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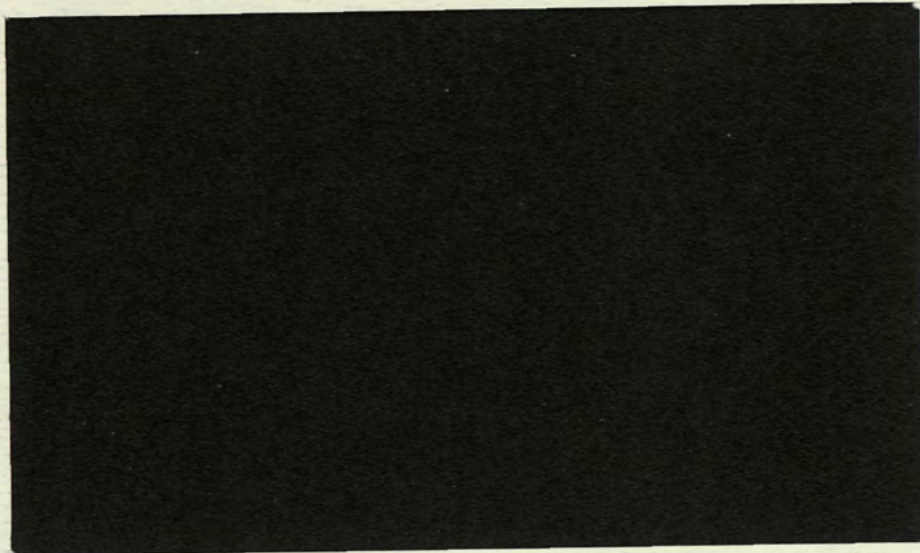
AN AUSTRALIAN PERSPECTIVE ON MARITIME
CSBMs IN THE ASIA-PACIFIC REGION

by

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See Paul Ditt, *Review of Australia's Defence Capabilities: Report to the Minister for Defence*, Government Publishing Service, Canberra, 1985, pp.3-4, 37.
Austlian Regia, 'New Developments in the Law of the Sea', (Paper presented to a conference on *Naval Power in the Pacific Towards The Year 2000*, Australian Defence Force Academy, Canberra, 13-14 May 1990, p.3.

ABSTRACT

The first part of this paper defines Australia's area of primary strategic interest, an area extending from the Cocos Islands in the Indian Ocean to the Southwest Pacific island countries, from the archipelago and island chain north of Australia to the Southern Ocean. Security in this region is very much concerned with maritime issues and capabilities; the waterways through the region are strategically important for both merchant and naval vessels, and coastal and offshore resources provide a principal means of livelihood in many countries in the region.

The second part of the paper assesses the regional security environment, which is characterised by rapid change and increasing complexity and uncertainty, as security concerns broaden to include economic and environmental issues and more actors (with an improved range of capabilities) participate.

The third part of the paper lists the reasons why greater regional security cooperation is needed to manage this increasingly complex security environment, and advocates the construction of 'building blocks' - a multiplicity of sub-regional arrangements - towards enhanced security cooperation.

The 'Timor Gap Treaty', described in the fourth part of the paper, is an example of such a building block, and the fifth and sixth parts of the paper discuss two suggested maritime confidence- and security-building measures - a regional maritime surveillance and safety regime and a regional avoidance of incidents at sea regime.

The final part of the paper reiterates the need for such confidence- and security-building measures, and the need for each of them to be based on a realistic appreciation of the practical considerations involved.

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1. INTRODUCTION:

Australia's area of 'primary strategic interest' is essentially maritime. It includes an 'area of direct military interest', where Australia seeks to exert independent military power, and which extends over 4,000 nautical miles from the Cocos Islands in the west to New Zealand and the islands of the Southwest Pacific in the east, and over 3,000 nautical miles from the archipelago and island chain in the north to the Southern Ocean; and it encompasses Southeast Asia and the South Pacific generally, in which developments can affect our national security - a total of some 20 per cent of the earth's surface.¹ The South Pacific is almost entirely water; the sea area covered by 200-mile Exclusive Economic Zones (EEZs) alone is some 300 times the area of the island states (excluding Papua New Guinea).² Southeast Asia lies at the junction of the Pacific Ocean and the Indian Ocean. In terms of shipping movements, its seas and straits - the South China Sea, the Gulf of Thailand, the Andaman Sea, the Java Sea, the Celebes Sea, the Molucca Sea, the Strait of Malacca, the Sunda Strait, the Ombai-Wetar Straits and the Makassar Strait - are among the busiest in the world.

Security in this region is very much concerned with maritime issues and capabilities. The waterways through the region are strategically important for both merchant and naval vessels. Military threats to all of the countries in the region (apart from the mainland states of Thailand and Indochina) can come only over (or under) the sea. Coastal and offshore resources provide a principal means of livelihood in many of the countries in the region.

The second part of this paper provides an assessment of this regional security environment. It is an environment characterised by rapid change, increasing complexity of security concerns, and great uncertainty. An increasing number of actors from further afield - more particularly, Japan, China and India - are acquiring significant power projection capabilities and evincing a willingness to exercise these in pursuit of their national interests in the region. Many of the states within the region are themselves engaging in significant defence build-ups involving the acquisition of new weapons systems incorporating advanced technologies. Maritime capabilities - including long-range air power, anti-ship missiles, more capable surface combatants, and submarines - are central to these developments. They are the most important means by which the outside actors are projecting their military capabilities into the region; and it is maritime systems, including aircraft configured for maritime operations, which are at the forefront of the defence acquisition programs within the Southeast Asian region itself.

Security concerns are broadening to include economic and environmental issues. Economic security involves not only the protection of critical sea lines of communication (SLOCs) but also increasingly the protection of fish stocks and other marine resources. The promulgation of 200-mile EEZs under the Third United Nations Conference on the Law of the Sea (UNCLOS III) has generated requirements for surveillance and power projection capabilities over resource-rich areas which, for many states in the region, are greater than their land areas. In the Southwest Pacific, economic and environmental issues - such as the destruction of fish stocks through driftnet fishing and changes in sea levels and temperatures - constitute by far the most important threats to regional well-being and security.

¹ See Paul Dibb, *Review of Australia's Defence Capabilities: Report to the Minister for Defence*, (Australian Government Publishing Service, Canberra, 1986), pp.3-4, 37.

² Anthony Bergin, 'New Developments in the Law of the Sea', (Paper presented to a conference on *Naval Power in the Pacific Towards The Year 2000*, Australian Defence Force Academy, Canberra, 13-14 May 1991), p.3.

This rapidly changing, increasingly complex and more uncertain regional security environment can best be managed through the institution of various forms of enhanced security cooperation. The alternative is to take the risk of unilateral policies and programs leading to intra-regional tensions and arms races, and hence instability and diminished regional security. Maritime policies and capabilities must, perforce, be central to these efforts at greater regional cooperation.

The third part of this paper adumbrates some half dozen or so important reasons for greater regional security cooperation, and outlines the most feasible approach to securing enhanced cooperation. It argues that proposals for multinational arms control or pan-Asia/Pacific regional security regimes, such as a Conference on Security and Cooperation in Asia (CSCA), are premature. They are simply unacceptable, at the present time, to most of the regional states as well as to the United States. Rather, a more fruitful approach for the 1990s is the establishment of 'building blocks'³ - a multiplicity of sub-regional arrangements dealing with various security issues and involving various memberships, building on the wide range of bilateral and limited multilateral arrangements already in place and addressing the common security concerns already being identified in the region.

Australian officials have in the last couple of years not only explicated Australia's general philosophical approach to enhanced regional security cooperation, but have also suggested several particular multilateral 'building blocks'. These include 'an extension of cooperation [with the ASEAN states] in the sphere of maritime surveillance' and the evolution of the Five Power Defence Arrangements (FPDA) and the Integrated Air Defence System (IADS) into 'a wider new regional security community', suggested by Foreign Minister Evans in December 1989;⁴ the development of agreed procedures among regional states 'for handling naval incidents at sea', increased cooperation with respect to air-space surveillance, and increased intelligence exchanges as a confidence-building measure, suggested by Prime Minister Hawke in May 1991;⁵ and the establishment of a 'network of regional security dialogues', advocated by the Secretary of the Department of Foreign Affairs and Trade, Richard Woolcott, in June 1991.⁶

In December 1989, Australia and Indonesia signed the so-called 'Timor Gap Treaty' which established a Zone of Cooperation in the Timor Sea and included provisions for joint surveillance and joint development in the Timor Sea. The arrangement is one of the first of its sort in the region, and is described in the fourth part of this paper as a case study of the operational considerations involved in joint maritime surveillance and development activities.

The fifth and sixth sections of this paper provide more extended discussions of two particular maritime confidence and security building measures (MCSBMs) - a regional maritime surveillance and safety regime, and a regional avoidance of incidents at sea regime. The focus of the discussion is on the practical and operational considerations involved in establishing regional MCSBMs.

³ The term 'building block' was first used in the context of regional security by the Australian Minister for Foreign Affairs and Trade, Gareth Evans, 'Ministerial Response', in Greg Fry (ed.), *Australia's Regional Security*, (Allen & Unwin, Sydney, 1991), p.141. The concept of 'building blocks' as the best approach to regional security cooperation was developed in Desmond Ball, 'Building Blocks for Regional Security', (Paper prepared for Ministerial Seminar on Regional Security, Department of Foreign Affairs and Trade, Canberra, 1 March 1991).

⁴ Gareth Evans, *Australia's Regional Security*, paragraphs 77-81.

⁵ The Hon. R.J. Hawke, Prime Minister, 'Australia's Security in Asia', (*The Asia Lecture*, The Asia-Australia Institute, University of New South Wales, Sydney, 24 May 1991), p.11.

⁶ See Greg Hutchinson, 'Push For Regional Talks on Security', *Sydney Morning Herald*, 8 June 1991, p.13.

Finally, the concluding section reiterates the fact that instituting regional MCSBMs will not be easy, but that it is no less necessary because of this fact. Rather, an appreciation of the practical and operational considerations provides a realistic basis upon which viable and meaningful building blocks for regional security can be constructed.

2. THE CHANGING REGIONAL SECURITY ENVIRONMENT:

For those concerned with the changing security environment in the Asia/Pacific region, there are two fundamental issues. The first is conceptual and concerns the need to develop concepts and analytical techniques for coherently addressing the myriad of disparate factors and trends which constitute this emerging new environment. The current security developments can best be analysed under three progressive heads - change, complexity, and uncertainty. The second issue concerns policy making - how can policies and institutional machinery be designed and constructed to manage these disparate and complex developments in order to enhance regional security?

The condition and character of security in the Asia/Pacific region is changing rapidly; the complexity of security concerns is increasing; and there has been little progress with proposals for arms control, confidence-building, or the institution of cooperative measures to manage this changing and increasingly complex regional security environment.

