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### MARITIME SECURITY GOVERNANCE IN THE STRAITS OF MALACCA: INDONESIA, MALAYSIA, AND SINGAPORE'S RESPONSES

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#### ABSTRACT

Maritime security governance of a strategic 'strait' is unique. It is a complex exercise for coastal states, in particular, to have control over adjacent offshore resources, navigational rights, and maintaining access to commercial and military vessels passing through the waterway. Central to this is sustaining a balanced governance approach to security that would impinge on navigational freedom and coastal states' rights and duties. However, maritime security governance is not only the actions of a sovereign state or a group of sovereign countries but also non-sovereign entities and institutions. It includes the formulation and implementation of solutions to collective issues. Several factors, such as historical patterns of regulation and control of the policy sector and institutional interests, eventually influence states in either promoting or resisting the formation of governance mechanisms. While maritime security governance exists in many international straits, the focus of this article is on the Straits of Malacca (Strait of Malacca and Strait of Singapore), hereafter referred to as SOM, a strategic maritime passage that involves multiple interests involving governance, military, and commercial aspects. Maritime security governance is at the core of the SOM's management. Indonesia, Malaysia, and Singapore's approaches towards maritime security are strongly influenced by their sovereign, economic, and legal interests. This article is divided into three sections. First, it defines the concept of *governance* and examines why maritime security governance has garnered attention in contemporary international relations. Second, it identifies maritime security governance approaches among the littoral states in the SOM. Third, it explains why the littoral states adopt diverging approaches to security governance and the conditions shaping their attitudes.

**Keywords:** Maritime security, governance, Straits of Malacca, sovereign interest, economic interest, legal interest.

## **INTRODUCTION**

The Straits of Malacca, hereafter referred to as SOM, is deemed a “strategic strait”, and its maritime security governance is complex, particularly in dealing with the international use of the Straits, more so for a chokepoint critical for the passage of commercial and military vessels. This task presents formidable complexity to coastal states, especially when such governance differs from that of other bodies of water, such as inland waters, canals, or river basins.

Navigation through strategic waterways has presented distinct sets of issues since vessels began plying the seas and is strongly influenced by interactions between the sovereign states bordering them (Wainwright 1986, 366). For instance, the United States (US) and other maritime powers resisted efforts to allow extended fisheries zones, fearing they would limit navigational freedoms during negotiations on the United Nation Convention on the Law of the Sea 1982 (UNCLOS 1982) (Dyke 2008, 178). Even after 40 years of the existence of UNCLOS 1982, the debate on freedom of navigation, particularly the passage of nuclear-powered submarines through key strategic straits and archipelago waters, re-emerged when the US, United Kingdom (UK), and Australia announced their Tri-Lateral Security partnership (AUKUS) in March 2023.

The SOM, and the Southeast Asia region where it is located, is a conduit that facilitates transportation and exchanges in the global trading system. The SOM is of vital importance for maritime trade and navigational rights of “transit passage” in the straits used for international navigation, as well as “innocent passage”, which should be continuous and expeditious in territorial waters for foreign ships sailing through the straits. Analysts of international relations in the post-Cold War era mostly covered the importance of SOM as an international waterway connecting the Pacific and Indian Oceans and linking Southeast Asia (Leifer and Nelson 1973; Dyke, 2008; Ba, 2018; Rusli, 2012; Mohamad, 2014). Most refer to the role of SOM as linking major Asian and Western economies. Consequently, this region hosts vital components of international sea lanes of communication (SLOCs) in the Asia Pacific and the Indian Ocean (Speed 2016, 11). Both the Asia Pacific and the Indian Ocean areas are witnessing a historic transformation that revolves around the concept of the Indo-Pacific. Amid all these is the SOM, a strategic SLOC at the epicentre of that change, which is once again attracting serious and mounting geopolitical interest.

