified understanding of the security situation and security cooperation in the Sulu-Celebes Sea.

B. Definition of Terms

1. Piracy.

(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 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 an aircraft with knowledge of facts making it a pirate ship or aircraft

(c) Any act of inciting or of intentionally facilitating an act described in sub-paragraph (a) or (b) (UNCLOS Article 101).

2. Armed robbery against ships.

(a) 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;

(b) Any act of inciting or intentionally facilitating an act described above (IMO Assembly Resolution A,1025(26)).

3. Maritime kidnapping for ransom. Crime of unlawful restraint of a crew’s liberty by force or show of force on board a ship in exchange for cash, monetary instruments, property, or services either from the family of victims, or a private or public institution.

- 4. Trilateral Cooperative Arrangement (TCA).** In 2017, Indonesia, Malaysia, and the Philippines formed a collaborative defense network aimed at tackling security challenges related to terrorism and piracy in the Sulu-Celebes Sea.
- 5. Sulu-Celebes Sea.** The area of maritime interest of Indonesia, Malaysia, and the Philippines. In the Philippines, it encompasses Palawan Island, the Western Visayas region, the Zamboanga Peninsula in Mindanao Island, and the Sulu Archipelago surrounding the Sulu Sea. The Sulu Sea is also bordered by the eastern coast of Sabah. Surrounding the Celebes Seas are the eastern coast of Sabah, Sulu Archipelago, Zamboanga Peninsula, and southwestern Mindanao Island. Also included are northern and eastern Kalimantan, North Sulawesi, and Sangihe Islands in Indonesia (Takagi, n.d.).
- 6. Maritime Security.** The protection and management of maritime areas, including infrastructure, economy, environment, and society at sea, play a crucial role in mitigating piracy, terrorism, weapon proliferation, drug trafficking, and other illicit undertakings.
- 7. Transnational Crime.** A crime can be called transnational if:
- (a) Committed in more than one country,*
 - (b) The preparation, planning, direction, and supervision are carried out in another country,*
 - (c) Involves an organized criminal group where the crime is committed in more than one country, and has a serious impact on other countries (United Nations Convention on Transnational Organized Crime, 2000).*

C. Research Design

- 1. Site Selection.** The specific area of study is the Sulu-Celebes Sea, the trilateral area shared by Indonesia, Malaysia, and the Philippines.
- 2. Inclusion/Exclusion Criteria.** The research focuses on the presentation of the TCA as maritime security cooperation and formulates policy recommendations to improve the TCA and strengthen regional cooperation. Assessment is based on the meta-policy approach through the presentation of the prevalence of armed robbery of ships and maritime kidnap for ransom, factors that restrain greater cooperation among the TCA countries in the past and present, and evaluating the TCA for future improvement and possible greater regional cooperation. The study does not look into the problem of piracy in Southeast Asia thoroughly and ways to address such problems. Further studies are recommended to look into this area.
- 3. Proposition.** The successful implementation of the TCA in combatting piracy, armed robbery of ships, and maritime kidnapping for ransom in the Sulu-Celebes Sea is a test case for enhancement of the cooperation and potential for greater regional cooperation.
- 4. Data Sources and Collection Approaches.** Relevant data was sourced from official and public statistical databases. These data are supported by relevant reports from the academe, public institutions, and non-government organizations that monitor the maritime developments in the Sulu-Celebes Sea. The open-source data are supplemented by key informant interviews, which will tackle their specific roles in the TCA, data on ancillary maritime issues, and plans to address security threats in the Sulu-Celebes Sea.

5. Locale of the Study. The research was conducted in the Philippines. Key informants were representatives of the Philippine government agencies involved in TCA and maritime security, and officers of the embassies of Indonesia and Malaysia, all based in Metro Manila, were interviewed. Officers outside Metro Manila were contacted via phone and e-mail to gather their response.

6. Profile of Respondents. Respondents were selected based on their involvement in the TCA and their role/s in monitoring maritime threats in the Philippines. Their respective roles in maritime security are described below:

Table 1

Respondents and their Roles in Maritime Security

AGENCY	ROLE IN MARITIME SECURITY
Department of National Defense (DND), Republic of the Philippines	This agency leads the TCA negotiations until its implementation alongside the Armed Forces of the Philippines (AFP). The DND handles the TCA's implementation for the Philippines. Its counterparts are the Armed Forces and Ministry of Defense in Indonesia and National Security Council in Malaysia.
Philippine Navy, AFP	The Philippine Navy serves as the force provider for area commanders in the Philippines. It sends out naval assets and materials as needed by the unified commands. The Philippine Navy tasks the Western Mindanao Command to put together the strategies and plans of the TCA and to operationalize them to achieve the mission. It oversees the Naval Task Group (NTG) in Tawi-Tawi which supports operations, patrols, intelligence gathering, and information sharing under the TCA. The NTG in Tawi-Tawi primarily decides on TCA-related taskings.
Philippine National Police Maritime Group (PNPMG)	The PNPMG is not part of the TCA. The Philippine law requires the PNPMG to protect the country's territorial waters, safeguard public safety, uphold internal security, and preserve the maritime environment. This involves carrying out patrol missions in the Sulu-Celebes Sea, collecting intelligence for sharing with other agencies to develop strategies and projects aimed at enhancing maritime security within the nation.

AGENCY	ROLE IN MARITIME SECURITY
Philippine Coast Guard (PCG)	The PCG is not part of the TCA. The agency conducts regular patrols and surveillance to ensure safety and navigation of ships, prevent illegal activities, and support freedom of navigation in the Philippines.
Philippine Center of Transnational Crimes (PCTC)	The PCTC is not part of the TCA. It aims to achieve the best use of information to prevent and suppress maritime piracy and armed robbery against ships through the ReCAAP-ISC.
Western Mindanao Command (WESTMINCOM), AFP	The WESTMINCOM implements prompt actions to deal with security issues in the tri-border region by conducting maritime patrols, providing immediate aid, exchanging information and intelligence, as well as setting up communication focal points and hotlines in the Philippines.
Embassy of Indonesia in the Philippines	The Indonesian Ministry of Defense implements the TCA while the Indonesian Armed Forces, particularly the Navy and Air Force, operationalizes the TCA. The Indonesian government invites the Customs and Immigration Police during its meetings for maritime security.
Embassy of Malaysia in the Philippines	The Malaysian government has implemented prompt actions to tackle security challenges in the shared maritime areas and enhance collaboration with neighboring countries. They have decided to enhance joint maritime drills, improve intelligence exchange to support surveillance efforts, and deploy liaison officers for trilateral maritime patrols in specified areas.

7. Instruments and Data Analysis. The study shall elucidate three dimensions of analysis for policy review. The first tool of analysis is a historical mapping of the policies that preceded and coincided with the implementation of the TCA. The second instrument of analysis is a meta-policy approach that would flesh out the environment that necessitated the implementation of the TCA. The third tool is an outcome-oriented impact analysis of the TCA under the ambit of its implementation. These approaches will assess the TCA by considering combined legal and policy tactics, data sharing and standards, surveillance and technology, as well as other elements that impede enhanced collaboration.

- 8. Organization of the Study.** The study has five chapters. Chapter One covers the background of the study, problem statement, research objectives, and significance. Chapter Two is the literature review which describes the maritime security situation, security cooperation and developments, and other maritime concerns in Southeast Asia. Chapter Three covers the research methodology of this paper presents the framework of the study, definition of terms, and research design. Chapter Four presents the findings of the study which describes the situation of armed robbery and maritime kidnapping, factors that restrain greater cooperation, and the TCA towards greater cooperation. Chapter Five provides the conclusion and recommendations,
- 9. Ethical Considerations.** This study is purely an investigation of the “INDOMALPHI TCA and the Shared Responsibility to Combat Piracy and Armed Robbery against Ships: Towards Greater Cooperation and Security”, the main document to be studied. This research does not include animals, things, and other paraphernalia that are not related to the objective of the study.

Chapter IV

FINDINGS OF THE STUDY

The findings of this study are as follows:

A. Incidents of Piracy and Armed Robbery of Ships in the Sulu-Celebes Sea

The Sulu-Celebes Sea was once notorious for rampant armed robbery of ships and maritime kidnap for ransom. The vital waterway has witnessed a significant shift in policy landscapes thanks to the TCA's initiative. This phase highlights the significant factors that contributed to the signing of the TCA and how it has impacted Southeast Asian security and trade (Parameswara, 2022).

Table 2

Historical Mapping of Policies Before and After Implementation of TCA

Pre-Implementation of TCA	Post-Implementation of TCA
The pre-TCA era saw frequent ship hijackings, particularly targeting commercial vessels and tankers for ransom. Fragmented maritime law enforcement and limited regional cooperation made it difficult to track and apprehend perpetrators.	The TCA established a Joint Operations Center (JOC) to facilitate coordinated patrols and intelligence sharing. This, coupled with capacity-building programs, led to a significant decline in ship hijackings.
Kidnapping for ransom, particularly targeting crew members and tourists, was another major concern. The porous borders and lack of communication between national authorities often hindered rescue efforts.	The TCA's emphasis on joint intelligence gathering and hostage rescue protocols has improved response times and success rates. Additionally, community outreach programs have fostered trust and cooperation between security forces and local populations.
Violent extremist groups with maritime capabilities, like the ASG, operated with relative impunity, launching attacks on coastal communities, and engaging in piracy, armed robbery of ships, kidnap for ransom, and extortion.	The TCA's joint training exercises and information sharing have helped dismantle religious extremist networks and disrupt their operations. Improved border security and coordinated patrols have also made it harder for perpetrators to operate freely.