The most important change is economic. Economic strength has become the single most important index of national power, eclipsing over the long haul even the possession of significant quantities of advanced military capabilities. It is the ability of national economies to sustain high levels of real growth, to generate and capitalise on advanced technological products and processes, and to engage competitively and energetically in the international marketplace that will determine rankings in the national power lists at the turn of the century.

The determinate role of economic factors in shaping the architecture of security in the Asia/Pacific region has been recognised by US defence planners. For example, Dr Paul Wolfowitz, the Under Secretary of Defense for Policy (USDP), testified to the Senate Armed Services Committee on 19 April 1990 as follows:

You've got to recognise the name of the game in the Pacific is economics I don't think we should be under any illusions that 10 years from now the U.S. role is going to be determined by our military posture. It's going to be determined most of all by our economic competitiveness and by the kinds of trading and economic relationships we have out there.⁷

Over recent decades, the Northeast Asian economies have grown more rapidly for longer than any others in world economic history. As a result, there has been an historic shift in the centre of gravity of economic production and power towards Northeast Asia. Northeast Asia's share of world production is now about 25 per cent, about equal with that of each of North America and Western Europe; the region's real purchasing power now exceeds that of each of North America and Western Europe. Northeast Asia has become the main

⁷ Testimony of Dr Paul Wolfowitz, *Hearings of the Senate Armed Services Committee, 19 April 1990*, (transcript), p.18.

source of dynamism in international trade, and the largest source of surplus savings for international investment.⁸

On the other hand, this economic dynamism is somewhat fragile. It is dependent upon energy resources and raw materials from outside the region. Sea lines of communication (SLOCs) are very long and quite vulnerable.

The most obvious geostrategic change is the relative decline of the presence and influence of the two superpowers and the transition from bipolarity to some as yet undefined form of multipolarity.

The Soviet Union is quite clearly receding northward. Most of the military capabilities which it has maintained in Vietnam over the past decade have been removed in the past few years - the MiG-23 *Flogger* fighters, about half the Tu-16 *Badger* bombers and Tu-142 *Bear* long-range maritime surveillance and anti-submarine aircraft, and about half the naval surface combatants and submarines. The Soviet Union could even be seriously considering a complete withdrawal from Cam Ranh Bay - apart, perhaps, from its communications and signal intelligence (SIGINT) facilities. Soviet naval ship-days throughout the Pacific have been reduced markedly.

It should be stressed, however, that the capabilities of the Soviet Pacific Fleet have not been reduced, although the Fleet is increasingly bound to home waters. Indeed, in terms of ship tonnages, quality, and nuclear armaments, the strength of the Fleet has increased in the past few years.

The future of the US presence in the region is somewhat uncertain. Much depends on the outcome of the negotiations over the US bases in the Philippines. It is most likely that the US will remove some of its bases and facilities from the Philippines, if it is not forced to remove all of them, by the mid-1990s. Some of these will be redistributed elsewhere in Southeast Asia and the Pacific, but some will be withdrawn from the region entirely. Whatever the outcome of the Philippines bases negotiations, the US capabilities will suffer some reductions - at a minimum, a decline of some 20 per cent over the next few years.⁹ The reduction in capabilities in the Pacific will almost certainly include one aircraft carrier and possibly two, several squadrons of aircraft, and several tens of thousands of Army personnel from Japan and South Korea.

There will be an increasing number of actors in the region. Security issues in the 1990s will involve a dozen actors - the ASEAN countries, Vietnam, China, Japan, India, the United States, the Soviet Union, and Australia. The primary interests of many of these actors are extra-regional; for these the stability of the region is a secondary concern.

Japan is already involved in maritime operations out to 1,000 nautical miles, which takes it down almost to the Philippines. In regional terms, Japan already has a substantial and very modern naval force, including some 120 maritime aircraft, 56 major surface combatants (39 destroyers and 17 frigates) and 16 submarines. It is planning to acquire tanker aircraft to extend the range of its air coverage, and is considering the acquisition of 'defensive' aircraft carriers. There will be increasing Japanese presence in Southeast Asia and the South Pacific through the 1990s.

The Chinese Navy is growing, as is its presence in the South China Sea. It is improving the amphibious capabilities of its South Sea Fleet, constructing an airbase in the

⁸ See Ross Garnaut, *Australia and the Northeast Asian Ascendancy*, (Australian Government Publishing Service, Canberra, 1989), pp.3-5. The Northeast Asian region is defined here to include China, Japan and Korea.

⁹ See US Department of Defense, *A Strategic Framework for the Asian Pacific Rim: Looking Forward to the 21st Century*, (Report to Congress, Mimeo, 19 April 1990).

Paracels, and acquiring an air-to-air refuelling capability for its naval air forces. Chinese interest in the South Pacific is also increasing.

India's naval expansion will also reach into Southeast Asia and the South Pacific. India plans to acquire another aircraft carrier, more surface combatants, more Dornier Do-288 long-range maritime patrol aircraft, and a modern conventional and nuclear-powered submarine fleet. It is also gradually developing its naval and air facilities on the Andaman and Nicobar Islands - which are only 80 nautical miles from the north coast of Sumatra.

Within the Southeast Asian region itself, the most important geopolitical change concerns the role of Vietnam. Since the 1950s, Vietnam has been the locus of conflict and war in the region. The withdrawal of Vietnamese forces from Cambodia, the possibility of a settlement of the conflict in Cambodia, and the prospect of normalisation of diplomatic relations with Hanoi, augur a fundamental transformation in this central geopolitical condition.

These developments are having a major impact on ASEAN. Already, the perceived reduction of the US presence in the region is raising the profile of differences between the ASEAN countries. The normalisation of relations with Vietnam will greatly exacerbate this trend. The fundamental rationale, albeit implicit, of ASEAN has been the common determination to resist communism and particularly the perceived threat of Vietnamese political and military expansion. This basic rationale is in the process of being removed. It is not implausible that the differences in strategic perspectives and reactions to these developments could lead to the demise of the Association. As The Honourable Encik Abdul Ghafar Baba, Deputy Prime Minister of Malaysia, stated on 11 June 1991:

We must not become too complacent. Unless Asean is constantly tended to, nurtured and strengthened, there are enough forces at work within and outside the region which could gradually cloud its identity, check its momentum and drain its energy.¹⁰

Most of the ASEAN countries are currently engaged in major arms acquisition programs, involving the modernisation and enhancement of air and maritime capabilities. There are perceived security requirements. In particular, there is the requirement for them to monitor and police activities in their Exclusive Economic Zones (EEZs). There is the perceived draw-down of the US presence in the region and the perceived need to compensate for this. The remarkable economic growth of the region permits an increasing allocation of resources to defence programs. There is prestige attendant on the acquisition of modern technology. And the acquisition of advanced weapons systems is an important means of keeping abreast of new technological developments.

All the ASEAN countries (with the exception of the Philippines) are transforming their naval capabilities from essentially surface warfare-oriented patrol boat/coastal forces to navies with greater range and a broader spread of capabilities.¹¹ For example, they are now all (again, except for the Philippines) equipped with *Harpoon* and/or *Exocet* anti-ship missiles. They are also acquiring maritime surveillance and modern (albeit limited) fighter aircraft, which can be used in maritime attack roles. Indonesia, for example, has recently

¹⁰ The Honourable Encik Abdul Ghafar Baba, Deputy Prime Minister for Malaysia, Keynote Address to the *Fifth Asia-Pacific Roundtable on Confidence Building and Conflict Reduction in the Pacific*, (Institute of Strategic and International Studies (ISIS) Malaysia, Kuala Lumpur, 11 June 1991), p.5. Also cited in K.H. Lim, 'Ghafar: Do Not Provoke', *The New Straits Times*, 12 June 1991, p.1.

¹¹ See Carlyle A. Thayer, *Trends in Force Modernisation in Southeast Asia*, (Working Paper No.91, Peace Research Centre, Australian National University, Canberra, September 1990).

Table 1: New Air Power Acquisitions/Deployments, Southeast Asia

1.	Australia	72 F/A-18 Hornets. 22 F-111s (updated with <i>Harpoons</i> and <i>Pave Tack</i>).
2.	Brunei	16 <i>Hawk</i> Mk 100, to be followed by some 20 <i>Hawk</i> Mk 200s.
3.	Indonesia	12 F-16 <i>Falcons</i> , with further acquisitions under consideration. 14 F-5E/F.
4.	Malaysia	10 <i>Hawk</i> Mk 100s and 18 <i>Hawk</i> 200s on order. 35 F-5Es. Acquisition of advanced strike fighters under consideration.
5.	Philippines	Acquisition of 12-20 F-16s proposed.
6.	Singapore	39 F-5E/F. 8 F-16 <i>Falcons</i> , with further acquisitions (perhaps an additional 30-40 F-16C and Ds) under consideration.
7.	Thailand	40 F-5E/F, with an additional 16 on order. 18 F-16 <i>Falcons</i> , with a further 18 under consideration. Acquisition of 40 ground attack/maritime strike aircraft (AMX or <i>Hawk</i> 200) under consideration.

bought six *Harpoon*-capable *Van Speijk*-class frigates and is acquiring 12 F-16 aircraft. Singapore has fitted six of its 24 fast attack craft with *Harpoons*, has acquired eight F-16s, and is considering the acquisition of some 30 additional F-16s. Malaysia has acquired *Exocets* for its two *Kasturi* frigates and its eight missile patrol craft, has ordered some 28 *Hawk* light attack aircraft,¹² and is considering the acquisition of an advanced strike fighter capability (such as the *Tornado*, F-16, or *Mirage* 2000). Thailand has acquired both *Harpoon* and *Exocet* anti-ship missiles, is in the process of acquiring 18 F-16s, with a further 18 F-16s under consideration, and is contemplating the acquisition of aircraft such as the A-7 or *Hawk* 200 for maritime attack purposes. Thailand has also signed contracts with Bremer Vulcan in Germany for the purchase of a 7,800-ton helicopter carrier. Brunei is also likely to acquire some 16-36 *Hawks*.¹³ (The Commander of the Philippine Air Force announced in June 1990 that the Philippines planned to acquire 12-20 F-16s, but the resources are probably lacking for any such acquisition in the near future).¹⁴ Table 1 lists the advanced air capabilities in present inventories or under acquisition in the Southeast Asian region - including the air power projection capabilities of countries adjacent to the region.

Table 2 summarises the regional airborne maritime surveillance capabilities. Many of the maritime surveillance aircraft in the region are equipped with *Harpoons* or other anti-ship missiles.

Table 3 lists the regional naval surface combatants equipped with *Harpoon* and/or *Exocet* anti-ship missiles.