Maritime security governance in SOM involves several categories of actors, such as the littoral states bordering it, the users of the straits, and industry. All have varying degrees of stakes and different interests in the straits; as such, their involvement in maritime security governance in the SOM evokes different levels of significance. The littoral states’ combined goal is maintaining and enhancing the safety of navigation and environmental protection in the SOM while retaining their authority on its security governance (Ho 2009, 235). On the other hand, the primary interests of user states are to ensure the SOM is open for navigation for military passage, while industry users need it to be open, secure, and sound for commercial transit.

## **CONCEPTUALISING GOVERNANCE**

Prior to exploring the different aspects of governance, it is essential to offer a conceptual clarification. What is the definition of “governance”, and why does “maritime governance” matter in the SOM? Further, the discussion is split into three parts: first, governance as state authority; second, the actors participating in governance; and third, the formal and informal settings associated with governance.

Governance is synonymous with "governing," referring to a governmental process that signifies a mode of authority exercised by the state. Studies suggests that one of the primary criteria for governance is the identification and implementation of collective solutions to problems. (Peters and Pierre 2020, 968). In this process, states act as the main authority in achieving clear and measurable goals of states and other actors. Although governance appears in various modes, states are the leading actors in the process, but the actual role a government can play in governance is dependent on the external environment that allows it to do so. This includes factors such as historical patterns of regulation and control over the policy sector, institutional interest in maintaining control, and the degree to which it has legal and political authority.

Governance extends beyond governments to include non-state actors with multiple roles in governing structures, processes, and implementation. It operates in a co-operative mode with non-state actors together with public and private entities. Governance is "essentially a cross-border networked form of co-ordination in which private or actors play a leading or important role" (Breslin & Nesadurai 2020, 1). Successful governance requires both state and non-state actors and stakeholders to participate in administration, management, or decision-making processes (Rhodes 2007, 1246). The public sector is an important component in governance, as it mediates the relationship between government and public-private sectors in decision-making.

The act or process of governing can exist in both formal and informal settings. Scholars such as Colebatch (2014), Viotti and Kauppi (2010), and Rhodes (2007) have discussed the complexities of these settings. Since it involves formal and informal settings, it also describes complex formal and informal institutions, mechanisms, and processes among states (Colebatch 2014, 308). According to (Rhodes 2007, 1246) governance refers to a new process of governing or the altered conditions that govern society. It simultaneously can guide or impede the collective activities of groups. As such, it emphasizes that increased interdependence may lead to discord and warns that the approach may not always be benign. Furthermore, (Keping 2018, 3) suggests that governance is interdependence between organizations, and that it is a continuous process that accommodates conflicting interests and promotes cooperative action.