(SOURCE: Yaoren, et al, 2021)

The recurring occurrence of maritime war crime in the region has created a conducive environment for maritime insecurity to thrive in the Sulu-Celebes Sea. Consequently, Indonesia, Malaysia, and the Philippines have taken steps to bolster security cooperation in the affected area. The Trilateral Cooperative Arrangement (TCA) was established as a proactive measure to prevent Marawi siege combatants from fleeing to Malaysia or Indonesia through vulnerable maritime boundaries (Ryacudu, 2018). The TCA represents a formal recognition of the longstanding practice of utilizing unguarded coastlines as pathways for trade, illicit activities, and other maritime offenses in the Sulu-Celebes Sea.

In June 2017, after 13 months of discussions, the three countries introduced the Trilateral Maritime Patrols (TMP) under the direction of the TCA. By October 2017, the air space surveillance aspect was activated with all three air forces agreeing to a monthly rotation plan for deploying air assets. Malaysia took charge of the joint air patrol in November 2017, which entailed monitoring a distance of 17,000 nautical miles and eight transit corridors spanning the three nations. The initial port visit occurred in Tawi-Tawi, Philippines in November 2017, followed by a second visit to Tarakan, Indonesia in April 2018 (Guiang, 2018).

The arrangement consists of two sub-working groups: the Trilateral Maritime Patrol Sub-Working Group (TMP SWG) and the Intelligence Sub-Working Group (ISWG). The TMP SWG plans joint maritime patrol operations, while the ISWG focuses on intelligence sharing (Malaysian Embassy, 2023). The TCA serves as a platform to hold the Trilateral Ministerial Meeting (TMM) as an institutional event, where the defense ministers of the

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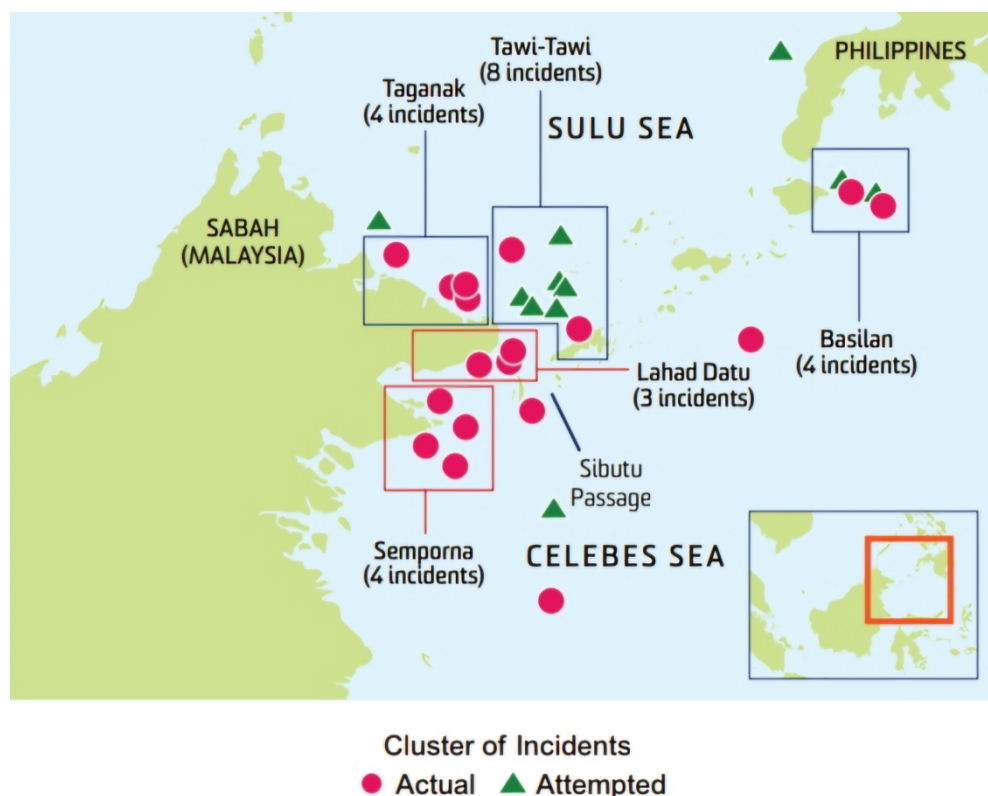
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During the latter part of 2016, amid a surge in incidents of kidnapping for ransom and ship hijackings, more than 50 people were abducted by pirates.

Additionally, approximately 20 attacks occurred in 2016, which alarmed coastguards over the severity of piracy in the coastal region, dubbing the Sulu-Celebes region as the “New Somalia” (Merdeka 2016).

Figure 7. Map of location of abduction of crew in the Sulu-Celebes Seas and waters off Eastern Sabah from 2016 to June 2019.



SOURCE: ReCAAP ISC, 2019.

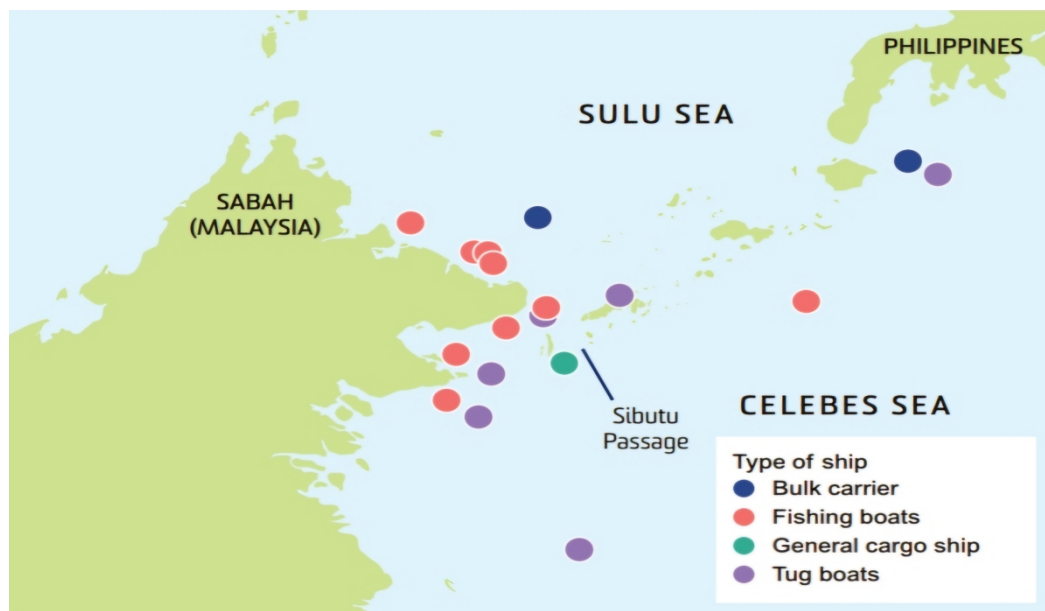
Between 2016 and 2019, Southeast Asia witnessed 29 incidents involving the abduction of crew members took place (18 actual incidents and 11 attempted incidents). Incidents are categorized into specific clusters, outlined in the map above:

- Tawi-Tawi, Philippines (8 incidents: 2 actual, 6 attempted)
- Taganak, Philippines (4 incidents: all actual)
- Basilan, Philippines (4 incidents: 2 actual, 2 attempted)

- Semporna, East Malaysia (4 incidents: all actual)
- Lahad Datu, East Malaysia (3 incidents: all actual)

Most of the recorded incidents took place in Tawi-Tawi, with six (6) cases being attempted incidents where the perpetrators failed to board the ship. These cases mostly occurred at a distance from the coast, involving larger vessels that used tactics to evade the pursuing boats of the perpetrators. The targeted ships were primarily tug boats and fishing vessels, known for their slower speed and low freeboard. Out of the 18 incidents, 15 were tug boats and fishing boats wherein the perpetrators were able to board the vessel and abduct the crew; two (2) bulk carriers; and, one (1) general cargo. The 11 attempted incidents involved six (6) bulk carriers, two (2) container ships, and one (1) product tanker. The type of ship and their respective location are displayed below:

Figure 8. Type of ships versus location from 2016 to 2019.



SOURCE: ReCAAP ISC, 2019.

This suggests that the pirates prioritized vulnerable smaller vessels. Even then, it is noted that the perpetrators tend to attack foreign individuals and ship cargo to loot and gain money and sources. The attacks were noted to have occurred at daylight hours contrary to the other incidents of piracy in the other parts of Asia.

Meanwhile, the government of Malaysia, through the Embassy of Malaysia in the Philippines, shared its data on piracy-related incidents at the SCS, broken down into year for the period 2016 to 2020:

Table 3

Piracy-related Incidents in the Sulu-Celebes Sea for the period 2016-2020

INCIDENT	2016	2017	2018	2019	2020
Actual	Five (5) tugboats; Five (5) fishing trawler/boat; One (1) general cargo ship; One (1) bulk carrier TOTAL: 12	One (1) tugboat; One (1) fishing trawler/boat; One (1) bulk carrier TOTAL: 3	Two (2) fishing boats TOTAL: 2	Two (2) fishing boats TOTAL: 2	One (1) fishing boat TOTAL: 1
Attempted	Five (5) bulk carriers TOTAL: 5	One (1) container ship; One (1) bulk carrier; One (1) general cargo ship; One (1) ferry TOTAL: 4	One (1) container ship TOTAL: 1	-	-

SOURCE: Malaysian Embassy in the Philippines, 2023.