During the course of the next several years, these regional maritime strike capabilities will be significantly augmented by the acquisition of new submarines by several countries. Australia, for example, is currently building six *Collins* class Type 471 submarines to replace the six *Oberon* class submarines acquired in the late 1960s. India is likely to have more than 20 submarines operational by the mid-1990s, while Japan will have some 15 new *Yuushio* and *Harushio* boats.¹⁵ China currently has some 92 non-strategic submarines (although many are non-operational); Taiwan currently maintains four submarines, but is evidently planning to acquire a further six boats.¹⁶ Indonesia operates two Type 209/1200 submarines, which were refitted in 1986-87, and is considering the acquisition of an additional two boats.¹⁷ Malaysia is planning to procure up to four submarines in the next few years.¹⁸ And both Singapore and Thailand are considering submarine acquisitions.¹⁹ (Table 4 provides a summary description of the existing and planned submarine capabilities in and adjacent to the Southeast Asian region.)

¹² 'Malaysia Buys Hawks', *Interavia Aerospace Review*, January 1991, p.9; and 'Hawk Trainers and Fighters for Malaysia', *Defense Electronics*, February 1991, p.18.

¹³ Andrew Lorenz, 'Soaring Hawk Sales Lift BAe', *Sunday Times* (London), 22 July 1990, p.IV-2.

¹⁴ See Thayer, *Trends in Force Modernisation in Southeast Asia*, p.5; and John McBeth, 'A Fighting Chance', *Far Eastern Economic Review*, 19 July 1990, p.20.

¹⁵ Anthony Preston, 'Conventional Submarines: Programmes and Markets', *Military Technology*, No.3, 1991, p.44.

¹⁶ 'Taiwan To Expand Submarine Fleet', *International Defense Review*, 2/1991, p.103.

¹⁷ R. Supartha, 'Indonesia's Navy: Balancing Strategy and Introspection', *International Defense Review*, 3/1991, pp.193-196.

¹⁸ See Joris Janssen Lok, 'Malaysian SSK Contest Reopened', *Jane's Defence Weekly*, 11 May 1991, p.778; and David Lague, 'Australia Seeks Spin-Offs From Malaysian Subs', *Australian Financial Review*, 23 May 1991, p.22.

¹⁹ Anthony Preston, 'Conventional Submarines: Programmes and Markets', *Military Technology*, No.3, 1991, p.44.

Table 2: Regional Maritime Surveillance Capabilities

1.	Australia	19 P-3C <i>Orions</i> .
2.	New Zealand	6 P-3K <i>Orions</i> .
3.	Japan	46 P-3C <i>Orions</i> . 10 E-2C <i>Hawkeyes</i> .
4.	India	11 Dornier Do-228 LRMP. 5 Tu-142M <i>Bear F</i> . 3 Il-38 <i>May</i> .
5.	Singapore	4 E-2C <i>Hawkeyes</i> . Acquisition of 2-4 additional E-2Cs under consideration. 8 RF-5Es being configured for reconnaissance. 4 Fokker-50 <i>Maritime Enforcer</i> on order.
6.	Thailand	3 Fokker F-27 MP. 3 Dornier Do-228 LRMP. 5 Nomad <i>Searchmaster B</i> . 9 <i>Tracker S-2F</i> . 3 P-3A/B <i>Orions</i> in process of delivery. Acquisition of some E-2C <i>Hawkeyes</i> under consideration. Acquisition of 11 MD-11s configured for surveillance in process.
7.	Indonesia	3 Boeing 737 <i>Surveillers</i> . 1 C-130 H-MP. 12 N-22 <i>Searchmaster B</i> . 6 <i>Searchmaster L</i> . Acquisition of 4 E-2C <i>Hawkeyes</i> under consideration.
8.	Malaysia	2 RF-5E. 3 C-130 H-MP. Acquisition of 4 light maritime surveillance aircraft planned.

Table 3: Surface Combatants Equipped with Harpoon or Exocet Anti-Ship Missiles

1.	Australia	3 x <i>Perth</i> -class DDG 4 x <i>Adelaide</i> -class FFG	Harpoon Harpoon
2.	Brunei	3 x <i>Waspada</i> PFM	Exocet
3.	Indonesia	6 x <i>Van Speijk</i> frigates 3 x <i>Fatahillah</i> frigates 1 x <i>Hajar Dewantara</i> frigate 4 x <i>Mandau</i> PFM	Harpoon Exocet Exocet
4.	Malaysia	2 x <i>Kasturi</i> frigates 4 x <i>Handalan</i> PFM 4 x <i>Perdana</i> PFM	Exocet Exocet Exocet
5.	Singapore	3 x <i>Victory</i> corvettes 6 x <i>Sea Wolf</i> PFM	Harpoon Harpoon
6.	Thailand	2 x <i>Ratanakosin</i> corvettes 3 x <i>Ratcharit</i> PFM	Harpoon Exocet

12 'Malaysia buys Hawk', *International Defence Review* 1991, 98; and Hawk Trainer and Fighter for Malaysia', *Defense Electronics*, February 1991, p. 14.
13 Andrew Linton, 'Seeking Hawk Sales For BAE', *Sunday Times* (London), 22 July 1990, p. 14.
14 See Taylor, *Trends in Force Modernization in Southeast Asia*, p. 2; and John Michael, 'A Fighting Chance', *Far Eastern Economic Review*, 19 July 1990, p. 20.
15 Anthony Preston, 'Conventional Submarine Programs and Markets', *Military Technology*, No. 3, 1991, p. 44.
16 'Taiwan To Expand Submarine Fleet', *International Defence Review*, 21/22, p. 103.
17 E. Suparta, 'Indonesia's Navy: Balancing Strategy and Inspection', *International Defence Review*, 21/22, pp. 125-126.
18 See John Jameson, 'Malaysia 22K Coast Guard Program', *Jane's Defence Weekly*, 11 May 1991, p. 17; and David Lague, 'Australia Seeks Spin-Off From Malaysia Sale', *Australian Financial Review*, 22 May 1991, p. 21.
19 Anthony Preston, 'Conventional Submarine Programs and Markets', *Military Technology*, No. 3, 1991, p. 44.

20 See David Haggard and Peter Fiddler (eds), *The Security of Canada in the 1990s - Vol. 1: Views from The Edge*, (Ottawa: Paper on Energy and Defence No. 60, Strategic and Defence Studies Centre, Australian Defence College, Canberra, 1989), pp. 4-5.
21 See Philip Hogg, *Regional Political Instability in Southeast Asia*, (S. Abdul Majid & Co., Kuala Lumpur, 1987), chapter 1-3.

Table 4: Submarine Capabilities in the Southeast Asian Region

1. Australia	6 x <i>Oberon</i> class 6 x <i>Collins</i> class	Built in 1964-69. To be replaced by 6 x <i>Collins</i> class in mid-1990s. Under construction.
2. India	8 x <i>Kursura</i> (<i>Foxtrot</i>) class 8 x <i>Sindhughosh</i> (<i>Kilo</i>) class 2 x <i>Shishumar</i> class 2 x <i>Shishumar</i> class	Being replaced by <i>Sindhughosh</i> class. Acquisition of a further eight in process. Built in 1982-1991. Under construction.
3. China	4 <i>Han</i> class 3 x (Improved) <i>Ming</i> class 1 x <i>Romeo</i> class SSG 84 x <i>Romeo</i> class	Nuclear-powered. Many are non- operational.
4. Taiwan	2 x <i>Hai Lung</i> (<i>Zwaardvis</i>) class 2 x <i>Hai Shih</i> (<i>Guppy</i>) class (6 x ?)	Planning to acquire six additional submarines.
5. Japan	4 x <i>Uzushio</i> class 10 x <i>Yuushio</i> class 2 x <i>Harushio</i> class 3 x <i>Harushio</i> class	Built in 1971-1978. Being replaced progressively by <i>Yuushio</i> and <i>Harushio</i> boats. Built in 1976-1989. Built in 1987-1991. Under construction.
6. Indonesia	2 x Type 209/1200 <i>Cakra</i> class (?)	Commissioned in 1981 and refitted in 1986-1987. Acquisition of additional submarines under consideration.
7. Malaysia	4	Malaysia has decided in principle to acquire four submarines, including two for training purposes.
8. Singapore	(?)	Submarine acquisition reportedly under consideration.
9. Thailand	(?)	Submarine acquisition is under active and serious consideration.

The changing strategic situation represents a mixed picture. There is much to be welcomed, including the relaxation of superpower tensions, the withdrawal of Soviet forces to home territory, and the general economic growth in the Asia/Pacific region.

However, conflict and military competition in the region is not going to go away. Indo-China has a history of invasion, involving both outside powers (e.g. China, France and more recently the US intervention) and the countries within the region (e.g. the Thai and Vietnamese invasions of Cambodia). There are numerous other areas of current or potential conflict, such as the North Solomons (Bougainville) in Papua New Guinea; the Irian Jaya/Papua New Guinea border; the Spratly and Paracel (Xisha) Islands in the South China Sea; and disputed island and continental shelf claims in the Gulf of Thailand. Instability in the Philippines and the Southwest Pacific is also likely to increase.

An important aspect of the changing regional security environment is the broadening of the concept of security itself. Security is becoming more multi-dimensional. Military concerns will of course remain - the strength of insurgent and separatist forces in Burma, Cambodia, the Philippines, Papua New Guinea, etc.; the steady expansion of the naval and counter-maritime capabilities of Indonesia, Malaysia, Singapore and Thailand; and the increasing power projection capabilities of Japan, China and India. However, these military concerns will be increasingly supplemented by issues of economic and environmental security.

Economic security at the broadest level involves the maintenance of economic growth and of the dynamism of the economic power centres of Northeast Asia and increasingly also of ASEAN. There is a multiplicity of contentious issues relating to economic security - such as the protection of trade links; protection of sea lines of communication (SLOCs); rights of transit through straits and internal waterways; competing claims of offshore islands, reefs, and seabed and ocean areas; and the protection and exploitation of marine resources. The Indonesian 'restrictions' in 1988 on passage through the Lombok and Sunda Straits illustrates the potential for significant disruption of merchant shipping through the region. In the South Pacific, the island states rank military threats far below the destruction of fish stocks through driftnet fishing as threats to their future well-being and security.²⁰

Environmental security issues are also becoming more salient. Global pollution, desertification, deforestation, and the 'greenhouse' effect, with the attendant issue of rising sea levels, are all real problems in this region. Large scale oil spills in the Malacca Straits or the South China Sea could do irreparable damage to marine life and other offshore resources. Bangladesh faces a loss of the top soils on which its subsistence agriculture depends. Deforestation in Malaysia and Kalimantan is already portending adverse environmental effects in Southeast Asia.²¹ Rapid industrialisation is causing a dramatic increase in carbon dioxide emissions. In the South Pacific, one island (Nauru) may have to be abandoned because its soil has been worn out by uncontrolled mining of its phosphate resources. On others, wastes have dangerously contaminated the water supplies. Global warming threatens the physical survival of several South Pacific island states. The highest points in the Marshall Islands, Tokelau and Tuvalu are only four metres above sea level. It is possible that a 1-2 C increase in average temperatures would cause a sufficient rise in sea level to in turn cause these islands to effectively disappear. In many other islands, although the maximum altitudes are hundreds of metres, the primary economic activity occurs on the coastal

²⁰ See David Hegarty and Peter Polomka (eds), *The Security of Oceania in the 1990s - Vol.1: Views From The Region*, (Canberra Papers on Strategy and Defence No.60, Strategic and Defence Studies Centre, Australian National University, Canberra, 1989), pp.4-6.