### **Maritime Governance**

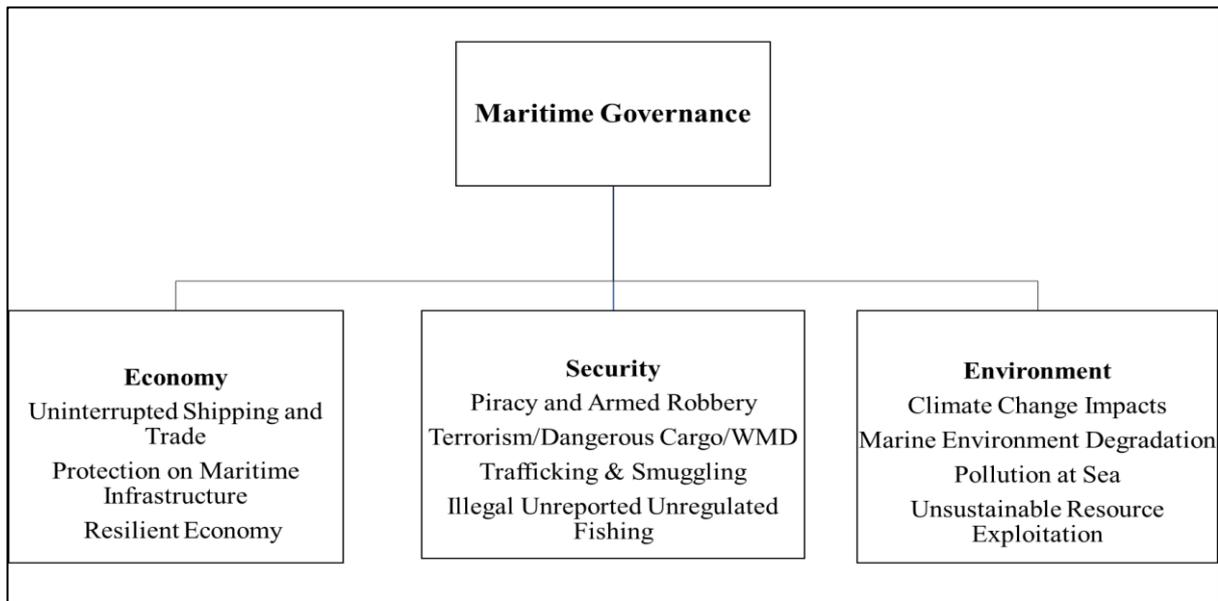
Maritime governance refers to the integrated management or administration of issues related to the sea. Traditionally, maritime governance has been viewed from a military standpoint and as an area for great powers to expand, thus being of major strategic importance. The narrative on ocean management is mainly viewed from the perspective in which nations utilize the sea as a contested area. However, contemporary maritime governance management goes beyond the traditional notions of military access, customary laws, and territorial or jurisdictional regimes. It seeks to pay greater attention to comprehensive maritime affairs, inclusive of both traditional and non-traditional matters. The overarching goals are towards safe and secure navigation and sustainable uses of the sea for economy and trade.

The expanded scope of maritime governance to address other non-traditional issues of the ocean particularly follows the 1958 United Nations Conference on the Law of the Sea and the adoption of UNCLOS 1982. The evolution of maritime governance is understandable, as the ocean constitutes a larger surface than land, covering approximately 70 per cent of the earth's total mass. There are several core dimensions in maritime governance, such as economy, environment, and security (Figure 1.1). These three dimensions are not mutually exclusive, and there is interconnectedness between them.

Although all three dimensions are important for maritime governance, this analysis focuses on security as it serves the main purpose of the article.

**Figure 1**

*Maritime Governance Dimensions*



***Maritime Economy***

The first dimension is the economy in the maritime sector. Economic governance and developments are of great interest to countries that rely on the sea for global commerce, trade, and related services. Shipping forms a key component of the global economy as it facilitates the movement of raw materials and goods. Seaborne trade is a preferred mode of transportation due to its relatively lower cost compared to other modes such as air freight. On the other hand, maritime infrastructure, such as ports, serves as transportation hubs primarily to connect goods to consumers.

The maritime sector also features prominently in the context of great power footprints, history, maritime culture, trading centres, and competition to dominate strategic waterways connecting nations to world states reliant on international trade and other navigational purposes. The seas provide nations the opportunity to open their economic, social, and community activities to the global environment. Primary maritime sectors include ports and shipping, oil and gas, and marine tourism, which generate much income and economic growth for coastal states.

***Maritime Environment***

The second dimension relates to the maritime environment. This refers to governance that aims to maintain ecological balance while promoting economic development at sea. The protection of the maritime environment includes two issues. The first relates to human-induced activities such as shipping and land-based services that support international shipping and navigation. The second is related to conservation and preservation of natural resources. The marine environment consists of natural living components such as animals, plants, and organisms as well as non-living resources including minerals and raw materials (Kaur 2014, 159). Thus, its governance covers a wide range of activities in the maritime domain.

The maritime domain will only be sustainable if it is balanced with a healthy ocean over the long term. A major challenge to maritime governance today is the management of marine space arising from rigorous activities at sea (Guerreiro 2021, 2). This is mainly due to the increased use of maritime transport and the high volume of cross-traffic transporting cargoes across the world, thus increasing the maritime domain's susceptibility to incidents and oil pollution. Such vulnerability to marine environmental degradation requires protection through effective governance. As mentioned by (Rusli 2021, 126) the maritime environment and marine features along the Straits of Malacca are priceless heritage. Thus, it is critical to established governance that includes a diverse set of stakeholders.