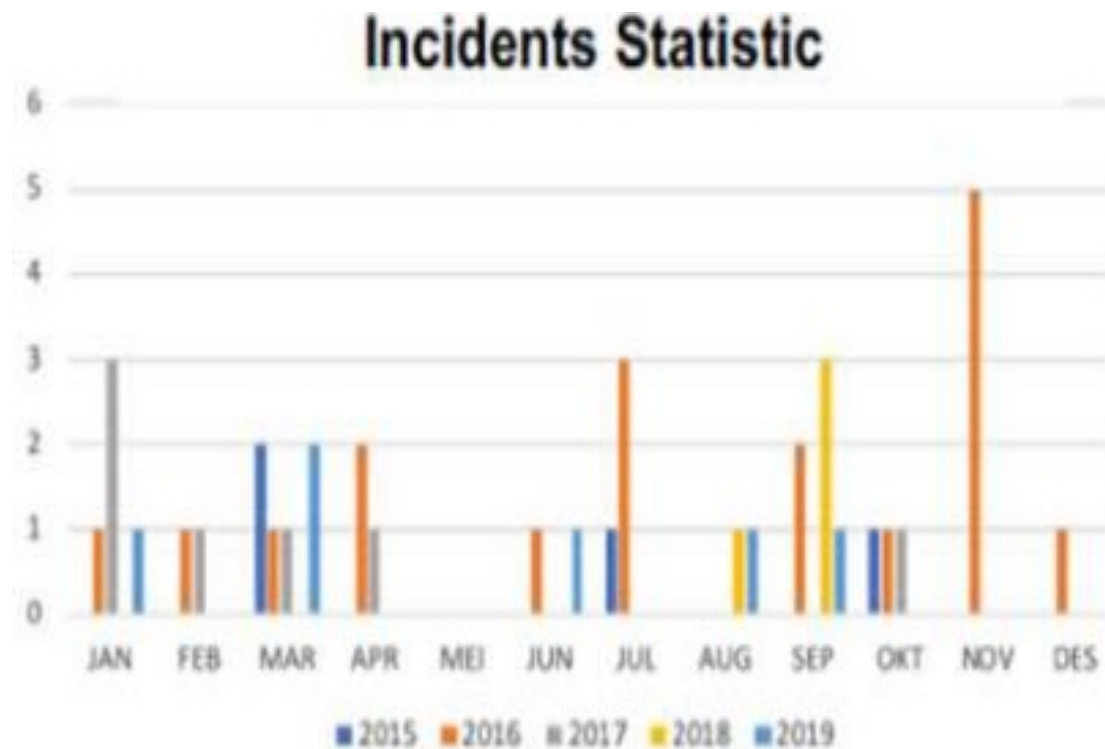
The above table cites 12 piracy-related incidents comprised of armed robbery and maritime kidnapping monitored in 2016, with five (5) attempted incidents. In 2017, three (3) incidents were recorded with four (4) attempts. The data on piracy-related incidents seemed to decline from 2018 to 2020, with two (2) incidents and one (1) attempt in 2018 and two (incidents) in 2019 and 2020. Notably, there is only one (1) incident of attack on a fishing boat in the Sulu-Celebes Sea in 2020.

The maritime security in the tri-border area is crucial to oversee. Member nations have increase patrol operations in the Sulu-Celebes Sea after the TCA was set up. The Eastern Sabah Security Command (ESSCOM) has made significant progress in enforcing coastal and maritime security. ESSCOM claims to have prevented 40 kidnapping incidents since 2018 and captured 29 Daesh supporters in Sabah that year (The Star, 2019).

Since their inception, the INDOMALPHI patrols have successfully prevented and repelled attacks on sea vessels carried out by pirates and violent extremist groups like the ASG, as stated by Kumiawan. Indonesia's Defense Ministry, Kemhan, reported zero instances of ransom-related kidnappings in the patrolled waters in 2021. In contrast, as recently as 2017, the ReCAAP recorded a total of 99 incidents involving piracy and armed robbery in the same region (Da Costa, 2022).

The TCA effectively reduced the frequency of piracy incidents in the Sulu-Celebes Sea, specifically in armed robbery and kidnapping for ransom, between 2017 and 2018. Despite this success, data from the Indonesian Army Headquarters, referred to as Sulu Laut, indicated an increase in piracy and ransom-related kidnappings in the Sulu Sea up to October 2019 compared to the previous year. The statistical data below presents the incident trends in the Sulu-Celebes Sea since 2015 to 2019 (Putu et al, 2019):

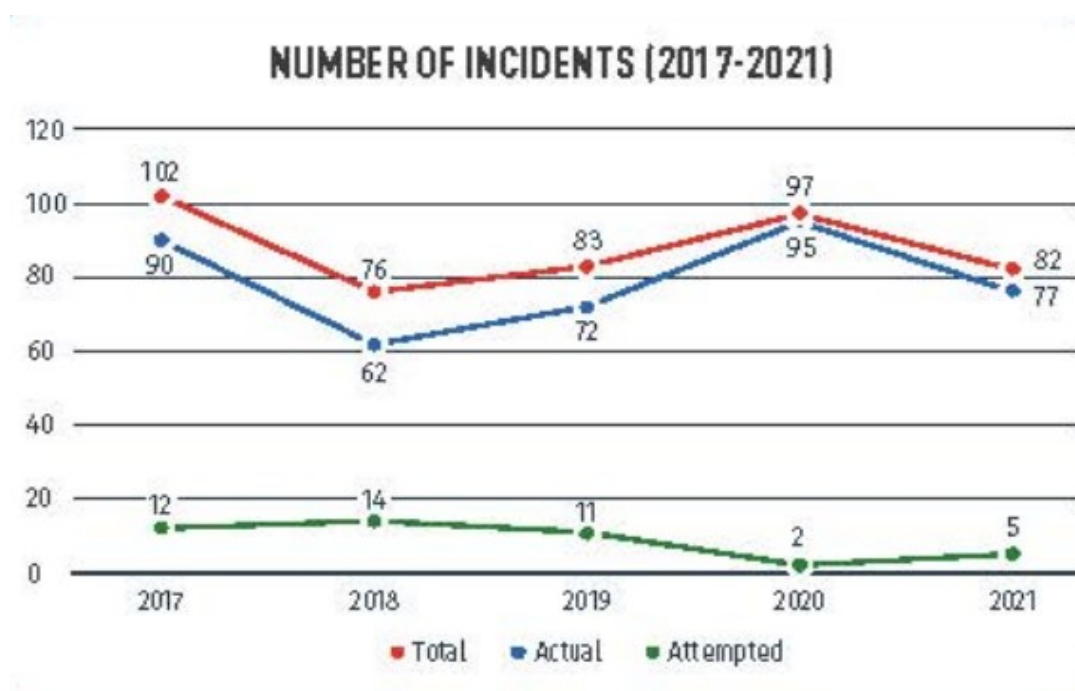
Figure 9. Incident statistics in the Sulu-Celebes Sea from 2015-2019.



SOURCE: Primayanti et al, 2020.

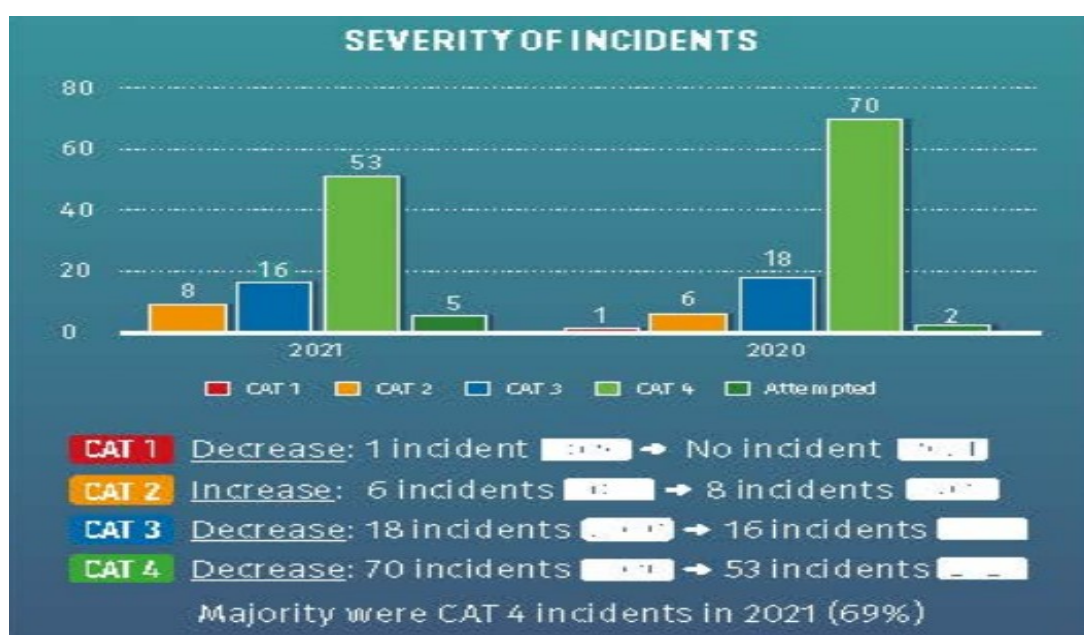
The 2021 Annual Report of the Regional Cooperation Agreement on Combatting Piracy and Armed Robbery against Ships in Asia Information Sharing Centre (ReCAAP ISC) examines data related to piracy and armed robbery incidents targeting ships.