²¹ See Philip Hurst, *Rainforest Politics: Ecological Destruction in South-East Asia*, (S. Abdul Majeed & Co., Kuala Lumpur, 1991), chapters 1-3.

lowlands which could well be drowned. In other cases, the greenhouse effect will alter rainfall patterns - to the extent that desertification of most of Papua New Guinea, for example, is a possibility.²² In the South Pacific, these environmental issues represent the real security problems of the next couple of decades.

In addition, environmental issues will become an increasing source of international disputation. The externalities of environmental degradation are not confined to the national borders of the countries in which the noxious activity is generated; the external costs are frequently borne by those who receive no benefit from the activity. The South Pacific states, for example, are essentially innocent victims of the build-up of carbon dioxide produced by industrialisation elsewhere. The portended loss of top soil in Bangladesh is primarily due to uncontrolled deforestation in Nepal. Conflicts will increasingly occur over attribution of responsibility for offshore pollution and damage to marine resources, desertification, acid rain, rising sea levels, and 'environmental refugees'.

The military, economic and environmental aspects of security are not easy to reconcile. The military requirements of counter-insurgency operations in the Philippines, for example, exacerbate the difficulties of economic reform and development. The adverse environmental costs of deforestation are now widely recognised but, nevertheless, Malaysia, Indonesia and Papua New Guinea remain heavily dependent on timber resources for employment and foreign exchange.

The increasing complexity of the emerging regional security environment demands a multi-dimensional approach to regional security management, in which the military factor will have to be closely complemented by economic, diplomatic and environmental considerations. This is an extremely challenging task, and we should not be complacent about the possibility of the region getting its act together.

3. REGIONAL SECURITY COOPERATION:

Increased regional security cooperation is imperative for at least half a dozen important reasons. To begin with, it is necessary to counter the centrifugal possibilities within the region - and, in particular, to prevent the possible demise of ASEAN as an institutionalised regional entity. Although invariably underplayed as a regional security arrangement, ASEAN has in fact been an extremely successful such arrangement. It represents an example of successful confidence-building in its own right. The mechanisms for dialogue which have been instituted under the umbrella of the Association are, as a whole, far more advanced and functional than those extant elsewhere in Asia.

It is clear, however, that ASEAN will not long remain in its current configuration and terms of reference. One possibility is that the current and prospective economic growth, together with the national self-confidence being generated by the acquisition of advanced military technologies, will produce an Association willing and able to manage regional security developments in a positive and coherent fashion. On the other hand, it is also possible that with the reduction of the US presence in the region, and most particularly a US withdrawal from its bases and facilities in the Philippines, ASEAN will become less cohesive. It will be a more diffusive security environment, with the potential for the ASEAN

²² See Peter Hulm, *A Climate of Crisis: Global Warming and the Island South Pacific*, (Association of South Pacific Environmental Institutions, Port Moresby, 1989); and J.C. Pernetta and P.J. Hughes, *Studies and Reviews of Greenhouse Related Climatic Change Impacts on the Pacific Islands*, (Association of South Pacific Environmental Institutions, for Intergovernmental Meeting on Climatic Change and Sea Level Rise in the South, Majuro, Republic of the Marshall Islands, 16-20 July 1989).

member states to each pull in different directions. The ASEAN states are increasingly taking different positions on important regional security issues - whether it be support for different factions in Cambodia or the acceptance of US bases and facilities to replace those in the Philippines. Competition for markets in Indo-China is likely to be intense.

Hence, as Ghafar Baba, Deputy Prime Minister of Malaysia, recently argued, it is necessary to enhance institutions for political and security cooperation in order to counter these centrifugal possibilities:

ASEAN must continue to seek to strengthen its institutions and its capacity for political, economic and security cooperation.²³

A second reason concerns the various major advanced weapons acquisition programs currently underway in the region. As discussed above, Thailand, Malaysia, Singapore and Indonesia are currently engaged in such programs, especially with respect to maritime attack capabilities. There are various reasons for this - insofar as the acquisition programs are a reflection only of their increased economic and financial strength, or a means of acquiring new technology, they provide little cause for concern. Indeed, the contrary can be argued - that the national self-confidence which is generated by the acquisition of these advanced capabilities is itself a source of confidence-building in the region. It is critical, however, that these acquisition programs do not lead to a regional arms race.

Unfortunately, these acquisition programs are presently proceeding in an atmosphere of uncertainty and some lack of trust. Uncertainty and suspicion is fuelled by a relative lack of transparency in the region with respect to the long-range objectives and motivations behind the current acquisition programs as well as the particular force elements of these programs. Tensions are already being induced in the region by attempts by some countries to discern the purposes and intentions of their neighbours. For example, the espionage controversy which damaged relations between Malaysia and Singapore in late 1989 was reportedly due, at least in part, to Singapore's efforts to collect information on Malaysia's 'recent \$1.6 billion arms deal with Britain'.²⁴

A third reason pertains to the character of the new weapons systems being acquired. The most significant acquisitions involve maritime attack aircraft, anti-ship missiles, and submarines. These strike capabilities tend, in general, to be more inflammatory than other more purely 'defensive' capabilities. It is therefore particularly necessary that their acquisition be accompanied by dialogue and transparency as well as other confidence-building arrangements.

Air power is a principal means by which countries outside the region are able to project power into it, as well as being at the forefront of the force modernisation programs of the ASEAN countries themselves.²⁵ Air power is inherently (although not only) offensive. The quantitative and qualitative enhancements of air power in the region could trigger unanticipated and undesired arms acquisition competitions. There is already some appreciation of this within the region. It is noteworthy, for example, that 'Singapore,

²³ The Honourable Encik Abdul Ghafar Baba, Deputy Prime Minister for Malaysia, Keynote Address to the *Fifth Asia-Pacific Roundtable on Confidence Building and Conflict Reduction in the Pacific*, (Institute of Strategic and International Studies (ISIS) Malaysia, Kuala Lumpur, 11 June 1991), p.5. Also cited in K.H. Lim, 'Ghafar: Do Not Provoke', *The New Straits Times*, 12 June 1991, p.1.

²⁴ See Suhaini Azuam, 'Neighbourly Interest: Spy Accusation Reveals Regional Suspicions', *Far Eastern Economic Review*, 21 December 1989, pp.20-26; and Holman Jenkins, 'Dwindling Supports Throws Status Quo Into Sea of Change', *Insight*, 14 January 1991, pp.26-28.

²⁵ See Desmond Ball, *Air Power, The Defence of Australia and Regional Security*, (Working Paper No.229, Strategic and Defence Studies Centre, Australian National University, Canberra, April 1991).

concerned that its ... F-16 purchase might worry its neighbours, stored its new F-16s in the US until taking delivery in January 1990 so that it would not be seen as the first country in the region to possess the advanced fighters'.²⁶ In fact, it seems clear that Singapore's F-16 decision acted as something of a stimulant for the subsequent Indonesian and Thai F-16 acquisitions as well as fuelling Malaysia's interest in a strike fighter.²⁷ In order to alleviate these competitive concerns, it is imperative that these developments take place in a context of regional dialogue and transparency.

The introduction of submarines and long-range anti-ship missiles is also best accompanied by CSBMs. The underwater environment is particularly opaque, and underwater operations are particularly subject to uncertainty, confusion, loss of control, accidents, and inadvertent escalation. Similarly, over-the-horizon targeting of anti-ship missiles raises the prospect of errors and miscalculation. Greater cooperation, including the institutionalisation of some avoidance of incidents at sea regime, is therefore also desirable in this context.

Fourth, increased regional cooperation is necessary to provide a combined counterweight to the intrusions of other powers into the region. A failure to develop common perspectives and policies for addressing the increasing Indian maritime presence in the region, for example, can only lead to dissension and fuel for a regional arms race. Thai defence officials have reportedly stated privately, for example, that Thailand's recent acquisition of F-16s and frigates is 'aimed at meeting a potential threat from India - a concern rooted in possible competing claims over the delineation of economic zones off Thailand's west coast'.²⁸ The Malaysian Defence Minister, Tengku Ahmad Rihaudeen, has also cited 'a growing "threat" from India' as a reason for Malaysia's recent acquisitions.²⁹ Given differences in threat perceptions, with some countries being more concerned about India's power projection capabilities than others, some being more concerned about the increasing Chinese capabilities, and some worried about the plans and intentions of their nearer neighbours, transparency is necessary to prevent misunderstandings and unanticipated and unfortunate reactions.

Fifth, there is the concern that all countries in the region have with the law of the sea. All have signed the 1982 UN Convention on the Law of the Sea (UNCLOS), which has defined the legal regime of the seas and is a major confidence building measure in its own right. The Convention has also been ratified by Indonesia and the Philippines. Thus, all regional countries share a common responsibility to respect the principles of UNCLOS and to work towards the principle of its Article 88, which states that the High Seas (which include Exclusive Economic Zones for the purposes of this article) 'shall be reserved for peaceful purposes'.

Any further maritime confidence-building measures introduced in the region will need to be harmonised with the provisions of UNCLOS, but the problems of doing this should not be under-estimated since some possible measures may be seen as constraining traditional freedoms of navigation. Also, there are residual uncertainties with some of the regimes introduced by UNCLOS, particularly the EEZ and archipelagic state regimes.

²⁶ See Tai Ming Cheung, 'Shoulder to Shoulder: ASEAN Members Strengthen Defence Ties', *Far Eastern Economic Review*, 22 March 1990, pp.25-26.

²⁷ *Ibid.*, p.26.

²⁸ *Ibid.*

²⁹ See Holman Jenkins, 'Dwindling Support Throws Status Quo Into Sea of Change', *Insight*, 14 January 1991, pp.26-28. See also Michael Richardson, 'India: South-East Asia Wary', *Pacific Defence Reporter*, February 1990, p.42.

Sixth, many of the current and prospective regional security developments can only be addressed on a cooperative basis. The environmental issues, in particular, are amenable only to international effort. In practice, any comprehensive regional maritime surveillance regime would also have to involve a cooperative multinational effort.

Seventh, the increasing rapidity of change and the relatively novel nature of emerging security problems demand an unfettered flow of ideas and dialogue on policy initiatives and means of addressing common problems. Time is being compressed to the point where uncoordinated trial and error efforts cannot be afforded.

Finally, with respect to Australia's own long-term strategic interests, the promotion of multilateral security and confidence building arrangements provides Australia with a significant role in the region. Although most of the initiatives for regional security cooperation quite properly come from the ASEAN and South Pacific capitals, there is an unabashed recognition within the region that Australia is the principal repository of the experience and skills necessary to convert the various notions into viable operational regimes. Australia should not be diffident about capitalising on this important opportunity for regional involvement.