### ***Maritime Security***

The most neglected aspect of the three-dimensional governance paradigm is the security dimension, specifically interstate cooperation on maritime security. Maritime security involves the safety of humans interacting at sea, risks to vessels (both commercial and military) navigating the seas, maritime infrastructure protection, safety of maritime shipping and industry, and ecosystem well-being, including living and non-living resources.

Maritime security governance addresses management issues such as piracy and armed robbery, maritime terrorism, the movement of dangerous cargo, weapons of mass destruction (WMDs) smuggling, human and drug trafficking, and illegal fishing. The risks associated with these various security issues are often considered common threats. Therefore, maritime security governance is managed in various ways, including through policy directives, implementation of agreed frameworks, international conventions, treaties, agreements, rules, regulations, and laws, or through bilateral or multilateral security arrangements.

The SOM straddles one of the busiest shipping lanes in modern global maritime commerce (Ahmed 2021, 323) and hosts approximately 50% of the world's oil tankers and about 40% of world seaborne commerce annually (Ba 2018, 256). In 2007, an estimated 13.7 million barrels of oil were transported per day through the straits (Zhong 2016, 88). More recent estimates show that energy dependency in Asia will rise to 79% in 2040, and the SOM is estimated to carry approximately 20 million barrels of oil passing through the Southeast Asia region (Fau 2020, 77). As such, the SOM will remain the most important shipping lane connecting the Indian Ocean and the Pacific Ocean, linking major Asian economies.

The Southeast Asia region has witnessed a significant increase in piracy incidents since the 1997 financial crisis, prompting coastal communities to turn to piracy as a source of income. The financial crisis during this period was significantly worsened by the fiscal challenges encountered by several Southeast Asian nations, especially Indonesia, between 1997 and 1998 (Raymond 2009, 32). The scourge of maritime piracy has existed for more than a century (Lee and McGahan 2015, 530), though it peaked in 1999 to 2000, leading to multilateral arrangements to counter it between Indonesia, Malaysia, and Singapore. In fact, Lloyd's Joint War Committee listed the Malacca Straits as a war risk area. This undermined the confidence of commercial shipping that ply through the straits and, in turn, had the potential to adversely affect the littoral states' economies.

### **Maritime Security Governance in the Straits of Malacca**

The SOM's maritime security governance by the littoral states appears to be lacking, despite being cited as a successful model for cooperation in straits management (Beckman 2009; Ba 2018; Gilmartin 2008).

The three states exhibited similar approaches in national, regional, and global initiatives aimed at navigational safety and environmental protection along the SOM. However, their strategies regarding maritime security governance diverged significantly as clearly seen in the Proliferation Security Initiative (PSI), the Malacca Straits Patrol (MSP), and the Regional Co-operation Agreement on Combating Piracy and Armed Robbery Against Ships in Asia (ReCAAP).

**Table 1**

*Approaches to Maritime Security Governance by the SOM Littoral States*

	Issue	Mechanism	Littoral States Response		
			Indonesia	Malaysia	Singapore
(A) 2005	<b>Safety of Navigation</b> Collision at Sea Traffic Management Aids to Navigation	Malacca Straits Council Tripartite Technical Expert Group Cooperative Mechanism	Coordinated	Coordinated	Coordinated
(B) 2005	<b>Environment Protection</b> Impacts from Pollution Resources Depletion Destruction on Ecology	Malacca Straits Council Tripartite Technical Expert Group Cooperative Mechanism	Coordinated	Coordinated	Coordinated
(C)	<b>Non-Traditional Security</b>		<b>Cautious</b>	<b>Adaptive</b>	<b>Pro-active</b>
	(i) Weapons of Mass Destruction (WMD)/Maritime Terrorism	Proliferation Security Initiatives (PSI) 2003	Non-Signatory	Signed (2005)	Signed (2003)
		Malacca Straits Patrol (MSP) 2004	Non-Member	Ordinary Member	Core Member
	(ii) Piracy & Armed Robbery	Regional Cooperation on Combating Piracy & Armed Robbery in Asia (ReCAAP) 2006	Member (2004)	Member (2004)	Member (2004)
			Non-Party	Non-Party	Contracting Party (2006)

