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STRATEGIC CONCEPTS: MARITIME NATIONS, TERRITORIAL CHALLENGES AND THE IMPLICATIONS FOR NAVIES

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INTRODUCTION

The earth's surface is made up of more than two-thirds of water. The ocean has always been significant to human livelihood. The sea continues to be a vital source of sustenance, energy and means of communication or trade. This is evident that more than 95 percent of international trade is transported via seaborne (Reine & Le Miere, 2017). The ratification of the United Nations Conference on the Law of Sea (UNCLOS) by more than 120 country nations further indicates the importance of maritime to mankind. The best way to gauge the importance of sea resources is through understanding the significance of the maritime territorial boundaries and routes to the world civilization (Heritage & Lee, 2020).

In general, the world's great civilizations were established near the bodies of water such as sea, river, and lake as the means of water source, communication and transportation. The same trend remains to date, especially among the coastal and archipelagic states. Hence, there is an inclination to regard their states as maritime nations (Anwar, 2020). A country, however, cannot claim to be a maritime nation solely based on geographical location and long shorelines. In addition, a state cannot use the population size along with the coastal areas and its past glory of seafarers or shipbuilding heritages to inherit the status. Conceptually, a true maritime nation is a state that can pursue the development of maritime resources sustainability in balancing her socio-economics and ecosystems. Pursuing and advancing economic growth through the maritime sector and technological innovation create rivalry among the world superpowers as well as the neighbouring states. Taking into account the significance of maritime sector to the world economy and geopolitics, this chapter explores the strategic concepts by re-examining the maritime nations, territorial challenges and the implication to the navies in Southeast Asia.

MARITIME NATIONS

There are two main criteria for a nation to be a maritime nation. The first criterion is the physical factors. The physical factors are vital such as the length of shorelines, environment, and the convenient access to Sea Lanes of Communications (SLOCs). The second attributes is ideational aspects in the sense of maritime strategic culture. The first criterion is a geographical phenomenon or fixed advantages. Meanwhile, the second criterion can be developed and nurtured through the country policies and procedures that meet the developmental progress towards a maritime nation.

A simple definition of a maritime nation is any nation that borders the sea or a country with a shoreline. A maritime nation is highly reliant on the use of her waters for common maritime activities such as commerce and transportation, resource harvesting, tourism, and any other maritime economic activity.. Historically, maritime nations have been inextricably linked to commerce, port settlement or civilization, war, and the establishment of a territorial boundary. Another coined term that is very familiar when it comes to maritime nations is 'thalassocracy'. It is derived from the Greek word, *thalassokratia*, literally translated as a 'sea power' (Ilyin, 2020). The Thalassocracy maritime nations were predominately maritime realms, mighty sea empires, and/or seaborne territorial kingdoms. This sea power empire was unlikely to dominate an interior territory, and they were primarily connected to or dominated the sea lanes. In the west, these are evident by the European maritime empires such as the Phoenician states of Tyre, Sidon, Carthage (Scott, 2018), Venice and Genoa (Zucchi, 2021).

Meanwhile, in the east, the maritime empires with the sea powers were the Omani Empire, the Indian Chola Dynasty, the Srivijaya Empire, Majapahit Empire and the Malacca Kingdom (Acri et al., 2017). All these empires of maritime nations have one thing in common, i.e., and they were the naval supremacy in the military aspects and/or mercantile senses.

According to Wu and Rolett (2019), the Austronesian people in Southeast Asia were the first who built ships that were ocean-going and developed the first true maritime sea trade network in the Indian Ocean prior to the European Imperialism to the Indo-Pacific region. The Austronesian Malay, a nation in the Malay Archipelago or 'Nusantara', was a natural-born seafarer. They were advanced in sailing technology, experts in reading the stars for directions and well versed in wind knowledge. These led to the establishment of numerous coastal kingdom-states at the river estuary that gradually flourished to become the regional trading ports. From these coastal kingdom-states, commercial trading networks were established throughout Southeast Asia and beyond. The Southeast Asian maritime nations were well-known - for their gold, metallurgical technologies, spices and other rare cultural materials had tempted the Europeans to this region. This led to colonization in the 16th century by the Portuguese, Dutch, Spanish and British (Shimada, 2019).