The Building Block Approach

The most grandiose concept for security cooperation in the Asia/Pacific region is that of a Conference on Security and Cooperation in Asia (CSCA), similar to the Conference on Security and Cooperation in Europe (CSCE), which the Australian Foreign Minister, Gareth Evans, proposed for consideration in July 1990:

We should now be looking ahead to the kind of wholly new institutional processes that might be capable of evolving, in Asia just as in Europe, as a framework for addressing and resolving security problems. In Europe, wildly implausible as this would have seemed even just a year ago, the central institutional framework for pursuing common security has become the Conference on Security and Cooperation in Europe. The CSCE is made up of all countries in NATO and the Warsaw Pact. Why should there not be developed a similar institutional framework, a Conference on Security and Cooperation in Asia, for addressing the apparently intractable security issues, which exist in the region?³⁰

The regional reaction to the CSCA proposal has been generally negative. For example, Singapore's Foreign Minister, Wong Kan Seng, has stated:

The situation in Europe has facilitated the concept of the CSCE. The same kind of conditions have not been obtained in Asia.

The countries are so culturally, ethnically, and politically diverse that perceptions have to be harmonised.

³⁰ Gareth Evans, 'What Asia Needs is A Europe-Style CSCA', *International Herald Tribune*, 27 July 1990, p.6.

There has to be common ground before security issues can be discussed.³¹

And Indonesia's Foreign Minister, Ali Alitas, has stated that although the ASEAN countries welcome more dialogue on security issues, the Asia/Pacific region is not ready for a formal body. According to Alitas:

We have to be careful not to think that certain things that work in one region ought to be transplanted to another. We would be rather cautious in proceeding too fast to an overall security conference.³²

The United States also remains adamantly opposed to the CSCA concept. As the US Secretary of State, James A. Baker, stated in a letter to Foreign Minister Evans on 19 November 1990, the US has 'serious doubts' about whether a CSCA-type arrangement 'is really in either of our interests'.³³ So long as the US remains resistant, there is no way that either Australia or other US allies in the Asia/Pacific region will move seriously on the issue.

The concept of CSCA is too ambitious and premature. There are too many outstanding issues of territorial claims, sovereignty and governmental legitimacy - in Indochina, the South China Sea, the two Chinas, the Korean Peninsula, and the Northern Islands - to be resolved beforehand. The Asia/Pacific region is too large and too disparate - in national capabilities, threat perceptions and security interests - to be addressed as a single entity.

This is not to say that the notion of CSCA has no utility. However, it is best regarded as an ultimate objective, not one to be actively pursued at this stage. Rather, the appropriate agenda for the 1990s is the establishment of 'building blocks' - a multiplicity of sub-regional arrangements dealing with various security issues and involving various memberships. Having put these in place, a CSCA will arise naturally.

Two points need to be stressed with respect to the 'building block' approach.

First, the Asia/Pacific region is really a collection of sub-regions, each with different geostrategic circumstances - Northeast Asia, South Asia, Southeast Asia, and the Southwest Pacific - and security cooperation is best approached at this sub-regional level.

The second point is that, even at the sub-regional levels, the political conditions are generally not conducive to formal arms control agreements at the present time. More modest cooperative arrangements and confidence-building are essential first steps towards the creation of more amenable political conditions. The agenda for the next decade will be not so much arms control, let alone arms reduction, but enhanced dialogue, limited cooperative arrangements and confidence-building measures designed as a precursor to subsequent controls and reductions.³⁴

Notwithstanding the relative modest character of this agenda, there are a variety of 'building blocks' which might be considered as means of enhancing dialogue, cooperation, and confidence in the Southeast Asia and Southwest Pacific regions, and which would contribute significantly to regional security.³⁵

³¹ 'ASEAN Wary of Pacific Security Plan', *The Australian*, 8 October 1990, p.8.

³² *Ibid.*

³³ See 'Security, In Letter and Spirit', *Australian Financial Review*, 2 May 1991, p.12.

³⁴ See Desmond Ball, 'Towards Arms Control and Reduction in the Pacific', in Jawhar Hassan and Rohana Mahmood (eds.), *Quest For Security: Proceedings of the Fourth Asia-Pacific Roundtable*, (Institute for Strategic and International Studies (ISIS) Malaysia, Kuala Lumpur, 1991), pp.105-111.

³⁵ Some half dozen or so possible arrangements which could serve as 'building blocks' are outlined in Desmond Ball, 'Building Blocks for Regional Security', (Paper prepared for Ministerial Seminar on

Maritime capabilities and activities provide the bases of several of these, and must figure centrally in others.

A basic need is to encourage much greater *transparency* in the region with respect to major arms acquisition programs and strategic objectives. With a dozen major arms acquisition programs underway in or impacting on the region, there are real prospects for suspicions, tensions, and imitative and offsetting programs leading to arms races. Uncertainty and alarm can best be prevented by transparency. Prior declaration of intentions and plans, the articulation of rationales, and dialogue and exchange of views between neighbours are critical to this exercise.

Various official Australian government statements over the past half decade provide something of a model for the sort of public disclosure which is both possible and necessary. Paul Dibb's *Review of Australia's Defence Capabilities*, issued in March 1986, provides a detailed and comprehensive explanation of the basis and rationale of the structure of the ADF.³⁶ The policy information paper on *The Defence of Australia 1987*, issued by the Minister for Defence in March 1987, provides a comprehensive overall explanation of the basis of Australian defence policy and planning, including the concepts of self-reliance and 'defence in depth'.³⁷ In December 1989, the Minister for Foreign Affairs and Trade, Gareth Evans, issued a major statement on *Australia's Regional Security*, which describes Australia's regional security interests and policies, including not just the military but also the diplomatic, economic and development assistance dimensions, and explains the Australian policies of 'comprehensive engagement' for Southeast Asia and 'constructive commitment' for the South Pacific.³⁸ Australia should encourage the publication of similar statements by regional governments - while being mindful of the limitations which some regional socio-political cultures impose on open government. Australia could offer to provide assistance to regional defence planners with respect to planning methodologies and techniques, such as program budgeting and five year (and more forward) defence planning. The development and publication of long-term defence plans and their conceptual bases would allay some of the uncertainty in the region. The RAN could further extend its assistance to regional navies with respect to the development and articulation of maritime doctrine and operational concepts. Interaction between regional navies at this level can do much to enhance mutual understanding and cooperation.

There are already some maritime confidence building measures in Southeast Asia involving productive dialogue between regional navies. Workshops and seminars such as our current activity contribute but there is also the Western Pacific Naval Symposium which allows for the meeting of senior officers of Western Pacific Navies. The first of these meetings was held in Sydney in October 1988 and the second was in Bangkok in November 1990. Such meetings which bring together representatives of the navies of the ASEAN states, the US, Japan, the Republic of Korea, the People's Republic of China, Papua New Guinea, Australia and New Zealand provide an opportunity for a frank exchange of views on

Regional Security, Department of Foreign Affairs and Trade, Canberra, 1 March 1991), pp.10-14; and Desmond Ball, *Air Power, The Defence of Australia and Regional Security*, pp.20-28.

³⁶ Paul Dibb, *Review of Australia's Defence Capabilities*, (Australian Government Publishing Service, Canberra, 1986), p.v.

³⁷ Kim C. Beazley, *The Defence of Australia 1987*, (Australian Government Publishing Service, Canberra, 1987), pp.vii-x.

³⁸ Gareth Evans, Minister for Foreign Affairs and Trade, *Australia's Regional Security*, (Management Information Processing, Department of Foreign Affairs and Trade, Canberra, December 1989).

For a critical review of the statement, which provides further explication of the assumptions and implications of Australia's regional security policy, see Greg Fry (ed.), *Australia's Regional Security*, (Allen & Unwin, Sydney, 1991).

a wide range of issues, including law of the sea and SLOC protection. They are a unique forum and a significant step towards a better understanding between regional navies. There may be some scope for their further development to include representation, for example, from the South Asian navies.

The establishment by the RAN of the Maritime Strategic Studies Project also has a confidence-building dimension. The objectives of the project include building a better dialogue with regional navies on maritime strategic issues. This will be implemented by visits within the region for discussions with naval planning staffs and talks to staff colleges, strategic studies centres, etc. Reciprocal visits to Australia for similar purposes would of course be welcomed by the RAN.

4. THE TIMOR SEA ZONE OF COOPERATION:

The Zone of Cooperation in the Timor Sea established by the so-called 'Timor Gap Treaty' between Australia and Indonesia, which entered into force earlier this year, provides a case study against which to discuss *operational* aspects of joint maritime surveillance and development activity. This Treaty provides for a provisional 'joint development' regime in an area of the Timor Sea between Australia and Timor where there was a gap in the seabed boundary previously agreed by Australia and Indonesia in 1972 (referred to as the 'Timor Gap' and shown in Figure 1 as the space between turning points A17 and A16).³⁹

The gap occurred because this area of seabed was adjacent to and south of what was then the Portuguese territory of East Timor. A seabed boundary delimitation in this area would have necessitated separate negotiations between Australia and Portugal. However, following the incorporation of East Timor into the Indonesian state in 1975 and Australia's subsequent recognition of this annexation in 1978, it became possible for Australia and Indonesia to negotiate an agreement to close the gap - although the right to do so has been disputed by Portugal who has commenced proceedings in the International Court of Justice to challenge the Timor Gap Treaty.

Closure of the Timor Gap was important because this area of seabed contains the geological structure known as the 'Kelp Prospect' which is believed to have substantial hydrocarbons potential. However, uncertainty over the actual location of this structure and the possible consequences of referring the dispute to international arbitration provided an incentive to both countries to share the disputed area.⁴⁰ The resultant agreement is without prejudice to the respective positions of the two countries on a permanent seabed boundary.