*\*The list of issues is not exhaustive and includes only the main non-traditional security risks along the SOM.*

As shown in Table 1, Indonesia, Malaysia, and Singapore have harmonized their approaches to shipping safety, navigation, and environmental protection. They have adopted various cooperative mechanisms and share responsibility for navigational safety and environmental protection. While they agree that multilateral cooperation is important in addressing security challenges related to transnational threats such as piracy, armed robbery, and maritime terrorism, their governing approaches differ significantly. This is rather perplexing, given that all three states face similar risks and threats along the SOM, yet they have different approaches towards the US- and Japan-backed mechanisms.

Singapore has been proactive on all three security mechanisms, stating that the Straits should be unrestricted to the international community. Singapore is a member of MSP, a contracting member of ReCAAP and a core member of PSI. Singapore’s commitment towards all security mechanisms is guided by public and private interests and predominantly based on its economic interests. Her geographic position as a small island state between Indonesia’s Sumatera Island and the southern state of Malaysia explains its stance. To ensure the security of the SOM, which is significant to trade and shipping, Singapore needs to be proactive with all littoral states and in regional and international cooperation.

Indonesia adopts a cautious response towards PSI and ReCAAP because its concerns about sovereignty exceed those of the other two littoral states, and its domestic considerations on the concept of archipelago embedded in the *Wawasan Nusantara* override its international commitments.<sup>1</sup> Indonesia also maintains that it could limit the strategic movement of great powers through the SOM; hence, it is resistive to PSI and ReCAAP.

Unlike the polar positions of Singapore and Indonesia, Malaysia is moderate by being adaptive to all three security mechanisms. Malaysia's sovereignty sentiments are high, but it acknowledges the importance of co-operation across the region. Malaysia also recognises that the risks from security issues are global and require international co-operation. As such, it is essential to address threats to strategic shipping lanes such as the SOM from a global perspective. The three littoral states have selective responses towards the PSI, MSP, and ReCAAP. As such, it is apparent that maritime security governance among them in the SOM varies. Having different priorities and approaches to security and enforcement has resulted in selective coordination as well as polarity in governance among the SOM's littoral states. The issue is why, despite the similar security risks and threats posed by such use of the SOM, the three littoral states have been varying in their security governance approaches.

First, littoral states tend to adopt divergent approaches to the PSI. Launched in 2003 by the US, the PSI aims to stop the proliferation of WMDs, including through strategic sea lanes such as the SOM. Even though it is a global effort at curbing the trafficking of WMDs, their delivery, connection, and supply from a state to a non-state actor, not all littorals, especially Indonesia, agree that the PSI could be a shared maritime security mechanism. This is puzzling because such threats exist along strategic waterways elsewhere, such as in the boarding of the cruise vessel *Achille Lauro*, which provided the impetus for drafting a convention on maritime terrorism (Halberstam 1988, 270). Other incidents include the attacks on the *USS Cole* and the oil tanker *Limburg*, where governments across the world intensified their security in the maritime sector (OECD 2003, 11).

While Singapore and Malaysia accept that risk factors exist in the SOM, Indonesia has played down such possibilities as being over-exaggerated by the US and its allies. Singapore, together with eleven like-minded countries, joined the PSI and has been a core member since 2003. Malaysia joined in 2005, becoming one of the parties together with 102 other member states. However, Indonesia's absence has implications for maritime security governance in the SOM. For instance, scholars have opined that, despite appearing as a key nation in tackling the movement of WMDs to terrorist-related networks, Indonesia rejected the PSI, thus preventing it from securing universal support (Dunne 2013, 4). Indonesia's reservation could be that states are free to take differing approaches at global and regional levels regarding the definition and application of such threat perceptions on maritime offences (Honniball 2023, 93).