Figure 10. Number of Piracy and Armed Robbery against Ships in Asia for the period 2017-2021.



SOURCE: ReCAAP, 2021.

Figure 11. Severity of incidents in Southeast Asia as of 2021.



SOURCE: ReCAAP, 2021.

In 2021, a total of 82 cases of armed robbery against ships were reported in Asia, comprising 77 confirmed incidents and five attempted ones. This represents a decrease of 15 percent from the previous year's figures. Noteworthy is the absence of any reported incidents in the Sulu-Celebes Sea during 2021. The decline in total incidents can be attributed to a reduction in occurrences across multiple countries and regions, including Bangladesh, India, Indonesia, Malaysia, the Philippines, Vietnam, the South China Sea, and the Sulu-Celebes Sea. Specifically, no reported incidents were recorded in Bangladesh, the SCS, and the Sulu-Celebes Sea, which is a positive and encouraging trend (Maritime Cyprus, 2022).

During the period covering 2021 to May 2023, there were no reported cases of piracy or armed robbery in the Sulu-Celebes Sea according to the ReCAAP ISC. In 2022, trilateral engagements recommenced, with the three nations deciding to enhance joint maritime drills in areas of shared interest, bolster information exchange, support TCA surveillance operations, and assign liaison officers for trilateral maritime patrols at the MCCs (Philippine Navy, 2023).

In January 2024, the ReCAAP suggested reducing the kidnapping threat level in the Sulu-Celebes Sea from 'moderate' to 'moderate low' (Pareño, 2024). This implies that the "incidents are unlikely to occur due to the perpetrator's perceived lack of capability to orchestrate an attack. Nevertheless, minimal damages are expected to the vessel and crew in case of an attack." Prior to this, Sulu was declared Abu Sayyaf-free in September 2023 after the surrender of the ASG members and reintegration into society.

As a recap, piracy incidents drastically decreased since 2017 after the launching of trilateral activities and patrols in 2017. Zero incidence of piracy was recorded in 2021 which continued until 2024, prompting the ReCAAP ISC to

downgrade the maritime security threat in the Sulu-Celebes Sea. The table below presents the incidents of piracy and the corresponding activities conducted by the TCA for the period 2016 to 2023:

Table 4

Number of Piracy Incidents and Corresponding TCA Activities for the Period 2016 to 2023

YEAR	NUMBER OF PIRACY INCIDENTS	TCA ACTIVITIES
2016	12 actual; 5 attempts	Trilateral Meetings in Laos (May), Indonesia (May and August), Philippines (June), and Hawaii (October); Signing of the TCA (July)
2017	3 actual; 4 attempts	Trilateral Intelligence Exchange (August); Launching of the Trilateral Maritime Patrol in Tarakan, Indonesia (June); Establishment of MCCs in Tawau, Malaysia, Tarakan, Indonesia, and Bongao, Philippines; Launching of the Trilateral Air Patrol in Subang Air Base, Malaysia (October); Port visit in Tawi-Tawi, Philippines (November)
2018	2 actual; 1 attempt	Joint Air Patrols between Malaysia and the Philippines (March)
2019	2 actual	INDOMALPHI Middle Land Exercise (July to August)
2020	1 actual	Combined Mission Patrol Teams (CMPT) was suspended as a result of the COVID-19 outbreak
2021	No incident	CMPT was suspended as a result of the COVID-19 outbreak
2022	No incident	TCA Ministerial Meeting in Malaysia which discussed the four categories of patrol enhancements (March)
2023	No incident	Port Visit in Tarakan, Indonesia and Joint Exercises (October)

SOURCES: Aliyah, 2024; ReCAAP, ISC, 2023; Malaysian, Embassy, 2023; Da Costa 2022; Pameswaran, 2019; Guiang, 2018; Kementerian Pertahanan Malaysia, 2017)

Meanwhile, Indonesia, Malaysia, and the Philippines have taken steps to address maritime risks by improving their capacities. This includes acquiring suitable naval gear, investing in monitoring technologies, establishing information-sharing mechanisms, and enhancing inter-agency collaboration and training.

- **Indonesia**

In 2021, Indonesia announced a budget of USD 125 billion for the period 2021 to 2024 aimed at enhancing and updating its military resources. The proposed allocation outlined in the draft presidential decree includes \$79.1 billion for military equipment, \$13.4 billion for interest on 25-year foreign loans, and \$32.5 billion for contingencies and maintenance. Key areas of focus for government expenditure encompass bolstering the domestic defense industry, improving communication and intelligence capabilities, enhancing border security, and investing in guided munitions and air-defense systems. These initiatives are driven by various threats faced by Indonesia such as border violations, foreign interference, separatism, terrorism, piracy, and cyber espionage. The government aims to achieve an optimal defense status by 2025 or 2026 with a strategic plan to defer new military hardware acquisitions until 2044. Specifically identified needs include corvettes, marine patrol boats, submarines, radar units, maritime patrol aircraft, and drones to address challenges related to the South China Sea territorial disputes and risks from kidnap-for-ransom groups operating near southern Philippines waters (Nirmala, 2021).

Indonesia has been stepping up its partnership for infrastructure development and training with other countries to boost its maritime capability. In 2023, the Government of Australia and the International Maritime Organisation (IMO) funded a national training to ensure the full implementation of maritime security measures in Indonesian ports, recognizing that port and ship security are essential for maritime trade (IMO, 2023).

In June 2023, 100 officers of Indonesia's Coast Guard (BAKAMLA) joined forces with the Malaysia's Maritime Enforcement Agency (MMEA), the Philippine Coast Guard (PCG), and Vietnam's Customs office for live sea drills in Batam,

Indonesia. The exercises aimed to enhance the capabilities of maritime law enforcement agencies in combating human trafficking, illegal fishing, and the trafficking of drugs, weapons, and wildlife.

A notable development took place in January 2024 when the Indonesian Maritime Security Agency and the United States jointly opened the “Anambas” Maritime Training Center in Batam City, Riau Islands. This collaboration between Indonesia and the United States aims to bolster security and safety measures in Indonesian maritime zones. The establishment of this center signifies Indonesia’s commitment to assuming a leading role in addressing future maritime challenges.

- **Malaysia**

Malaysia is enhancing its law enforcement bodies by fostering cooperation and empowerment among various interagency groups focused on maritime governance including the MMEA, RMN and ESSCOM. These organizations are tasked with overseeing maritime territories and addressing cross-border crimes such as terrorism, ransom kidnappings, and illegal migration (Rahman, 2023).

The ESSCOM reported that it prevented 40 kidnapping attempts and apprehended 29 Daesh supporters in Sabah during 2018, as stated in The Star (2019). Over the past years, the Malaysian Federation has undertaken various security enhancement measures. These include plans to establish a forward operating base in Sempoma in 2024 (Free Malaysia Today, 2016), suggesting the installation of high-resolution cameras and upgrading the close-range radar system for better surveillance and security control in the region (Borneo Today, n.d.). Additionally, there is a proposal to create an additional armed forces brigade in Kalabakan and two General Operations Force battalions in Kunak and Kudat (Malay Mail, 2020). Furthermore, the Malaysian

Navy has deployed Special Forces along with two offshore vessels to serve as an operational hub in the corridor (Abuza, 2019).

Joint seminars and training have been active between Malaysia and its partners. In November 2023, the Maritime Training Activity (MTA) was held between the United States and Malaysian Navy. They conducted a series of seminars and training scenarios ashore in Lumut, Perak, Malaysia and at sea in the Strait of Malacca. These activities enable the countries to work with each other and strengthen military capability, cohesion, and relationships (U.S. Marines, 2024).

In April 2024, Sabah hosted the inaugural maritime counterterrorism training seminar between the European Union (EU) and Malaysia. This seminar aimed to benefit stakeholders overseeing the Indonesia-Malaysia-Philippines tri-border region. By enhancing collaboration in security and defense, the event focused on protecting maritime interests and aiming security professionals with essential strategies to combat emerging threats within the tri-border area (EU, 2024).

- **Philippines**

The success of the Philippine government in overcoming the Marawi Siege in 2017 significantly affected violent extremists. As a result of the government's actions, the extremist fighters were left without guidance or supervision. Subsequently, incidents of kidnap-for-ransom decreased on both land and sea due to the countermeasures implemented by the Philippine authorities against the perpetrators.

The Philippines enhanced its maritime assets to support the TCA in curtailing ASG's operations in the corridor, including the procurement of 35 high-speed tactical boats in 2019, and another 22 in 2020 (Philippine News Agency, 2020).

While managing the problem of violent extremist groups in Mindanao, the Philippines is bolstering its capability in the SCS. In January 2024, the Philippines

approved \$35 billion for the acquisition of a revised version of Horizon 3 for the AFP. The updated Horizon 3 aims to acquire new equipment, enhance efficiency, simplify procurement procedures, and enhance defense strategies. The nation is considering acquiring two to three attack submarines and additional BrahMos supersonic anti-ship missiles for the AFP.