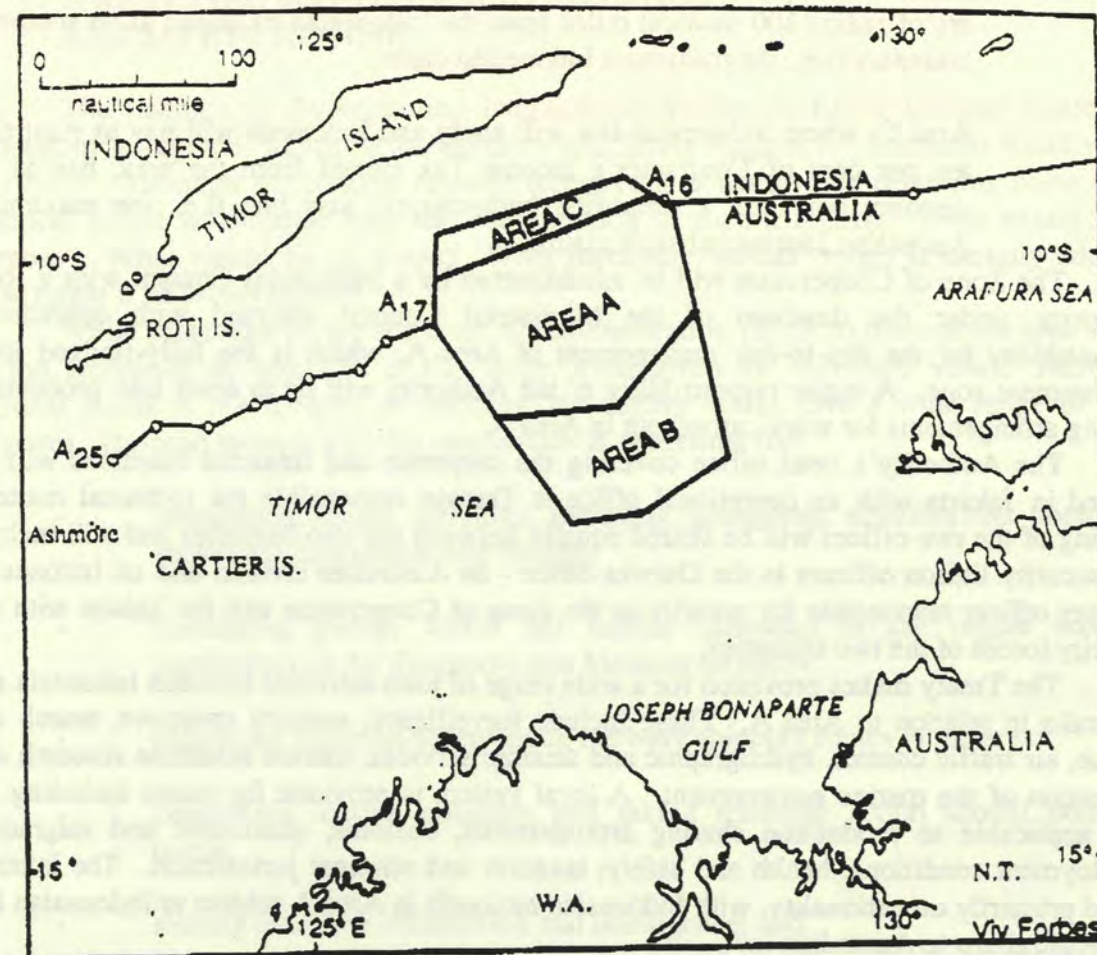
Under the Timor Gap Treaty the disputed area is divided into three areas within a Zone of Cooperation covering a surface area of about 60,500 square kilometres. The three areas are as follows (see Figure 1):

- Area A, the principal joint operating area, in which the two countries will share equally in the petroleum resource benefits, has as its northern boundary

³⁹ A recent paper which discusses the Timor Gap Treaty is F.M. Auburn and V.L. Forbes, 'The Timor Gap Treaty and the Law of the Sea Convention', *SEAPOL Workshop*, (Chiang Mai, Thailand, 27-29 May 1991).

⁴⁰ For a discussion of the legal norms and factual considerations involved with the closure of the Timor Gap see C. Cook, 'The Australia-Indonesia Maritime Boundary', in W.S.G. Bateman and M.W. Ward (eds), *Australia's Offshore Maritime Interests*, (Australian Centre for Maritime Studies, Canberra, 1985), pp.40-53.

Figure 1: Timor Gap Treaty: Zone of Cooperation and Agreed Seabed Boundary Delimitation Between Australia and Indonesia



AREA 'A'	34,650 sqkm
AREA 'B'	19,700 sqkm
AREA 'C'	6,150 sqkm
Total surface area	60,500 sqkm

Source: FM Auburn and V.L. Forbes, 'The Timor Gap Treaty and the Law of the Sea Convention', *SEAPOL Workshop*, (Chiang Mai, , 27-29 May 1991), p.17.

the simplified 1500 metre isobar with the median line between Australia and Indonesia as its southern boundary.

- Area B, where Australian law will apply with Australia passing on to Indonesia ten per cent of the Resources Rent Tax earned from the area, has the arc of radius 200 nautical miles from the Indonesian baselines as its southern boundary (i.e., the maximum Indonesian claim).
- Area C, where Indonesian law will apply and Indonesia will pay to Australia ten per cent of Contractor's Income Tax earned from the area, has as its northern boundary a simplified bathymetric axis line (i.e., the maximum Australian continental shelf claim).

The Zone of Cooperation will be administered by a Ministerial Council with a Joint Authority, under the direction of the Ministerial Council, charged with operational responsibility for the day-to-day management of Area A, which is the fully-fledged joint development zone. A major responsibility of the Authority will be to enter into production sharing arrangements for work carried out in Area A.

The Authority's head office covering the corporate and financial functions will be located in Jakarta with an operational office in Darwin responsible for technical matters. Staffing of the two offices will be shared equally between the two countries and will include two security liaison officers in the Darwin office - an Australian civilian and an Indonesian military officer responsible for security in the Zone of Cooperation and for liaison with the security forces of the two countries.

The Treaty makes provision for a wide range of joint activities between Indonesia and Australia in relation to Area A. These include surveillance, security measures, search and rescue, air traffic control, hydrographic and seismic services, marine scientific research and protection of the marine environment. A legal system is provided for issues including the law applicable to production sharing arrangements, customs, quarantine and migration, employment conditions, health and safety, taxation and criminal jurisdiction. The latter is based primarily on nationality, with Indonesian nationals in Area A subject to Indonesian law and Australians to Australian law.

The Timor Gap Treaty is a very detailed regime for the joint development of offshore petroleum resources. It has provided a practical, but albeit interim, solution to an exceptionally complex problem of maritime boundary limitation. The stakes were high in terms of the possible value of the resources to be exploited in the area and negotiations over the boundary and prospecting rights in the area could easily have become acrimonious if goodwill between the parties had not prevailed.

The Treaty is an important confidence building measure which is a significant step towards building good relations between two neighbouring countries. It will lead to close cooperation and understanding between the defence forces of Australia and Indonesia through contingency planning for the security of installations in the area and the conduct of routine maritime surveillance and security operations. In no way are these theoretical benefits - Area A is rich in hydrocarbons and it will certainly be developed into a major oil and gas producing field.

Arrangements for joint surveillance and security operations in Area A are already being developed. This requirement has served as a catalyst for more general arrangements for coordinating surveillance operations between Australia and Indonesia in the broader area of the Timor and Arafura Seas. This will include the exchange of information on the programming of surveillance units, occasional joint exercises between these units, the

establishment of routine communications links between ships, aircraft and shore authorities, and the development of standardised reporting procedures.

5. A REGIONAL MARITIME SURVEILLANCE AND SAFETY REGIME:

The Institute of Strategic and International Studies in Kuala Lumpur floated the concept of a Regional Maritime Surveillance and Safety Regime for Southeast Asian waters in 1990.⁴¹ Although the concept remains inceptive it is worthwhile reviewing some of the practical issues which arise with the consideration of such a regime. What would be its purpose? What would be its scope? What particular 'threats' might it usefully address? How might it be implemented?

While protection of the sea lines of communication (SLOCs) through the area would be too ambitious an objective at this stage, even given the increased vested interest of regional states in the security of shipping, the regime could have a wide range of other purposes. It would provide a useful mechanism in peacetime for:

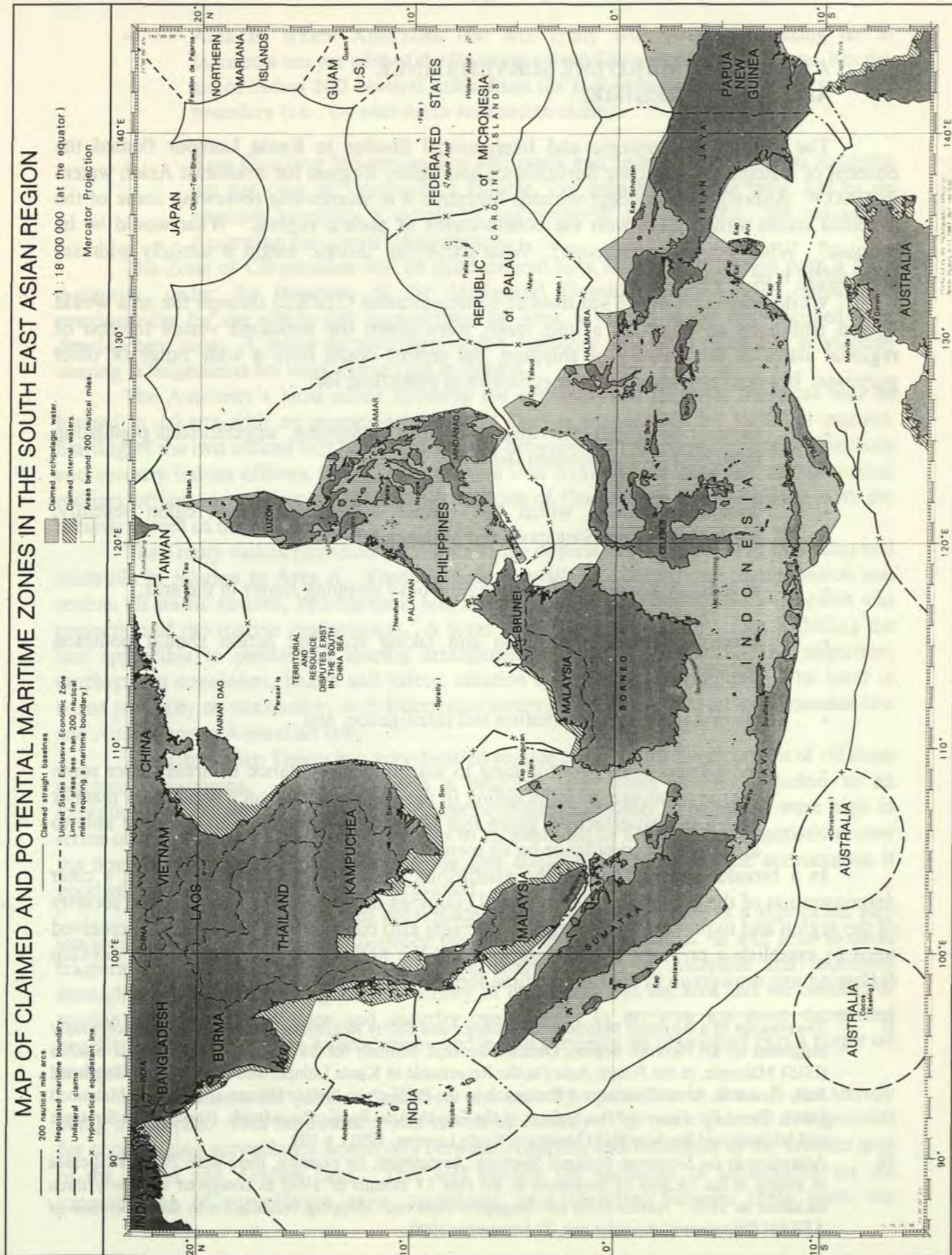
- monitoring illegal activities, including smuggling, unauthorised population movement and unlicensed fishing;
- combating piracy, which has further increased in the region recently, particularly in the Singapore and Malacca Straits;⁴²
- enhancing maritime safety along the busy shipping routes in the area;
- controlling marine pollution and taking remedial action should pollution occur;
- sharing maritime information and intelligence; and
- most importantly, contributing to maritime surveillance of areas under some degree of sovereignty (including in the approaches to such areas) in a manner which is cost-effective, given that no regional country is likely to be able to afford such surveillance on its own.