Second, all three littoral states have responded pre-emptively to the MSP as opposed to other security mechanisms. Further, it is the only mechanism that is endorsed by all three littoral states compared to the other two security mechanisms. As described by (Raymond 2009, 18), the MSP appears as a security outcome on the need for a stronger commitment to addressing maritime threats in the SOM. This, in turn, makes the MSP the most acceptable security response mechanism in the SOM, as it is deemed to address the threat as well as the sensitivity of the littoral states on security matters.

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<sup>1</sup> [1] Author's interview with Prof Dewi Fortuna Anwar. Kuala Lumpur. 18 October 2023.

MSP emerged as a feasible institutional arrangement and is considered one of the best models compared to other security cooperation concerning the SOM. For instance, it has been used as a successful framework for other maritime security cooperation efforts in Southeast Asia. A case in point is the security arrangement between Indonesia, Malaysia, and the Philippines in the Sulu-Celebes Region (Storey 2018, 6). The positive responses from all three littoral states are due to three key features that distinguish the MSP. It is a sub-regional initiative based on the operational feasibility of the littoral states, as it does not involve any operations or assets from outside. The MSP is also indigenous in scope, focusing on security issues in the SOM. Formed as a mini-lateral security strategy to address non-traditional security issues in the SOM, it comprises only a small group of states – the littorals plus Thailand—and has a specific target: to co-operatively address security in the SOM.

Third, two littoral states of the SOM have issues with becoming contracting parties to the ReCAAP, established in 2006. Although they agree that information sharing is a positive step towards cooperation in responding to security threats, Indonesia and Malaysia have not rendered solid cooperation towards ReCAAP, which has twenty contracting parties, including from Asia, Europe, and the US. While Indonesia and Malaysia maintain their commitment to ReCAAP by assigning liaison officers at the ReCAAP headquarters in Singapore, they are far from becoming formal contracting parties to the organisation.

ReCAAP also includes partners from the International Maritime Organization (IMO), major shipping associations such as the International Association of Independent Tankers Owners (INTERTANKO), the Baltic and International Maritime Council (BIMCO), and the International Criminal Police Organisation (INTERPOL), among others. However, Indonesia and Malaysia are still reluctant to join the ReCAAP, which remains a setback for the initiative. Perhaps the two countries are sensitive to a regional establishment involving extra-regional powers in dealing with piracy and armed robberies in the SOM.

Indonesia adopts a cautious attitude toward maritime security mechanisms. She is a member of MSP but a non-contracting party to ReCAAP and a non-signatory to the PSI initiative, making its maritime security governance approaches quite resistive. Indonesia's cautious attitude is due to sovereignty sensitivities; she does not view the SOM as an international strait but rather as one used for international navigation. More significantly, Indonesia is selective and cautious regarding security issues and mechanisms on non-traditional matters and does not extend blanket support for all security initiatives, particularly those originating from extra-regional powers, such as the PSI.

Unlike Singapore, which is open to global efforts, and Indonesia's cautious, even resistive response towards the PSI, Malaysia has been adaptive regarding maritime security mechanisms in the SOM. Malaysia's governance approaches are based on several considerations, such as the relevance of these initiatives to the security of the SOM. Malaysia is an active member of MSP and took two years to calibrate its approach on the PSI before becoming an ordinary member in 2005; however, she is still not a contracting party to ReCAAP.

### **Explaining Maritime Security Governance in the Straits of Malacca**

Maritime security governance in the SOM is influenced by multiple factors; nevertheless, three key variables shape the governance approaches of Indonesia, Malaysia, and Singapore. These variables are sovereign interests, economic interests, and legal interests. These independent variables provide explanations and facilitate the analysis of governance approaches, in order to appreciate factors that are critical.