Southeast Asia nations are located between the east and the west. As early as 1500 BC to date, the Southeast Asian waters have been vital to the world trade routes. Contemporary Southeast Asia continues the link with wider trade and economic systems using the very same Maritime Silk Road (Chung, 2018). The Straits of Malacca is one of the busiest waterways in the world in which Malaysia and Indonesia share the boundary. From the Straits of Malacca, the Straits of Singapore is a vital SLOC for expeditious movement of the vessels to the South China Sea, Sulu Sea and the Celebes Sea. Peninsular Malaysia strategically serves as "the land bridge" to all archipelagic fractions and, extensive territorial prerogatives and Exclusive Economic Zone (EEZ) rights in the South China Sea are highly influenced as strategic considerations and maritime economic nation of the region.

All the member states of the Association of Southeast Asian Nations (ASEAN), except the People's Democratic Republic of Laos, are maritime nations. They have the coastline, deep-water seaports, seafaring peoples, maritime economics such as fisheries, tourism, sea trade and transportations, shipbuilding, and seabed explorations. Indonesia and the Philippines are the archipelagic states among the ASEAN members. Indonesia is the largest archipelago state in the world (Sa'adah et al., 2019). Within the ASEAN maritime nations, Singapore, Malaysia and Indonesia are situated at the crossroad between two major waters, the Indian Ocean in the West and the South China Sea in the East (Evers &

Menkhoff, 2018). With its massive maritime economic activities and advanced maritime infrastructure, Singapore is regarded as the leading maritime nation in ASEAN. Singapore with its massive maritime economic activities and the advanced maritime infrastructure is regarded as the leading maritime nation in ASEAN. Singapore is a strategic center and important hub for both shipping lanes and maritime trade points. Other ASEAN member states are making progress toward becoming fully-fledged maritime nations. However, they still have a long way to go to catch up to Singapore, particularly in developing and improving 'world-standard' infrastructure and information systems and efficient maritime economic venture management.

Malaysia is endowed with historically and geographically defined as a maritime nation. Malaysia has begun to think in this direction by stating that Malaysia is a maritime nation in the Defence White Paper (DWP) (DWP, 2019). This notion was firmly stated by the 7th Prime Minister of Malaysia, Tun Dr. Mahathir Mohamad during the National Maritime Conference (NMC) at Langkawi International Maritime and Aerospace (LIMA) 2019 (NMC, 2019). Geographically, Malaysia is located at the world's major east-west trade routes that connect the Pacific and the Indian Oceans. Historically, Malaysia was colonized by a few colonial powers that had exploited the resources in their endeavour to extend their territorial control. In today's Malaysia, these territorial influences and manipulation of power could still be projected in many different perspectives. These geopolitical facts have by all definitions transformed Malaysia into a maritime nation. The importance of maritime activities to Malaysia, apart from the geographical factors, is further strengthened by the fact that Malaysia's economic growth depends on the use of the sea; the offshore petroleum industry, shipping and fishing.

Indonesia as an archipelagic state is also reiterated its intention to become a maritime nation. The 7th Indonesian President, upon taking over office in expressed his attention to making Indonesia a maritime fulcrum (Aufiya, 2017). Based on the economic development as well as the nation's historical, cultural and social link to the ocean. The sea is the source of life for Indonesians. Historically, the bitter experience of the Dutch colonialization is a hard lesson that they have learned and brought up consciousness on the importance of sea trade and the exploitation of its resources for hundreds of years. The sea intra-archipelagos economic activities and trade voyages within the islands of Indonesia have contributed to the economic integration. These maritime activities are Indonesia's national integration of pride which gives a sense of security of its territorial integrity and sovereignty (Morris & Paoli, 2018).

TERRITORIAL CHALLENGES

The maritime region of Southeast Asia is rich in oil and natural gas resources (Smith, 2010). Additionally, the South China Sea is a vital body of water in Southeast Asia, both in terms of economic and geostrategic. On paper, the EEZ provides the ASEAN member states the exclusive maritime right to explore the seabed under their jurisdiction. The reality, however, is different.