In a broader strategic sense, the establishment of such a regime would be a clear demonstration of the preparedness of regional countries to act together to ensure the security of the region and to prevent threats arising. It might also contribute to fulfilling the perceived need to establish a presence in the area to avoid the notion that a vacuum could develop following any drawdown in the US maritime forces.

⁴¹ The concept of a Regional Maritime Surveillance and Safety Regime in Southeast Asia was originally suggested by Dr Noordin Sopice, Director-General, Institute for Strategic and International Studies (ISIS) Malaysia, at the Fourth Asia-Pacific Roundtable in Kuala Lumpur in June 1990. See Desmond Ball, 'Towards Arms Control and Reduction in the Pacific', in Jawhar Hassan and Rohana Mahmood (eds.), *Quest For Security: Proceedings of the Fourth Asia-Pacific Roundtable*, (Institute for Strategic and International Studies (ISIS) Malaysia, Kuala Lumpur, 1991), p.109.

⁴² According to the Singapore National Shipping Association, for example, there were 29 reported cases of piracy in the vicinity of Singapore in the first 11 months of 1990 as compared with only three incidents in 1989. Advice from the Singapore National Shipping Association to the Federation of ASEAN Shipowners' Associations, 27 November 1990.

Figure 2: Map of Claimed and Potential Maritime Zones in the Southeast Asia Region



This map is not authoritative. It is indicative only of possible maritime boundaries in the region.

The area in which a maritime surveillance and safety regime could apply is within defined geographical limits in the South China Sea, the Gulf of Thailand, the Straits of Malacca, the Andaman Sea and northeast Indian Ocean beyond the archipelagic waters and territorial seas of countries in the region. As shown in Figure 2, most of this area is either part of an already promulgated and accepted Exclusive Economic Zone (EEZ) or is the subject of a sovereignty dispute. The fact that a large part of this area is under some degree of sovereign control (i.e., territorial sea, archipelagic waters or an EEZ) is an important feature of the Asia/Pacific waters. Naval CSBMs proposed for this area will need to take careful account of the Law of the Sea, particularly with regard to the regimes of the EEZ, archipelagic waters, and straits transit passage, all of which were introduced in the 1982 UN Convention of the Law of the Sea.⁴³ Coastal States enjoy full sovereignty in their territorial and archipelagic waters and it is unlikely that, at least in the first instance, any regional country would agree to the regime extending into sovereign waters. This may be possible in the longer term as countries develop joint operating procedures and gain confidence in the regime. But in the shorter term, countries should at least perceive benefit in the regime providing data to national surveillance centres on the movements of vessels entering and leaving archipelagic waters and territorial seas under the regimes of straits transit passage, archipelagic sealanes passage or innocent passage.

The area covered by the regime encompasses strategically important waterways for both merchant and naval vessels. The Singapore and Malacca Straits are the shortest sea route between the Indian Ocean (via the Andaman Sea) and the Pacific Ocean and, with as many as two hundred shipping movements per day, they are one of the busiest shipping channels in the world. However, they are also navigationally intricate with shallow and restricted channels, shifting bottom sands, numerous shoals, strong tidal streams and occasional periods of poor visibility, particularly during the South West monsoon between May and September when there is persistent cloud and frequent rain, often heavy.

In waters within ten degrees of the equator (most of the area to be covered by the suggested regime would fall within this category), there is an almost daily routine of thunder storms and squalls. Localised rain squalls are particularly prevalent in waters within five degrees of the equator. These conditions, together with the high humidity of the region, suggest that sophisticated maritime surveillance systems, such as satellites and over the horizon radar, may be rather less effective over regional waters than they are in higher latitudes. All these factors point to the fundamental and enduring importance in the area of the basic surveillance platforms - aircraft and ships.

All States in the region have geostrategic considerations which point to the potential value of a safety and surveillance regime. All are heavily dependent on the sea for seaborne trade and offshore resources (seafood and/or oil and gas) and in most cases, this dependence is increasing. But there are other geographical factors relevant to individual countries:

- Indonesia is the archetypical archipelagic state which places considerable emphasis on the integrity of its land and maritime space;
- Malaysia is a fragmented country divided by the South China Sea between West Malaysia and the States of Sabah and Sarawak;

⁴³ For a general discussion of these regimes, see K. Booth, *Law, Force and Diplomacy at Sea*, (Allen & Unwin, London, 1985). Implications for naval arms control are discussed in J.R. Hill, *Arms Control at Sea*, (Routledge, London, 1989).

- Thailand has a West coast facing the Andaman Sea and thus has a legitimate interest in maritime activity in the Bay of Bengal and the Strait of Malacca, as well as in the Gulf of Thailand and the South China Sea; and
- Singapore is wholly dependent on the free flow of shipping from the East through the South China Sea and from the West through the Strait of Malacca.

Despite the advantages of the regime, there will be major difficulties in its implementation. There will need to be some commonality of interest established between the parties to the regime not only between the countries themselves but, also, between the separate national authorities (e.g., customs, and fishing and maritime administration agencies) which have a vested interest in the national surveillance arrangements of their country.

Fishing rights and control of illegal immigration are already vexed issues in the region. Thailand, for example, has the largest regional fishing fleet and could be expected to have a firm attitude to the fishing provisions of the regime.

The dispute over sovereignty over the Spratly Islands is a particular regional problem which could inhibit the creation of a regional surveillance and safety regime.⁴⁴ Likely participants in the regime include several claimants to islands in the Spratlys who could see the regime as contributing to their own surveillance operations in disputed areas. In a strict legal sense this could imply tacit recognition by the other participants of the sovereignty claims. This would obviously be unacceptable to the members of the regime who were themselves claimants. The only solution to this problem would be to exclude the vicinity of the Spratly Islands from the regime and to include disclaimers in any agreement establishing the regime that it was without prejudice to sovereignty claims in the area and did not imply recognition of such claims.

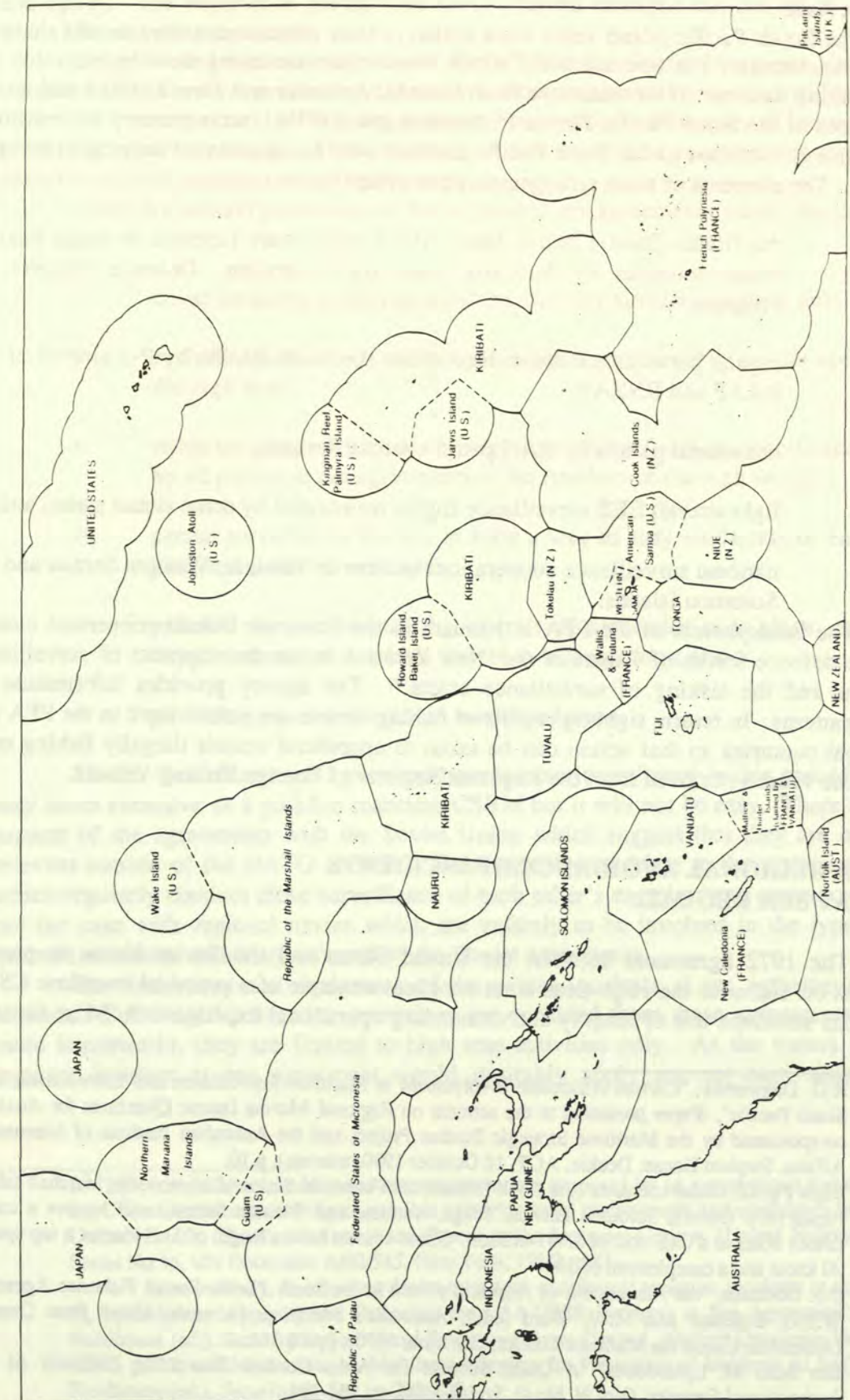
A first step in the establishment of the regime should be the delineation and acceptance of the objectives of the regime and of the geographic area to be covered by it. Initially operations would still be conducted on a national basis but with the relatively unfettered exchange of maritime surveillance information probably through a regional surveillance coordination centre staffed by personnel from the participating countries. Expansion of the present trilateral regime (Singapore, Indonesia and Malaysia) in the Straits of Malacca provides a possible route for implementation. The setting up of a multinational surveillance force (ships and aircraft) might later evolve as experience develops and circumstances warrant.

Australia could make a significant contribution to such a multinational force. The RAN already maintains a continuous presence in Southeast Asian waters (albeit generally consisting of only a single vessel) and RAAF P-3Cs undertake regular maritime surveillance of the region from the northeast Indian Ocean and the South China Sea. Consideration could be given to instituting some coordination of these surveillance flights with those of regional maritime patrol aircraft.

