VMUN **2024**

Association of South East Asian Nations

BACKGROUND GUIDE

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Dear Delegates,

My name is Jimmy Wang, and I have the distinct pleasure to serve as your Director of the Association of Southeast Asian Nations (ASEAN) for VMUN 2024. I will be joined alongside your Chair Marin Jensen.

ASEAN elevates the multifaceted features of Model UN to the next level, offering a fresh perspective on diplomacy distinct from the traditional Western notion. For this iteration of VMUN, ASEAN will be tackling two pressing topics: *Democracy in Southeast Asia* and *Piracy in the Strait of Malacca*.

To fully grasp these topics, I encourage everyone to consider the historical, economics, and geopolitical tensions at play, and their relevance to your country's national interests. This understanding will be key in crafting a more inclusive framework for regional stability and development.

Last but not least: it is my firm belief that Model United Nations has always been defined by its participants. Even as Grade 8 me stumbled across my first set of pre-written speeches, I still felt inspired by the passionate delegates and supportive staff team who helped define my MUN experience. As such, I urge you all to also help build this path of diplomacy.

I wish you all the best in your preparation. If you have any questions or concerns, please do not hesitate to contact us at *asean@vmun.com*. On behalf of my dais team, I look forward to meeting you all for a weekend like no other.

All the best,

Jimmy Wang
ASEAN Director

Position Paper Policy

What is a Position Paper?

A position paper is a brief overview of a country's stance on the topics being discussed by a particular committee. Though there is no specific format the position paper must follow, it should include a description of your positions your country holds on the issues on the agenda, relevant actions that your country has taken, and potential solutions that your country would support.

At Vancouver Model United Nations, delegates should write a position paper for each of the committee's topics. Each position paper should not exceed one page and should all be combined into a single document per delegate.

For the Association of South East Asian Nations, position papers, although strongly recommended, are not required. However, delegates who wish to be considered for an award must submit position papers.

Formatting

Position papers should:

— Include the name of the delegate, their country, and the committee

— Be in a standard font (e.g. Times New Roman) with a 12-point font size and 1-inch document margins

— Not include illustrations, diagrams, decorations, national symbols, watermarks, or page borders

— Include citations and a bibliography, in any format, giving due credit to the sources used in research (not included in the 1-page limit)

Due Dates and Submission Procedure

Position papers for this committee must be submitted by **11:59 PM PT on January 22, 2024**. Once your position paper is complete, please save the file as your last name, your first name and send it as an attachment in an email to your committee's email address, with the subject heading as "[last name] [first name] — Position Paper". Please do not add any other attachments to the email.

Both your position papers should be combined into a single PDF or Word document file; position papers submitted in another format will not be accepted.

Each position paper will be manually reviewed and considered for the Best Researched award.

The email address for this committee is *asean@vmun.com*.

Democracy in Southeast Asia

Overview

The spread of democracy across the world has been one of the most dramatic changes in the past few centuries; in the last two decades alone, more than 50 countries have embraced some form of democracy, and between 2000 and 2016, all but 11 countries in the world have held national elections of some sort.[1] However, these democratic advances have been neither linear nor unchallenged.

The fundamental principles of democracy, as detailed in the United Nations Charter, emphasizes the government's responsibility to act on behalf of all people.[2] The Universal Declaration of Human Rights projects the concept of democracy by stating "the will of the people shall be the basis of the authority of government."[3] The International Covenant on Civil and Political Rights further establishes the legal basis for these principles in international law.[4] Signed parties are required to report to the United Nations on measures they have taken to give effect to the covenant, including ensuring freedom of expression, the right of peaceful assembly, and the right to freedom of association.[5] Together, these measures ensure all people can freely participate in the conduct of public affairs in their respective countries.

However, the recent emergence of new populist movements, coupled with the prevalence of flawed institutional practices such as electoral fraud and money politics, underscore the susceptibility of democratic systems to rapid backslide.[6] Additionally, recent trends of worldwide economic downturn and rising economic inequalities have intensified the strain on democracies globally. The rise of uncontrolled political finance as orchestrated by a select group of elite individuals further threatens to undermine the integrity of all democratic institutions.

Southeast Asia has undergone a significant transformation from a war-affected, impoverished, and fragmented region to one of the world's most vibrant economic areas, home to an enlarging middle class with growing democratic aspirations. [7] Poverty rates have declined steadily from 73.6% in 1965 to less than 10% in 2015.[8] Moreover, countries that were formerly divided by the Cold War—such as Vietnam and Cambodia—have begun to show signs of unity, engaging in regional cooperation through the Association of Southeast Asian Nations (ASEAN).