The South China Sea is burdened with territorial disputes among its ASEAN members themselves and China. The maritime territorial boundary delimitation and joint development are impeded over the fragmented territorial claims that spread throughout this body of water. The overlapping of sovereignty territorial disputes and rights claim between the nations are very tricky. The UN Convention on the Law of the Sea (UNCLOS) offers settlement for territorial disputes by establishing an obligatory and binding framework for a diplomatic settlement towards all maritime-related disputes. As for Southeast Asia, even though there are many and long withstanding territorial maritime disputes, it seems the involved nations are generally reluctant to use the UNCLOS framework provision to settle the territorial maritime dispute.

Countries in Southeast Asia are relatively young nation-states. Hence, they have little experience in international litigation on maritime and territorial disputes and disinclination to apply UNCLOS settlement provision. Despite the fact that the legal framework of UNCLOS might provide certain solutions or options, the extremely intricate disposition in this region, cultural circumstances, and other pragmatic sensitivities test the international law thresholds and obscure the prospect of a legal settlement (Bautista, 2014).

Another aspect of territorial challenges is to protect the nation's interests. It is expected that all nation-states will emphasize and advance their interests first at the regional or international levels. All nations have compelled their concerns by the issue of global importance in upholding the fundamental standards that all nations are warranted to protect their sovereignty and territorial integrity. However, in the case of ASEAN, it is also crucial to ensure the security policy of each member state is coherent with the ASEAN spirit to warrant peace and neutrality in this region. This would increase cooperation among the state members in reducing the risks from the internal and external threats in Southeast Asia.

In the quest to be the maritime nation, there are several key barriers and challenges that the state members must address. These challenges are overlapping maritime border issues and disputes, smuggling, illegal fishing activities, cross-border crimes and human trafficking. For example, the

Department of Fisheries, Malaysia stated that the Malaysian government loses about RM5 billion annually because of illegal fishery activities and intrusions (Noorsila, 2017). The Royal Malaysian Customs Department also reported nearly RM6 billion annual tax loss from cigarette smuggling (Danial, 2019).

Safeguarding the maritime territorial waters are challenging. One of the significant challenges is the ability and state of readiness of the nation's defence and security. The common justification that contributed to the inefficiency to provide defence and security by the obligated agencies is the obsolete technology or infra/info structures and budgetary constraints. These challenges are further exacerbated due to the multi-tasking or secondary tasks. Hence, it leads to a lack of tasking focus and man-hours spent on security operations which are highly vital in defending or securing the long coastline of any maritime nation. The classic example of challenges in securing the territorial waters of a long coastline is in the Province of Sabah, Malaysia (Borneo Island). The province's proximity with the Philippines has proved to be difficult in combating maritime intimidations, particularly piracy threats. The acts of terror by these pirates are organized and tactical. They never operate isolated but have established cooperative networking with some locals as the informants.

Prior to today's Southeast Asian nation-state existence, the natives and tribes living on islands and shorelines along the Sulu Sea visit and cross the "border" to visit relatives freely. The establishment of Malaysia and the Philippines as sovereign states have not prevented them in Sabah and the Southern Philippines from continuing these practices. Hence, visiting each other in the current modern-day by the legal and illegal immigrants in Sabah continue as they are connected as the family members of the local's tribes (Bajau Laut). They live in water houses of the extended villages at the edge of shorelines not far from the neighbouring territory.

The Lahad Datu incursion in February 2013 by armed personal from the Sulu province proves that there are the threats to the nation's sovereignty and security (Ayob & Masron, 2014). This has led to the establishment of the Eastern Sabah Security Command (ESSCOM) by the Malaysian government for security deterrent and coordinated security enforcement agency under a centralised strategic command centre (Dollah & Suharani, 2015). The security operation task, intelligence data pool and coordination of other interrelated taskings by various enforcement agencies cannot be conducted separately. The Lahad Datu incident and its following operations indicate the importance of collaboration and effective coordination between the security enforcement agencies as well as the federal and state governments in exercising the defence and security framework. Ensuring security and taming the challenges in the maritime territorial require a large amount of budget and expenditures. A limited budget for defence and

security is always the constraint factor in many developing countries. In the Malaysian case, the federal government has stated that millions of ringgit were needed to mitigate the challenges (Dollah et al., 2016).