In addition, the Australian Defence Force has a wealth of experience in the conduct of multinational operations which would be very useful for establishing a regional surveillance regime. In some ways the cooperative procedures and regional centres being developed in the South Pacific for maritime surveillance and the control of illegal fishing provide a model

⁴⁴ A cooperative approach to solving the problems of the Spratly Islands has been suggested in B.A. Hamzah, *The Spratlies: What Can Be Done To Enhance Confidence*, (ISIS Research Note, Institute for Strategic and International Studies (ISIS) Malaysia, Kuala Lumpur, 1990); and Mark J. Valencia, 'A Spratly Solution', (Paper prepared for Workshop on Cooperative Security in the Pacific in the 1990s, Honolulu, 18-21 November 1990).

Figure 3: Map of Claimed and Potential Maritime Zones in the South Pacific Region



This map is not authoritative. It is indicative only of possible maritime boundaries in the region.

for a Southeast Asian regime, admittedly on a much less complex scale and without the same problems of jurisdiction and competing national interests which may be encountered in Southeast Asia.

The South Pacific island states were united in their concern that they should share in the fish resources of the South Pacific which were otherwise being heavily exploited by distant fishing nations. With assistance from Canada, Australia and New Zealand and under the auspices of the South Pacific Forum Fisheries Agency (FFA), arrangements for maritime surveillance cooperation in the South Pacific are now well developed and proving to be very effective. The elements of these arrangements comprise:⁴⁵

- the fifteen Pacific patrol boats which have been supplied to eight Pacific island countries by Australia under the Australian Defence Cooperation Program;⁴⁶
- regular surveillance flights throughout the South Pacific by P-3 aircraft of the RAAF and RNZAF;
- occasional patrols by RAN patrol boats in the area;
- light aircraft EEZ surveillance flights maintained by some island states; and
- national surveillance cooperations centres in Vanuatu, Western Samoa and the Solomon Islands.

The headquarters of the FFA in Honiara in the Solomon Islands cooperates closely with the defence forces of Australia and New Zealand in the development of surveillance programs and the tasking of surveillance assets.⁴⁷ The agency provides information on fishing patterns. In return, sighting reports of fishing vessels are passed back to the FFA and individual countries so that action can be taken to apprehend vessels illegally fishing or to have those vessels removed from the Regional Register of Foreign Fishing Vessels.

6. A REGIONAL AVOIDANCE OF INCIDENTS AT SEA REGIME:

The 1972 agreement between the United States and the Soviet Union to prevent incidents on and over the High Seas is an excellent example of a practical maritime CSBM which has stood the test of lengthy and demanding operational experience.⁴⁸ More recently,

⁴⁵ R.G. Dagworthy, 'Current Australian Involvement in Maritime Surveillance and Enforcement in the South Pacific', (Paper presented to the seminar on *Regional Marine Issues: Questions for Australia*, co-sponsored by the Maritime Strategic Studies Project and the Australian Institute of International Affairs, Stephen House, Deakin, ACT, 10 October 1990, mimeo), p.10.

⁴⁶ Eight Pacific island countries (the Cook Islands, the Federated States of Micronesia, Marshall Islands, Papua New Guinea, Solomon Islands, Tonga, Vanuatu and Western Samoa) will receive a total of fifteen boats at a total cost of \$A91 million. These vessels have a length of 31.5 metres, a top speed of 20 knots and a complement of 17.

⁴⁷ D.J. Doulman, 'An Assessment of Australia's Role in the South Pacific Forum Fisheries Agency' in W.S.G. Bateman and M.W. Ward (eds), *Australia's Maritime Interests: Views from Overseas*, (Australian Centre for Maritime Studies, Canberra, 1990), pp.90-101.

⁴⁸ See Sean M. Lynn-Jones, 'A Quiet Success for Arms Control: Preventing Incidents At Sea', *International Security*, (Vol.91, No.4), Spring 1985, pp.154-184.

bilateral incident at sea agreements have also been negotiated between the Soviet Union and other Western navies (i.e., the UK, Germany, France, Canada, Italy, Norway, the Netherlands and Spain). The experience gained from these bilateral arrangements has led to suggestions of multilateral arrangements.⁴⁹

Other related agreements between the US and the Soviet Union are, first, the one signed in 1989 aimed at preventing dangerous military incidents between all military services of the two countries, and, second, the uniform interpretation of the rules of international law governing innocent passage. These agreements also need to be considered in the context of possible regional incidents at sea agreements.

There are several provisions of the incident at sea agreements which should be noted. *Inter alia* they:

- cover incidents involving warships, military aircraft and naval auxiliaries;
- exclude operations by submerged submarines since they are not operating 'on' the high seas;
- relate only to activities *on the high seas* (this reflects the significance attached by all parties to the agreements to the freedom of the high seas);
- permit surveillance but not in such a way as may embarrass or endanger the platform under surveillance;
- prohibit the performance by aircraft of aerobatics over ships, or dropping objects near ships in such a way as to be hazardous; and
- prohibit simulated attacks on maritime forces.

Similar incidents at sea agreement between maritime forces in this part of the world may seem attractive as a possible maritime CSBM but it will not be easy. There are several aspects of the agreements with the Soviet Union which suggest that they are not entirely relevant outside of the NATO context. Those agreements relate to the activities of navies which regularly conduct close surveillance of each other's exercises and operations. That is not the case with regional navies which are unlikely to be involved in the types of close quarters situations which are covered by the Soviet agreements.

The limitations and exclusions of the extant incidents at sea agreements are also relevant. Submerged submarine operations are excluded from these agreements but, even more importantly, they are limited to high seas activities only. As the waters where any regional incident at sea agreement would desirably apply are not high seas, such an

⁴⁹ In 1985, a multilateral incidents at sea agreement was proposed by an expert group commissioned by the United Nations to investigate possible areas for naval disarmament and confidence building. See United Nations, *The Naval Arms Race: Report to the Secretary-General*, (United Nations, UN Study Series No.16, UN Document A/40/535, New York, 1986), p.83.

More recently, Sweden has drawn up a draft multilateral treaty on incidents at sea. See Sean M. Lynn-Jones, 'Applying and Extending the USA-USSR incidents at Sea Agreement', in Richard Fieldhouse (ed.), *Security at Sea: Naval Forces and Arms Control*, (Oxford University Press, Oxford, 1990), p.212; and Jan Prawitz, 'A Multilateral Regime for Prevention of Incidents At Sea', in Richard Fieldhouse (ed.), *Security at Sea*, pp.220-225.

agreement would be seen as a restriction both on the rights of the coastal State involved and on the freedom of navigation exercised by other nations in such waters.

Another potential problem with regional incidents at sea agreements is that much of the success of the current agreements can be attributed to the fact that they are all bilateral. The interests of different countries in the range of maritime operations is so diverse that not only would the negotiation of multilateral agreements be very difficult but also the investigation of particular incidents which may or may not have contravened the agreement would become more complicated if third parties had to be consulted. The third parties could well perceive that their interests were affected in ways which were perhaps different to those of the countries directly involved in the incident.

A recent review of the US-USSR Incidents at Sea agreement has identified six reasons for the success of the agreement.⁵⁰ These are:

- mutuality of interest,
- involvement of professional naval officers,
- consistency with agreed customary international law,
- absence of political pressure,
- a working/workable agreement, and
- a bilateral forum only.

Incidents at sea agreements between regional navies would constitute a desirable maritime CSBM but there will be many problems to overcome. In the first instance, they would only be achievable on a bilateral basis and problems could be encountered with the attitudes of other countries to the agreements, including those of extra-regional navies, who could perceive that their interests were affected by such agreements or that some aspect of them created undesirable precedents (e.g., possible restrictions on certain naval operations in Exclusive Economic Zones, or the inclusion in the agreements of provisions which appear to require the prior notification of straits transit or archipelagic sealanes passage). Another major area of difficulty with negotiating regional agreements would likely be associated with specifying the geographical scope of such agreements (particularly the extent to which they should apply in areas where the potential parties enjoy some degree of sovereignty).

Maritime activities that could be covered by the agreements include:

- entry into the national territory (internal waters and territorial sea and the airspace above) of the other party unintentionally or through force majeure;
- a uniform interpretation of the rules of innocent passage;
- the restriction of maritime exercises to particular areas;
- minimum distances for naval ships and maritime aircraft to approach each other;

⁵⁰ Rear Admiral Robert P. Hilton, USN (Ret.), *A Workable Approach to Naval Arms Control: Development of Confidence-Building Measures at Sea*, (IDA Paper P-2521, Institute for Defense Analysis, Alexandria, Virginia, November 1990), p.17.

- the potentially harmful use of lasers;
- potentially harmful interference with command and control networks; and
- communications procedures to avoid or resolve peacefully any activity covered by the agreement.

The development of regional incidents at sea agreements along these lines should be seen as an *operational* matter rather than a political one. The objective should be a workable and working document which can readily be promulgated to participating navies without the need for detailed amplifying instructions. The negotiations should in the main be conducted by professional naval officers, in a manner which is frank, operational and professional, given that the mutuality of interest and the political guidelines have already been determined. The agreements which result should be signed by the Chiefs of the navies involved and would not be an international treaty in the formal sense. A formal treaty as, essentially, a political document, would likely require more detailed implementing instructions and these may get out of step at the national level.

The provisions of the agreement will need to cover issues such as the reporting and investigating of alleged breaches of the regime. Regular reviews of the agreements will also be important and these in themselves will be a further confidence building measure because of the basis they provide for dialogue between the participating navies. This has certainly been the experience of the Western navies and the Soviet Union with the existing incidents at sea agreements.

7. CONCLUSIONS:

The region which constitutes Australia's area of 'primary strategic interest' is becoming a much more complex operating area for naval forces. There are more active players on the maritime scene, and they are acquiring increasingly sophisticated maritime capabilities - ships, submarines, and aircraft. The risk of local misunderstanding and miscalculation at sea will be much higher than it is at present.

Most countries in the region are currently engaged in major weapons acquisition programs. It is clear that, at least in the short term, there is little possibility of these countries engaging in arms control or multilateral security dialogues which will constrain their maritime force development plans and programs. In the longer term, however, the success of cooperative measures to build confidence and security in the region may mean that there is less justification for sophisticated naval and maritime air capabilities.

It is necessary to stress that the development of regional cooperative security and confidence building measures will not be easy. The regional countries themselves have somewhat different security perceptions, and there are outstanding territorial disputes which require resolution. Much will depend on the attitude of the extra-regional actors - i.e., the United States, the Soviet Union, India, China and Japan.

However, the fact that the exercise will not be easy is not an excuse for inaction. Recounting the practical and operational considerations involved is not meant to induce quiescence. The need for regional MCSBMs is too important for that. However, unless the practical and operational considerations are appreciated at the outset, any proposed arrangements will simply prove to not be viable. Addressing the practical and operational considerations makes the exercise more challenging and exciting, and offers the realistic

prospect of viable and meaningful regional security and confidence building measures actually being instituted.

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