### ***Sovereign Interests***

Indonesia, Malaysia, and Singapore consider sovereign interest a key factor in determining their policy choices across all maritime security matters. However, sovereign interest is independent, based on the preferences of each state and what best serves their national interests. In both the national and international contexts, sovereign interest means that a nation is the supreme authority—that is, sovereign within a certain territory (Morgenthau 1948, 2). In this regard, the littoral states are independent, and there is no authority above them. In some cases, responses to sovereign interest are highly influenced by the relationship with external countries. Sovereign interests are prevalent, as they represent the national and political realities of any nation, including Malaysia, Indonesia, and Singapore. The sovereignty and sovereign rights of all three states are significant factors influencing their governance methods as primary stakeholders in the SOM.

There are principal differences in the specific security mechanisms, especially those led by external powers. The complex maritime environment pushes countries to maximise power for survival and protect their sovereign interests while co-operating for economic interests. All three states have different strategic priorities with the great powers and understand the careful consideration needed vis-à-vis their attempts to secure the SOM. All three littoral states have long-established relationships with the US, but their bilateral foreign issues vary in terms of risk perception and security considerations.

The major contrast in security governance approaches in the SOM arises from the littoral states' views (with the exception of Singapore) that external powers, such as the US and Japan, have sought to use security issues there to design power-based security institutions. A consequence of this is the internationalisation of SOM security matters. This study found that the institutional design of the PSI, MSP, and ReCAAP corroborates with elements of power distribution.

Two of these security initiatives have the footprints of external powers, namely the US and Japan. Consequently, not all three littoral states are members of all three initiatives. The variation in responses indicates that the states do not share a similar view that multilateral initiatives like PSI and ReCAAP can guarantee the security of the SOM. Even though ReCAAP and PSI are endorsed by global international institutions such as the United Nations Security Council and the IMO, they have minimal influence on state behaviour regarding security.

The littoral states are dependent on factors beyond state-centric powers in governing simply because individually they have limitations in dealing with issues concerning external users of the strait. This is due to their recognition of the importance of the SOM for international navigation and their commitment to ensuring navigational safety, environmental protection, and facilitation of safe transit for vessels. In doing so, they realise that capacity and resource constraints prevent them from implementing their national frameworks effectively, as the straits are bordered by three states. Here, state-centric powers are altered by these limitations.

Strategic waterways such as the SOM involve conflicting interests of major maritime powers and the states bordering them. This conflict is prominent in the SOM. This was why Malaysia and Indonesia jointly declared in 1971 that the Straits of Malacca (Leifer and Nelson 1973, 190). However, the position differs for Singapore, as it does not treat the status of the SOM in isolation from other international straits. This status has consistently influenced the three states' approaches to maritime security governance. Security mechanisms in the SOM introduced by regional actors, external powers, or through international cooperation are attended with careful deliberation within the status of the straits.

### ***Economic Interests***

The second variable that determines security governance is economic interests, encompassing shipping and trade. The SOM is one of the busiest straits in the world (Ministry of Defence Malaysia 2010; Hand 2017; Liang and Maye 2017). It winds along the eastern coast of Sumatra, Indonesia's largest and second-most populous island, and is of great economic importance to Indonesia (Gunadi 2004, 189). Economic interest is one of the key prevailing factors in any responses concerning the SOM, particularly for regional economies, as the SOM serves as a transport channel between the littoral states and their trading partners (George 2008, 17). The approaches by Singapore and Malaysia towards the PSI are primarily influenced by economic interests, ensuring that they are pitching to maritime security governance in the SOM. This stance assumes that comprehensive governance relies on secure and safe transit for shipping.

The seas have always been a major means of transport and trade, creating a close nexus between the maritime community, littoral states, and merchant shipping. On the other hand, merchant shipping has always been a source of maritime power to be defended by navies. This is highlighted by naval strategist Alfred Thayer Mahan, who emphasized the significance of the sea as a trading route and its importance to sea power and maritime transportation, as well as a means of sharing maritime resources (Mahan 1660-1783, 25). Despite the known and unknown dangers of the seas, water transportation has generally been cheaper and quicker compared to land transportation.