The efforts and a huge budget have been allocated to mitigate the territorial challenges especially in securing the maritime areas in this region. However, the issues have remained. This has created concerns among the nations involved. Despite the concentrated effort by the authorities, human trafficking, cross-border kidnappings, smugglings, illegal migrations, and other maritime-related crimes still occurred in those areas. A maritime nation in this region seems to have to adapt and co-exist with these geostrategic vulnerabilities. The natural landscapes of maritime nations with vast shorelines, lengthy porous territorial borders, thousands of archipelagic islands, and adjacent proximity to problematic neighbours, especially those with poor economic conditions, are among the major challenges that any maritime nation have resolved (Sakai, 2009).

The stateless people or the sea nomad is another challenge to look into when it comes to securing a maritime area. These sea nomads roam freely and are well versed in the geographical conditions, such as the Bajau Laut in the Eastern Sabah, the Philippines and Indonesia. They mostly “reside” in Sabah of Lahad Datu, Sandakan, Semporna and Kudat (Acciaioli et. al., 2017). The government's efforts to secure territorial seas will be complicated much further by this issue. The problem is that these stateless people are difficult to settle down in order to control statelessness. These sea nomads are socio-culturally assimilated with the natural seascape because they were born and raised in the sea, and their ancestors can be traced even before state nations were established and formalised.

IMPLICATIONS FOR NAVIES

The implications in safeguarding the territorial challenges in the maritime domain are always placed on the frontliner of national defence, the Navy and to a certain extent includes other enforcement agencies such as marine police, coastguard, immigration, customs and related agencies in territorial waters. A recognized and coordinated system for all parties involved in managing security, control and update information can be initiated and established. Mutual objectives and interest towards securing the territorial waters and EEZ area sovereignty which also include the responsibility of the maritime nations under Article 43 of UNCLOS. These cohesive efforts should promote cooperation in maintaining security in territorial waters based on ratified International Laws. Likewise, if the integrated effort can be successfully formalised, both maritime waters and nation-states in Southeast Asia will gain strategic economic and security returns in the long run.

The navies who lead the front runners in maritime circumference have made obligatory commendable endeavors to ensure sovereignty and border integrity intact and out of intrusion. Visible navies' actions at the national and international stage demonstrate a crucial commitment towards maritime challenges and security, predominantly in EEZ territorial waters. In most maritime nations, due to territorial challenges, naval powers are accountable for a wide range of maritime territorial security tasks. Besides the navies' traditional military defence obligation, other tasking includes sovereignty exercise, safety, law enforcement, environmental protection and resource management. Due to that, the navies are basically implicated with any extraterritorial movement appearing within maritime nation's jurisdiction areas. Any breach or violation in territorial waters needs to be addressed immediately and firm because, in international law, indecisiveness in action signals unstated acceptance of an action's legitimacy (Zulkifli & Zahari, 2021). This situation will inaugurate a precedent, whereby retrospectively, it may compromise maritime nation's interest; thus, navies' responsibilities are undoubtedly to prioritize its national security agenda at all costs.

The vessel business operator's viewpoint is always 'the right time and place are critical in businesses.' Thus, the safety in EEZ or territorial waters of the maritime nation-states must be kept well protected at any time in order to avoid damaging issues. The common potential hazards in territorial waters are piracy, smuggling, illegal immigration and pollution. In addition, this also includes safe navigation. In promoting a more promising integrated operation environment, the dimensions of enforcement strength and tasking capability need to be emphasized further. Each unwarranted incident is prone to misapprehension, and it will escalate into a potentially much greater conflict. Therefore, it is vital to establish a means of addressing highly perplexing issues and challenges in maritime waters. In the case of military operations, particularly Navies, any Maritime Nation that ratified the UNCLOS treaty need to adhere to the clause which allows and restrict foreign vessels or aircraft running naval operations in EEZ area.