In April 2024, the Philippine Army, Air Force, Marine Corps, Navy, Coast Guard and National Police conducted a five-day Maritime Security Training Exercise. The activity was held across the Sulu Archipelago, which included maritime patrols; intelligence, surveillance, and reconnaissance; counter-smuggling operations; and interagency communication to identify, report, and interdict vessels suspected of carrying illicit materials for terrorist groups. The exercise served as a platform for enhancing interoperability and advancing maritime defense capabilities in the Western Mindanao Command's area of operation (Indo-Pacific Defense Forum, 2024).

During the period covering the final week of April through the initial week of May 2024, the Balikatan drills took place involving collaboration between the Philippines and the United States. These exercises aim to strengthen joint deterrence against unilateral attempts to disrupt the existing order, showcasing global solidarity in upholding peace, security, and stability in the Indo-Pacific region. Noteworthy participants are Brunei, Canada, France, Germany, Great Britain, India, Indonesia, Japan, Malaysia, New Zealand, Republic of Korea, Singapore, Thailand, and Vietnam. For the first time ever, civilian governmental institutions in the Philippines such as the PCG, PNP, Department of Information and Communications Technology (DICT, and Office of Civil Defense (OCD) were extended invitations to partake. The Balikatan exercises underscored that the Philippines is supported by a coalition in safeguarding

its territorial integrity and promoting a free and open Indo-Pacific region (Guerrero, 2024).

B. Internal and External Factors that Restrain Greater Cooperation

The collaboration on maritime security between Malaysia, Indonesia, and the Philippines stemmed from a collective effort to tackle mutual security issues. To further examine greater regional maritime security cooperation among the three countries, the past and present internal and external factors that restrain greater cooperation were looked into.

1. Pre-TCA Restraints to Greater Cooperation

An exclusive organization of the countries in maritime Southeast Asia was initiated in 1963 – the MAPHILINDO which included the Philippines, Indonesia, and the newly established Malaysia. Philippine President Diosdado Macapagal convened a summit in July 1963 in which MAPHILINDO was regarded as the “Malay response to Southeast Asia’s urgent need for a framework of stability and peace.”

The three nations have differing perspectives on MAPHILINDO at that time. Yeh (1973), in his thesis, presented views about the organization:

- a. The Filipinos saw MAPHILINDO as a barrier against Chinese communist encroachment. However, their enthusiasm to support the organization gradually dissolved after they realized that MAPHILINDO was a “sun-and-satellite formulation with Indonesia as the sun, and not a constellation of suns.”
- b. The Malays treated MAPHILINDO as the cost of Indonesia’s acceptance of Malaysia. The Chinese in Malaya and Singapore were uneasy because of the markedly anti-Chinese sentiment in Indonesia, the discriminatory

measures taken against Chinese businessmen in the Philippines, and the Chinese-Malay communal problems in Malaysia. They feared that these views would result in blatant, anti-Chinese, pro-Malayan racism for MAPHILINDO. Therefore, MAPHILINDO was seen as a hindrance to the international integration of the Federation of Malaysia.

- c. The Indonesians did not view MAPHILINDO as an international organization wherein the members were on an equal footing. They perceived MAPHILINDO as a diplomatic victory by Sukarno over the Malay nations. The Indonesians felt like they were recognized to have the right to be consulted on changes in the regional status quo, and that through MAPHILINDO, their power status in maritime Southeast Asia was confirmed and elevated.

Hwang (2006) noted that Indonesia's suspicion of Britain's involvement in the creation of Malaysia as a representation of imperialism in the region, along with the Philippines' Sabah dispute with Malaysia, highlighted a lack of recognition towards Malaysia by these two nations. Consequently, Indonesia initiated the Konfrontasi (Confrontation) against the Federation, resulting in the dissolution of MAPHILINDO. The presence of Konfrontasi hindered MAPHILINDO from evolving into a productive and secure platform for maritime collaboration. The resolution of Konfrontasi occurred after Sukarno lost control to General Suharto and his military leadership. Suharto acknowledged that Indonesia's economic sanctions on Malaysia were detrimental to Indonesia itself. Moreover, he recognized that Indonesia's fragile economic situation could potentially create opportunities for China and communism to gain influence within the country.

The conflict among the members of MAPHILINDO made the three countries realize that their antagonism towards each other made them easily shaken and weaker. A shared recognition of the importance of interdependence and collaboration in addressing internal security issues fostered the idea of establishing a regional organization to manage internal conflicts and external challenges. Consequently, this vision culminated in the establishment of the Association of Southeast Asian Nations (ASEAN) in 1967.

2. Post-TCA Restraints

Challenges after the implementation of TCA will be presented in terms of internal challenges confronted within the ambit of TCA and the external factors that restrain greater cooperation.

a. Internal Challenges

Challenges confronted after the implementation of the TCA are as follows:

- **Communication.** This remains a big challenge between the maritime command centers (MCCs) due to several factors such as radio technical problems and weather. This resulted in the difficulty in conducting communication checks and relaying spot information among the MCCs. The MCCs try to address this by utilizing social media applications or phone lines to maintain communication (Malaysian Embassy, 2023). Still, there is a need to define step-by-step the interoperability of communication among the three countries and this entails bolstering the technical capabilities in the area (Indonesian Embassy, 2023).
- **Database.** The absence of a shared database on maritime incidents among the MCCs makes it difficult to record, collate, assess, and

produce reports regarding the incidents of maritime crimes in the Sulu-Celebes Sea area per se. As of date, the individual countries rely on their databases and reports from the RECAAP ISC and Singapore's Information Fusion Center (Philippine Navy, 2023).

- **Personnel Assignment.** It was noted that frequent changes in the personnel assigned to the MCCs result in a “loss of institutional memory” within the TCA members (Philippine Navy, 2023).
- **Coordinated Patrols, Hot Pursuit Operations, and Surveillance.** These activities need to be fully operationalized especially after the COVID-19 pandemic to strongly address maritime security threats in the area. Further clarification and deliberation are needed among the members to solidify these activities (Department of National Defense, 2023). The coordinated patrols need to be launched as soon as possible through talks among the members (Indonesian Embassy, 2023).
- **Institutionalization of the Trilateral Ministerial Meeting (TMM).** In recent years, meeting between the Defense Ministers was conducted informally or on the sidelines of the ASEAN Defense Minister's Meeting (ADMM) or the Defense Exhibition Event in Southeast Asia. Hence, institutionalizing the TMM will facilitate strategic discussions among the Defense Ministers of Indonesia, Malaysia, and the Philippines to address specific issues of common concern that are of direct and immediate concern among the three defense establishments (Malaysian Embassy, 2023).
- **Proposed Resumption of Combined Mission Patrol Team (CMPT).** Since the pandemic, the CMPT was put on hold due to health protocol.

Through the CMPT, the participants from each TCA member will board an aircraft from the host country to conduct air patrol exercises in the area of maritime interest. This is being proposed to resume in 2024 (Malaysian Embassy, 2023).

b. External Challenges

Amid the maritime security mechanisms in the Sulu-Celebes Sea, there are remaining security challenges faced by the countries involved.

- **Geographical Terrain.** The extensive area of the oceans, spanning 540,000 square kilometers, poses challenges in terms of surveying, monitoring, securing, and governing. The lack of distinct landmarks at sea creates a featureless expanse of points which complicates the task of identifying and following objects (Yeo, 2024). The ocean's landscape and changing patterns, such as wave patterns, currents, and weather, add to the disorientation and complicate surveillance efforts. Challenges in maritime enforcement are posed by a range of geographical factors including extensive coastlines, numerous islands of varying sizes, shallow waters which hinder the navigation of large vessels, and mangrove forests offering concealment for illicit activities by smugglers and non-state entities.
- **Difference in Anti-Piracy Laws among TCA Members.** The UNCLOS does not provide a specific framework for dealing with piracy cases (Fenton, et al, 2019). It does not offer instructions on sentencing or mandate states to establish laws related to piracy. Therefore, it is up to individual states handling piracy cases to decide on the legal procedures and penalties applicable within their jurisdiction.

- In Indonesia, laws governing piracy can be found in Article 438 of the Indonesian Penal Code, where piracy is specifically defined as “act of entering into service or serving as a crew member on a vessel, knowing that it is aimed to be used or is used to commit acts of violence in the high sea against other vessels against persons or property on board of such vessels, without being authorized by a belligerent State or without being a part of the navy of a recognized State (Beckman, 2012).”
- Malaysia has no specific law on anti-piracy (Khobragade, et al, 2022). The Penal Code of Malaysia is the primary legal framework used to bring charges against individuals involved in acts of maritime piracy. It specifically outlines and prohibits offenses including robbery, murder, inflicting harm or death, hostage-taking, and extortion. Malaysia’s Maritime Enforcement Agency (MMEA) Act of 2004 ensures that the management of maritime security is properly streamlined among concerned agencies. The MMEA does not specifically focus on maritime piracy, but it is listed under the responsibility of the agency.
- Presidential Decree 532, known as the Anti-Piracy and Anti-Highway Law of 1974, is enforced in the Philippines. The decree defines piracy as “any attack upon or seizure of any vessel, or the taking away of the whole or part thereof or its cargo, equipment, or the personal belongings of its complement or passengers, irrespective of the value thereof, by means of violence against or intimidation of persons or force upon things, committed by any

person, including a passenger or member of the complement of said vessel, in Philippine waters, shall be considered as piracy.”

It also provides the penalty for the act of piracy which is “reclusion temporal in its medium and maximum periods shall be imposed.