In modern times, the existence of numerous shipping routes forming axes of corridors linking North America, Europe, the Pacific, and Asia through the Suez Canal, Straits of Malacca, and Panama Canal cannot be underestimated. These routes are critical for shipping and commerce (Notteboom et al., 2020, 12). Economic shifts in international trade, particularly through the trans-Pacific trade, have intensified the use of these ocean routes. These routes support maritime passage and serve strategically as cost-effective maritime networks for global trade and commodities.

### ***Legal Interest***

The third variable is legal issues concerning the SOM. This topic is extensively covered in the literature concerning the status of strategic straits, including the SOM and others. In fact, the legal regime governing straits was a key issue in the negotiations of the third UNCLOS in 1982. Scholars such as Leifer and Nelson (1973), Sien and MacAndrews (1981), George (2009), Dyke (2009), and Beckman (2009) have examined the positions of Indonesia, Malaysia, and Singapore vis-à-vis the navigation through the straits and the approach of a special legal regime that promotes unimpeded passage and overflight.

Investigations into sovereign concerns reveal that the positions of Indonesia and Malaysia form the backbone of the argument as to why not all three littoral states have responded in a similar manner to security cooperation. Fundamentally, they disagree on the status of the SOM, specifically whether it constitutes a strait used for international navigation or an international strait. Indonesia and Malaysia maintain that it is the former, while Singapore, though agreeing to some extent, expounds that its management should not be localised and that freedom of passage is enshrined for international waterways in UNCLOS 1982 (Ee 2014, 192).

Furthermore, Article 43 of UNCLOS provides guidance for the SOM states, user states, and international organizations on how certain issues in the waterway should be addressed within the

UNCLOS framework, promoting safety of navigation and environmental protection (Oxman 1998, 408). In this respect, the three littoral states also consider legal factors in the security mechanisms, as the safety of navigation corresponds with the overall security of the SOM. Unresolved maritime boundaries in the SOM remain one of the main issues, often weakening cooperation on security matters. Security governance is more practical in defined areas where jurisdictions are clear, while unresolved boundaries complicate governance.

The three independent variables identified above are not absolute factors determining the responses of the SOM's three littoral states. These factors are further influenced by the intervening variable, which is the role of institutions that could support or undermine the initiatives. Furthermore, the institutional design is an important element in interstate cooperation, as it encourages and often influences states to cooperate. Institutional design relates to membership, scope, the choices of functions, and the rules that an institution could operate under. Institutional designs are culturally and politically diverse, where governance may appear at various levels, such as domestic, national, regional, or even global.

In the SOM, the designs of security mechanisms, such as the membership, mandate, scope, and rules, have correlations with maritime security governance, more specifically, the application of security approaches in the global, regional, and littoral contexts. Although the goals are similar, such as addressing non-traditional maritime security threats like piracy, responses indicate that states, as a unit, reject externally orchestrated security initiatives. The primary reasons include institutional designs that have external membership and a global mandate. Additionally, the littoral states are also wary of institutions that cover the scopes of maritime security that are not compatible with their own rules and regulations of law enforcement.

## CONCLUSION

As the emphasis on maritime governance grows across multiple dimensions, maritime security becomes more complex. The complexity is attributed to the different priorities of littoral states, ranging from sovereign, economic, and legal variables that influence policy choices. The article had argued that the three states adopted distinct approaches to maritime security governance, despite facing similar security risks and threats in the SOM. Singapore seems to be the only littoral state that is proactive towards all three initiatives. Indonesia has been cautious, adopting only the MSP and rejecting the other two initiatives, while Malaysia has been more adaptive than Indonesia but not as proactive as Singapore.

The three littoral states priorities economic interests in their responses to security initiatives while striving to avoid foreign-led security initiatives perceived as undermining their sovereignty. Consequently, maritime security governance varies despite the similar risks because countries are sensitive towards security efforts originating from great powers. Given this reality, the littoral states of the SOM have adopted an indigenous approach to increase their power to maximize security. Thus, the MSP seems to be the most acceptable, as all three littoral states see that this approach has its advantages in terms of capacity for managing complex security issues involving multiple external power interests in the waterway.

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