The current regional maritime landscape surrounding the South China Sea is extremely complex and dynamic as it is constantly exposed to a multitude of security issues affecting not only Southeast Asian countries but also other countries including the major powers. The maritime nations in the South China Sea, specifically those with vast coastlines, such as Malaysia, Indonesia, the Philippines and Vietnam have an important interest in securing their EEZ area from conventional threats. These nations' geostrategic position as a maritime nation is crucially dependent on having a credible and versatile naval forces as a currency of peace, security and freedom of navigation to deal with arising

maritime issues. Therefore, in order to fulfill such expectations, the Navies must maintain a high state of readiness and mission capabilities for its assets, human capital and logistics support so that it can effectively perform its assigned roles and tasks defending its nation's interests including ensuring the unimpeded passage through shipping lanes critical to own economic survivability. Undoubtedly, maritime nations require collaborative efforts and holistic approaches to mitigate and resolve these challenges, which encompass numerous agencies from various sectors and jurisdictions.

The other implication to the navies' resultant from territorial challenges in maritime waters particularly in Southeast Asia, is the need to strengthen partnerships and alliances among the navies. The path for partnership or alliances happens at the higher political level, for example, the formation of ASEAN in 1967 (Irvine, 1982). The international relation conducts among maritime states particularly in Southeast Asia, is through diplomacy resolutions to avoid disputes involving state members. Since then, there has been no military action considered to resolve any dispute in this region. Hence, the main implied security policies are through diplomatic resolutions and likely, military actions are the last approach to be utilised in settling the dispute. The political leadership of these ASEAN nations advocates a high level of allegiances on the bilateral and multilateral agreement towards national, regional and international relationships in attaining a mutually promising security environment cooperation (Mahbubani, 2017). This regional strategic partnership and alliances cooperation extends into a policy of prospering the neighbors towards the attainment of regional resilience. These approaches have been practiced for considerably quite some time by the navies in this region.

Partnership and alliances strategy also proven succeeds in enhancing regional and global cooperation in mitigating territorial challenges. The partnership and alliances will encourage interaction between 'navy to navy' among maritime nations through joint exercises and training, courtesy visits, defence conferences, and exhibitions. This strategic partnership and alliances are not limited only within ASEAN navies but also included the augmentation to the perimeter of Five Powers Defence Arrangement (FPDA) (Sari, 2019) frameworks and major world power nations such as the United States, China, India and Japan. This approach involves a non-military measure for a security condition. 'Navy to navy' collaboration of this nature will increase transparency and openness in achieving Confidence and Security Building Measures (CBSM) (Cossa, 2019). The bilateral or multilateral relationships and alliances cooperation strategy implicates confidence-building measures include 'Navy to Navy' Talks, Defence Co-operation Programs, Coordinated Patrols, Joint-Training Programs and Exchange Programs.

The affiliated partnerships and alliances initiatives will enhance the mutual parties' trust, tolerance, understanding, sense of belongings, and communications. These useful approaches for defence diplomacy and policy are adopted and adapted with the sole principle of extending diplomatic influence among alliances and partners. For example, The Malacca Straits Patrol (MSP) provides exemplary outcomes of diminutive inter-state cooperation, which allows for maritime security dialogue and cooperation. It has facilitated the introduction of operational practices as the ways and means of implementing the cooperation. Despite being in a region where sovereignty sensitivities are always surfacing through political concerns of overlapping claims and external interferences, this cooperation has materialised effectively. The catalyst to the success of this inter-state cooperation is to look at 'absolute gains' rather than be concerned with the 'relative gains'. It is evident that common problems that threaten the self-preservation of the nation-state will influence states to acknowledge that the way ahead is best addressed on a cooperative basis without compromising their national independence of action.

CONCLUSIONS

Southeast Asia is an important region where it connects the two important oceans in the Indo-Pacific. In retrospect, a few kingdoms in Southeast Asia were founded and dominated the region as a maritime sultanate or empire. Today's Southeast Asia is to some extent moulded by the ASEAN way of building and keeping the peace as well as tackling the complexity of maritime security and safety. The Straits of Malacca and the South China Sea, which are strategically located within the Indo-Pacific envelope, have elevated Southeast Asia to the center of a sea route that connects the west and the east. Thus, the maritime security challenges are undeniable. As the lead maritime agency entrusted to spearhead national and international maritime security and safety efforts, the navies are expected to act as a deterrent to potential maritime security threats. Cooperation and coordination between regional navies will be the catalyst and mechanism to offer a more effective operational response to the challenges. These undoubtedly necessitate the interoperability of regional navies to mitigate the challenges in a more efficient and effective way.

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