If physical injuries or other crimes are committed as a result or on the occasion thereof, the penalty of reclusion perpetual shall be imposed. If rape, murder or homicide is committed as a result or on the occasion of piracy, or when the offenders abandoned the victims without means of saving themselves, or when the seizure is accomplished by firing upon or boarding a vessel, the mandatory penalty of death shall be imposed.” Assisting pirates will be regarded as being complicit in the primary crime of piracy.

The death penalty in the Philippines was repealed in 2006, and so is the mandatory penalty of death for those who commit piracy.

- **Territorial Disputes between TCA Members** – The Malaysia-Indonesia conflict over the Ambalat block and the Malaysia-Philippine conflict over Sabah pose a challenge to greater cooperation. The presence of conflicts poses challenges to maritime surveillance efforts, evidenced by Indonesia’s deployment of naval vessels and air units in proximity to Malaysian boundaries near the Ambalat region. This move is intended to improve collaboration between the Navy and Air Force for the protection of sovereignty (Druce & Balikonei, 2016). The Philippines has also asserted its claim on Sabah recently, without any reported military interventions to date (Robles, 2020). The country is very careful in its actions, particularly in attending activities in Sabah (DND, 2023).

The issue limits coordination activities that involve Sabah (PCG, 2023). Information sharing and intelligence exchange are restrained due to overlapping geopolitical concerns (The Star, 2017).

- **SCS Maritime Dispute.** Southeast Asia's strategic importance is highlighted by the significant trade value and global liquefied natural gas flow through the SCS annually (China Power Project, 2017). China's claim of territorial sovereignty over a significant portion of the sea on the basis of historic rights presents complexities as it intersects with the EEZ of various TCA member states. The Natuna Islands, waters north of Borneo, and the Sabah region are focal points of contention among these member states. There is a noticeable trend towards militarization of naval capabilities by countries making claims in these areas. Malaysia has voiced apprehensions regarding encroachments in its maritime domain, prompting efforts to enhance its naval assets. The Philippines has been forging new defense partnerships with other nations to establish a network of alliances aimed at mitigating escalating tensions in the South China Sea. Strengthened military cooperation between the Philippines and the United States in response to Chinese activities reflects an escalating security challenge in the region. The arms race, logistical build-up, and deployment of military personnel in the SCS could divert resources from the TCA. The territorial complexities and varying terrains in the contested waters limit the cross-deployment of assets. The dispersed shallow shoals and mangroves in the TCA pose difficulties for positioning military resources designed for deep water or coastal operations in the SCS.

Overall, the challenges with the TCA implementation, internal disputes between members, and external threats restrain greater regional maritime security cooperation and highlight the need for strategic adjustments in terms of security.

C. Prospects for Greater Cooperation

There are two areas identified that could strengthen regional cooperation:

1. Other Maritime Threats in the Sulu-Celebes Sea

The vast and porous border of the Sulu-Celebes Sea makes it prone to transnational crimes such as smuggling of goods, human trafficking, illegal drug trade, and illicit fishing, among others.

The PCG shared its data on reported maritime incidents in Southern Mindanao for 2022. In the data presented below, recorded three (3) incidents comprise one (1) smuggling of gasoline, one (1) human trafficking, and one (1) smuggling of cigarettes:

Table 5

Maritime Security Incidents Recorded in Southern Philippines in 2022

DATE	INCIDENT	DETAILS
March 2022	Smuggling of Gasoline	The perpetrator was apprehended due to absence of valid documents to justify the possession of petroleum products. 30 drums of gasoline were seized.
May 2022	Human Trafficking	A 23-year old female victim was rescued at the Port of Bongao in Tawi-Tawi.
September 2022	Smuggling of Cigarettes	The perpetrators were apprehended for possession of 4,750 reams of smuggled cigarettes. The goods had an estimated value of Php2,850,000.00.

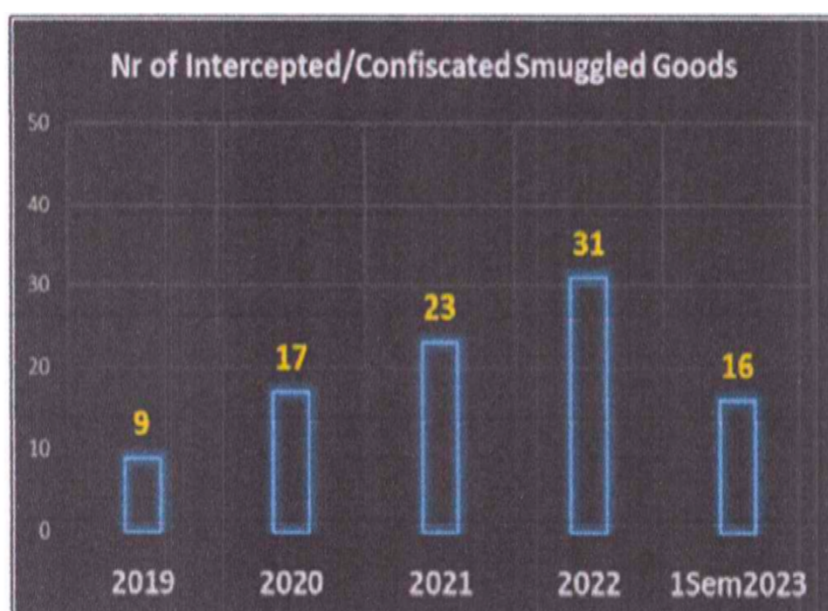
SOURCE: PCG, 2023.

The definite financial impact of illicit trades is challenging to ascertain. A study by Amling et al in 2019 revealed that the Philippines experienced an estimated \$3.3 billion decline in GDP between 2010 and 2015. Similarly, Indonesia recorded a loss of \$3 billion in revenue attributed to illegal logging, while Malaysia reported a \$2 billion loss due to illicit trade.

a. Smuggling of Goods

The WESTMINCOM, AFP shared that a total of 96 incidents of intercepted and confiscated smuggled goods were recorded from 2019 to the first semester of 2023. The incidents peaked in 2022. The smuggled goods seized at the ports of Tawi-Tawi and Zamboanga City consisted of cigarettes, petroleum, oil, and lubricant (POL) products coming from Indonesia and Malaysia.

Figure 12. Number of intercepted/confiscated smuggled goods in Southern Philippines from 2019 to the first semester of 2023.



SOURCE: WESTMINCOM, AFP, 2023.

The Philippine National Police Maritime Group (PNPMG) is not part of the TCA but continues to conduct anti-smuggling operations in the seas of the southern Philippines. From 2021 to 2023, it launched 113 operations and filed 34 cases against perpetrators. Various products were confiscated ranging from cigarettes, petroleum, and diesel, to food products with an approximate amount of Php179,708,544.00. Some of the cases were turned over by the PNPMG to the Bureau of Customs (BOC) in the Philippines. Details of the report are presented below:

Table 6

Number of Operations and Cases Filed by the PNPMG with Items and Estimated Amount of Confiscated Goods for the Period 2021-2023

YEAR	NO. OF OPERATIONS CONDUCTED	NO. OF CASES FILED	ITEMS CONFISCATED	ESTIMATED AMOUNT OF CONFISCATED ITEMS
2021	31	7	786 boxes of assorted smuggled cigarettes; 915 drums of petroleum; six (6) gallons of diesel; six (6) boxes of biscuit; seven (7) boxes of K100 detergent; 95 packs of noodles; Agricultural products (onion, beans, carrots); Assorted imported goods	Php27,353,950.00
2022	60	21	1,033 boxes of assorted smuggled cigarettes; 178 drums of smuggled petroleum	Php17,768,574.00
2023	22	6	2,389 reams of assorted cigarettes; 205	Php134,586,020.00

YEAR	NO. OF OPERATIONS CONDUCTED	NO. OF CASES FILED	ITEMS CONFISCATED	ESTIMATED AMOUNT OF CONFISCATED ITEMS
			boxes of assorted cigarettes; 68 cases of white cigarettes; 2,842 drums of petroleum products; 700,104 liter of diesel; 28 containers of petroleum products; 50 Maggi curry boxes; 36 units of dark soya sauce; three (3) Chingying boxes; seven (7) bundles of dried noodles; two detergent packs; three (3) bundles of Mimi chips	
TOTAL	113	34	-	Php179,708,544.00

SOURCE: PNPMG, 2023.

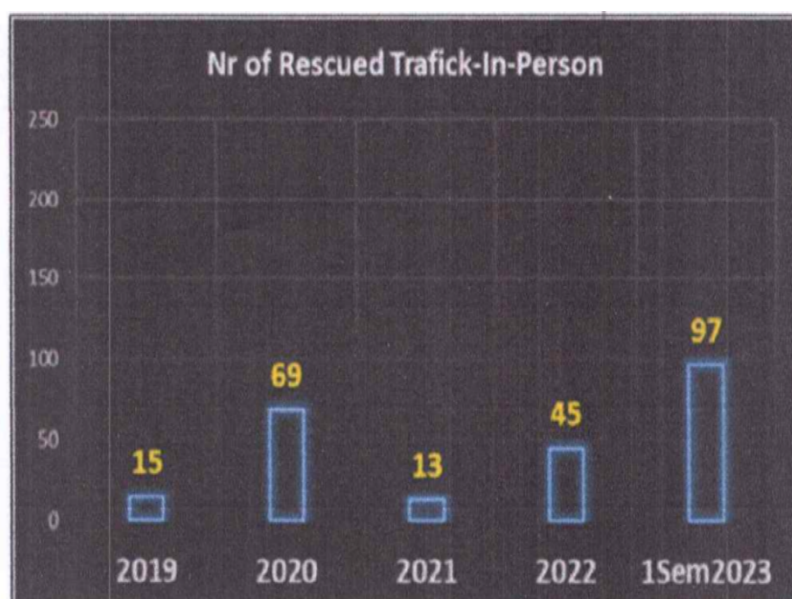
The Malaysian government is estimated to experience an annual loss of approximately \$1 billion in tax revenues from cigarette smuggling, as indicated by Amling and colleagues (2019). This financial impact is primarily linked to the price disparity between Sabah and Malaysia, with the comparatively low prices of goods in Semporna and Tawau in Sabah serving as a lure for unlawful cross-border trade towards the Philippines.

b. Human Trafficking

On incidents of human trafficking, an estimated 239 traffic-in-persons (TIP) victims were rescued by the WESTMINCOM, AFP from 2019 to the first semester of 2023. The victims were intercepted and rescued in the ports of Zamboanga and

Bongao, Tawi-Tawi before their travel to Sabah and Malaysia. Below is the table of the recorded incidents:

Figure 13. Number of rescued TIP victims in Southern Philippines from 2019 to the first semester of 2023.



SOURCE: WESTMINCOM, AFP, 2023.

c. Illicit Trade of Endangered Species

Law enforcement authorities in the three countries face difficulties tackling the illegal trafficking of endangered species and timber. It is reported that animals and timber transit through this region from Africa to China (Amling et al, 2019).

d. Illegal, Unreported, and Unregulated Fishing

Illicit fishing is an issue recognized in the Sulu-Celebes Sea, an area known for illegal, unreported, and unregulated (IUU) fishing activities over the years as highlighted by Amling et al, 2019. Indonesia suffers significant financial losses amounting to around \$4 billion per year due to IUU fishing. Despite the lack of official

acknowledgement, Malaysia's shark fishing sector contributed nearly three percent to the global catch between 2000 and 2010.

2. ASEAN's Role in Maritime Security

The ASEAN Maritime Forum (AMF) was established in 2003, followed by the Expanded ASEAN Maritime Forum (EAMF) in 2012. Initiatives such as the 'Eyes of the Sky' under the Malacca Straits Security Initiative and the founding of the ReCAAP in 2006 have augmented maritime security efforts in Southeast Asia.

The ASEAN acknowledges the complex nature of maritime challenges within the region, as outlined in the ASEAN Political-Security Community Blueprint 2025 that emphasizes building upon past collaborative achievements in maritime cooperation. Additionally, various ASEAN Sectoral Bodies engaged in maritime security collaboration include the ASEAN Defense Ministers Meeting (ADMM), the ASEAN Law Ministers Meeting (ALAWMM), and the ASEAN Ministerial Meeting on Transnational Crime (AMMTC), along with the respective Senior Officials Meetings.

3. Global Interest in the Sulu-Celebes Sea

The United States and Japan have previously supported the tri-border nations of the Sulu-Celebes Sea. In 2018, the United States initiated the Indo-Pacific Maritime Security Initiative, allocating \$452 million to enhance maritime domain awareness in Southeast Asia. As part of this initiative, the Department of Defense (DoD) sent technical experts to Indonesia to aid in defense planning reforms. The DoD earmarked \$42 million for upgrading Malaysia's maritime surveillance system and allocated \$19 million for enhancing the National Coast Watch Center's capacity from 2013 to 2017, including support for the Philippine radar system.

Japan has assisted the coastal countries by supplying medium and large patrol vessels, high-speed boats, and 11 coastal radar stations in the Sulu-Celebes Sea. The Japan Coast Guard has deployed technical specialists to maritime law enforcement organizations for joint training sessions facilitated by the Japan International Cooperation Agency. Furthermore, Japan has furnished radar technologies along the coastlines via official development assistance.

As of 2023, the INTERPOL is currently running a project funded by the Counter-Terrorism Capacity Building Program (CTCBP) of the Global Affairs of Canada that focuses on Indonesia, Malaysia, the Philippines, and Vietnam. The maritime security project is called the PROJECT MAST which seeks to counter migrant smuggling and transnational crimes in South and Southeast Asia (PCTC, 2023).

Chapter 5

CONCLUSION AND RECOMMENDATIONS

The maritime security situation in the Sulu-Celebes Sea before the implementation of the TCA was marked by incidents of piracy, armed robbery at sea, and kidnapping for ransom. The implementation of the arrangement since 2017 has successfully led to the absence of piracy, armed robbery, and kidnapping for ransom in the Sulu-Celebes Sea since 2021. This success would not be possible without the trilateral arrangement, the management of security threats in the TCA members' respective territories, and the support from global partners. After addressing the piracy problem, the TCA remains crucial and relevant in the maritime security regime in the Sulu-Celebes Sea following the monitored incidents of transnational crimes committed at sea.

History, personality disputes, and territorial conflicts revealed that Indonesia, Malaysia, and the Philippines had the interest and need to cooperate (Gordon, 1964). Foiled cooperation through the Association of Southeast Asia in 1961 and MAPHILINDO in 1963 led to the realization of the states to set aside their antagonism and to cooperate as they stand weaker if they individually stand against internal and external threats. Presently, that realization is concretized in the establishment of the ASEAN in 1967.

As part of the ASEAN's efforts to build maritime cooperation independently, the TCA was shaped in 2017. The successful minilateral arrangement proved to be an effective mechanism to enhance the cooperation in the Sulu-Celebes Seascapes and to improve the ASEAN maritime security. The TCA has been instrumental in addressing piracy and armed robbery threats at sea, as demonstrated by the absence

of such incidents from 2021 to date. The ReCAAP has reduced the kidnapping threat level in the Sulu-Celebes Sea to low moderate level, indicating a decreased likelihood of occurrences due to perceived limitations of potential perpetrators. Nonetheless, several challenges must be overcome for the TCA to enhance its effectiveness in combatting transnational crimes and fostering peace and prosperity in the Sulu-Celebes Corridor.

First, there is a need to exert vigilance and continue the intelligence gathering on the possible resurgence of piracy, armed robbery of ships, and maritime kidnapping for ransom. The perpetrators could take advantage of the countries' preoccupation with the SCS territorial dispute, particularly the Philippines' rising tensions with China. The focus on the SCS issue could shift resources towards the SCS away from other Sulu-Celebes Sea. Moreover, the pirates were observed to be more evasive and evolving technologically (Peneerselvam, 2023). Smaller vessels are now being utilized by individuals to avoid detection by authorities, along with employing sophisticated tools such as GPS, Automatic Identification Systems, and radar systems for strategizing their assaults. Communication security should be established and enhanced in the MCCs amid the looming cyber security attacks that could disrupt TCA operations.

Second, it is essential for the TCA member states to promote economic growth in the tri-border region. Reports indicate that coastal areas around the Sulu-Celebes Sea generally experience lower levels of economic development compared to national economic hubs. These disparities in coastal poverty can result in feelings of economic marginalization, weaken legal structures, and create favorable conditions for illicit activities. Therefore, safeguarding the economic well-being of marginalized coastal communities is crucial. To facilitate advancement, government must extend public

services and resources to geographically isolated coastal regions while investing in sustainable development initiatives such as blue economy sectors like fisheries and tourism. Offering viable alternative livelihoods to former pirates and individuals susceptible to engaging in illicit maritime activities for financial gain is imperative.

Third, the TCA member states should practice good governance and eradicate corruption in the government. Panneerselvam (2023) stated that there were indications of collaboration between law enforcement officials and pirates, involving the sharing of details regarding cargo movements and allowing them to function within territorial waters. Due to deficient governance and corruption, numerous pirates managed to avoid legal repercussions.

Fourth, the presence of transnational crimes in the tri-border area requires greater cooperation among the TCA members. As Amling (2019) reported, it is difficult to determine the exact amount lost due to illicit trades. However, billions in revenue are lost due to illicit trades. This economic loss could have been used to implement economic programs in the coastal areas of the Sulu-Celebes Sea.

The vestiges of territorial disputes were seen as a hindrance in strengthening cooperation among the TCA countries as evidenced by limited information sharing and intelligence exchange among the members. The SCS issue is also considered a hurdle that decreases resource allocation in the Sulu-Celebes Sea with the concentration of maritime assets at the disputed territories in the SCS.

The ASEAN continues to maintain the spirit of instituting mechanisms against maritime and transnational crimes through meetings and forums. The ASEAN respects the sovereignty of nations wherein they are given prerogatives in addressing issues. The mechanisms in place are facing criticism due to the absence of institutionalization, harmonization, and coordination. It is imperative for ASEAN to proactively address the

growing challenges posed by transnational crimes at sea and prevent undesirable occurrences within the region by leveraging the ASEAN Political-Security Community Pillar (Nagara, 2017). Hence, Beckman (2012) is proposing an ASEAN Regional Legal Framework on Piracy while Krishnan (2022) is moving for the establishment of an ASEAN Maritime Security Partnership, Centralized MCCs, and Maritime Security Task Force to concretize plans. While awaiting the implementation of proposed measures, the TCA can address gaps in ASEAN institutionalization and coordination. Although not as extensive as ASEAN mechanisms and plans, the TCA plays a role in emphasizing the sociocultural aspect of security, serving as an intergovernmental body that fosters regional identity in Southeast Asia. Stability in the Sulu-Celebes Sea is projected to enhance economic development, particularly in Southern Mindanao and the Brunei Darussalam-Indonesia-Malaysia-Philippines East ASEAN Growth Area (BIMP-EAGA).

Minilateralism is not new to the ASEAN (Lin, 2023). ASEAN member states have tried to develop various security configurations to adapt to the dynamic geopolitical environment. Instances of minilateral collaboration in the security domain comprise the Trilateral Security Cooperation involving Cambodia, Laos, and Vietnam, as well as the Malacca Straits Patrol involving Indonesia, Malaysia, Singapore, and Thailand. In terms of economic cooperation, examples include BIMP-EAGA aimed at enhancing trade, investment, and tourism by establishing intra-regional transportation links. There is collaborative effort within the energy sector through projects like the Laos-Thailand-Malaysia-Singapore Power Integration Project which acts as a pioneering initiative within ASEAN to tackle technical, legal, and financial challenges related to multilateral electricity trading.

Minilateral arrangements piqued the interest of scholars in search of alternative approaches to diplomacy. The term “minilateralism” was introduced by Miles Kahler in 1992. This form of collaboration offers flexibility, enabling participants to achieve their goals more effectively without the constraints of formal legal obligations that may cause delays (Ong, 2022). Minilateral cooperation is intended to complement rather than replace multilateralism by addressing what cannot be accomplished within a larger diplomatic framework (Lin, 2023).

Green (2014) noted that in Asia, trilateralism/minilateralism has become increasingly popular due to its potential to enhance stability and security, rather than fostering mistrust and competition. He categorized trilateralism in Asia into three groupings: “(1) like-minded allies and partners seeking to shape the merging architecture and regional balance of power; (2) economically interdependent neighbors seeking to accelerate economic and political cooperation and reduce tensions; and, (3) great powers seeking to increase mutual confidence.”

In the Sulu-Celebes Sea, minilateral cooperation is seen as a fresh approach to ensuring maritime security because of the concretized actions and joint measures of the TCA in addressing the persistent piracy problem. Yeo (2024) said that the TCA serves as an example of regional collaboration that can address maritime security challenges.

The ASEAN could look into developing a minilateral engagement in the absence of a multilateral approach towards China’s incursions in the SCS. Scholars consider this minilateral arrangement as a workable template that could be replicated in the SCS. Ong (2022) highlighted that for the South China Sea, the implementation of a smaller-scale agreement within ASEAN requires careful consideration of several key aspects. These include determining the optimal number of members of

effectiveness, establishing membership criteria, and addressing the inclusion of non-ASEAN countries in the collaboration. An illustrative model is the developing trilateral cooperation involving the Philippines, United States, and Japan in the South China Sea, intended to motivate other Southeast Asian nations to assert themselves against China (Ong, 2023).

On the future expansion of the TCA to other countries, the need for centrality among the members should be maintained. There is a view to preserve the TCA among the three littoral states involved (Indonesian Embassy, 2023). This is in response to the possible inclusion of Singapore and Brunei to the TCA, being observers in the TMM. Meanwhile, external stakeholders have provided capability enhancement among the TCA members. The coastal nations may not always have common strategic objectives or preferences for distributing resources with the involved parties. Nevertheless, the TCA members could maximize the enhanced capacity of their development partners, balancing the different strategic interests in the Sulu Celebes Sea and implementing actions to ensure maritime order (Takagi, n. d.).

International cooperation efforts are said to be effective if they translate to regional order (Takagi, n. d.). In the case of the TCA, the efforts of the members and the support of the ASEAN and global partners all contribute to the maritime order in Southeast Asia. The success of the TCA in curbing maritime threats results from the focused objective of setting the ground for order and stability to pave the way for economic development in Southeast Asia. To further improve the security mechanism within the TCA and to foster greater cooperation for maritime security, recommendations are presented below:

- **For TCA.** To improve the operational systems and cooperation within the TCA, the following recommendations could be looked into:

- **Establishment of a TCA Centralized Database.** Similar to the proposed course of action of Krishnan (2022) for the ASEAN's Centralized MCC that would serve as a central point for the exchange, storage, and analysis of data. The TCA Fusion Center for Database could also be established (Philippine Navy, 2023). This is to collate, assess, and produce reports on maritime crimes in the Sulu-Celebes Sea. This would greatly address immediate concerns among the TCA members. This would also aid in preventing institutional memory loss that stems from frequent changing of personnel assigned in the MCCs.
- **Utilizing Output-Based Strategic Development in TCA.** This form of analysis enables a comprehensive evaluation of the numerous factors that affect the output necessitated by the creation of the TCA by providing a strategic framework to capitalize on strengths and address weaknesses. Through this approach, a research and analysis team of the TCA can align its objectives with member states' capabilities, and foster a more effective and targeted collaboration in the areas of maritime security and territorial disputes. Understanding internal and external factors through an Output-based analysis could empower the TCA to develop more strategies that are adaptive, responsive, and tailored to the unique challenges faced by the member states. This method could enhance the overall efficiency of the TCA and reinforce resilience in the face of evolving regional

dynamics, contributing to sustained cooperation and security in Southeast Asia.

- **Expansion of the TCA to Cognizant Agencies.** In the absence of armed robbery at sea and maritime kidnapping since 2021, transnational crimes have been reported in the Sulu-Celebes Sea. Within the TCA setup, only the military defense units of the members are involved. Maritime law enforcement agencies have a critical role in the arrest of perpetrators. The TCA could engage the police forces of each country to promote interoperability of the maritime law enforcement units in responding to maritime threats within the tri-border (PNPMG, 2023). It has been reported that Maritime Enforcement Exercises had been conducted among the PNPMG and the maritime law enforcement agencies of Indonesia and Malaysia in the past but said exercises ceased. The TCA could also invite the government agencies in charge of search, rescue, and response to victims of probable piracy attacks and other human-induced hazards. Moreover, the TCA could look into partnering with the economic and environmental sectors for a collaborative engagement and focused objective on promoting the local economy, strengthening food security, and protecting marine resources at the Sulu-Celebes Sea.
- **For Strengthening of Piracy Regime.** Some scholars argue that the legal framework on piracy must be instituted in Southeast Asia for the countries to translate the regional framework into domestic laws. But first, the definition of piracy needs to be revised.

- **Need for Revision of Piracy Definition.** Nguyen (2022) contended that the current definition of piracy in UNCLOS requires updating to align with the increasingly sophisticated nature of modern-day piracy. Traditionally, piracy involved approaching, engaging, seizing a ship, and escaping on another vessel. However, contemporary pirates leverage cutting-edge technology for their attacks, utilizing advanced tools such as radars and global positioning systems to target and hijack larger vessels (Nguyen, 2022). The evolution of piracy has seen the incorporation of automatic weapons and rocket-propelled grenades on pirate ships, transforming it into organized criminal activity. These new tactics are not adequately addressed by existing UNCLOS provisions. Nilasari et al (2022) highlighted that the ambiguous and narrow scope of the current piracy definition poses a significant challenge in combating these modern forms of piracy. Consequently, there is a pressing need to revise piracy laws to encompass acts committed within territorial waters and adapt to the changing landscape (Yeo, 2024).
- **Establishment of Regional Legal Framework on Piracy.** Beckman (2012) said that the incidents of ship hijacking and kidnapping of crew are causes of concern because “they are transnational in nature, thus involving several jurisdictions; they involve significant economic losses to ship owners and cargo owners; they put the lives of innocent seafarers at risk, many of who are nationals of ASEAN states; there are instances that they

are committed by organized criminal syndicates, and may form part of only one aspect of the complex criminal activities carried out by these syndicates.” Hence, a regional legal framework in Southeast Asia could encourage the ASEAN member states to have laws on piracy that are consistent with the relevant international law to arrest, prosecute, and punish perpetrators of maritime crimes.

- **Improvement of Domestic Implementation of Piracy.** According to Panneerselvam (2023), variations in national legislation within Indonesia, Malaysia, and the Philippines may hinder collaborative efforts with other nations to combat piracy. Yeo (2024) suggested that apart from legal reforms at the state level, it is important to focus on enforcing domestic anti-piracy laws. One proposed solution is establishing a dedicated national agency in the region specifically tasked with combating piracy, aiming to streamline law enforcement responsibilities and enhance the efficiency of anti-piracy initiatives.
- **For ASEAN.** Krishnan (2022) suggested three measures that the ASEAN could implement to enhance maritime governance and collaborative efforts within its member states:
 - **ASEAN Maritime Security Partnership (AMSP).** The potential impact of this initiative is to strengthen dedication, cohesion, and harmony within the ASEAN community, with a focus on countries like Laos, Thailand, and Cambodia that are geographically landlocked. By promoting collaboration, it aims to improve the ability to address maritime challenges and foster trust-building

efforts among member states. The ASMP has the capacity to formalize effective and operational partnerships, serving as a guarantee of ASEAN's preparedness in tackling regional issues autonomously.

- **Centralized Maritime Coordination Center (MCC).** A potential ASEAN MCC could mirror the structure of the ASEAN Coordinating Centre for Humanitarian Assistance on Disaster Management. Currently, the MCCs in the Sulu-Celebes Sea operate under the supervision of the defense forces of individual AMS. Centralizing the MCC under ASEAN's umbrella could facilitate information sharing, storage, and analysis related to piracy and transnational crimes, thereby enhancing maritime domain awareness across the region.
- **Centralized Maritime Security Task Force.** A task force could be established to assist ASEAN in addressing cross-border crimes, enhancing collaboration among maritime agencies and bolstering regional cooperation on maritime matters.

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