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[1] "Democracy in Southeast Asia." *Kofi Annan Foundation*, April 23, 2018, https://www.kofiannanfoundation.org/app/uploads/2018/04/Democracy-in-Southeast-Asia.pdf.

[2] "UN Charter." *United Nations*, https://www.un.org/en/about-us/un-charter.

[3] "Universal Declaration of Human Rights. *United Nations*, https://www.un.org/en/about-us/universal-declaration-of-human-rights.

[4] "International Covenant on Civil and Political Rights." *United Nations Human Rights Office of the High Commissioner*, United Nations, December 16, 1996, https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights.

[5] "International Covenant on Civil and Political Rights." *Government of Canada*, Human Rights Program, 2013, https://www.canada.ca/content/dam/pch/documents/services/canada-united-nations-system/reports-united-nations-treaties/intnl_civil_politique-intnl_civil_political-eng.pdf.

[6] Bertil Linter. "Myanmar Military's Long History of Electoral Fraud." *The Irrawaddy*, July 19, 2022, https://www.irrawaddy.com/opinion/guest-column/myanmar-militarys-long-history-of-electoral-fraud.html.

[7] "Economy of Southeast Asia." *Britannica*, https://www.britannica.com/place/Southeast-Asia/Economy.

[8] Ibid.

However, democratic development in Southeast Asia has not kept pace with the region's rapid economic expansion and social transformation. Although the ASEAN charter and ASEAN Human Rights Declaration both entail key democratic principles, the region continues to face challenges in translating these principles into practice; while certain ASEAN countries continue to be governed by authoritarian regimes, others face the continuous risk of democratic regression due to issues such as money politics, weak electoral justice systems, and a shrinking civil society space.[9] Decades of democratic gains can be quickly lost, and immediate action must be taken to protect and nurture the rights and freedoms that have taken decades to achieve.

Timeline

August 17, 1945 — Indonesia declares independence from the ruling Dutch. Sukarno serves as the first president of Indonesia and establishes an autocratic system of governance called "Guided Democracy." This is the first time any sort of democracy is established in Southeast Asia. [10]

June 9, 1946 — Following the mysterious death of his brother Ananda Mahidol, Bhumibol Abulyadej inherits the Thai throne and reinstates the monarchy as the core of Thai politics. Thailand's first democratically elected prime minister Pridi is forced to resign and the civilian government is dissolved.[11]

August 9, 1965 — Singapore gains independence from Malaysia. Under the leadership of Lee Kuan Yew, the People's Action Party (PAP) soon consolidates political power and transforms the country into a unitary parliamentary republic.[12]

October 1965 — Suharto, a powerful Indonesian military leader, oversees the systematic extermination of up to one million Indonesians for harbouring leftist sympathies and affiliation with the Indonesian Communist Party. The killings ultimately culminate in Sukarno's resignation from presidency and Suharto's consolidation of executive power.[13]

April 1975 — Communist Khmer Rouge overthrows the pro-American regime in Cambodia. In the Maoist-inspired regime that follows, at least 1.2 million Cambodians die of malnutrition, overwork, executions and mistreated diseases.[14]

December 1975 — The Lao People's Front seizes control of Laos. King Savang Vatthana is forced to abdicate, ending 600 years of rule by the monarchy. The Lao People's Democratic Republic is established with the Lao People's Revolutionary Party (PRP) proclaimed as the only legal political party of Laos.[15]

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[9] "Democracy in Southeast Asia." *Kofi Annan Foundation.*

[10] M.C Ricklefs. "Guided Democracy, 1957–65. In: A History of Modern Indonesia since c. 1300." Palgrave, London, 1993, https://doi.org/10.1007/978-1-349-22700-6_19.

[11] Joshua Kurlantzick. "The Mixed Legacy of King Bhumibol Adulyadej." *Council on Foreign Relations,* October 13, 2016, https://www.cfr.org/expert-brief/mixed-legacy-king-bhumibol-adulyadej.

[12] "History of Singapore." *One World Nations Online*, https://www.nationsonline.org/oneworld/History/Singapore-history.htm.

[13] Mcgregor. "THE INDONESIAN KILLINGS OF 1965-1966." *SciencesPo*, August 4, 2009, https://www.sciencespo.fr/mass-violence-war-massacre-resistance/fr/document/indonesian-killings-1965-1966.html.

[14] David Chandler: "Cambodia: A Historical Overview." *Asia Society,* https://asiasociety.org/education/cambodia-historical-overview.

[15] "Laos profile - timeline." *BBC*, January 9, 2018, https://www.bbc.com/news/world-asia-pacific-15355605.

October 6, 1976 — 5,000 unarmed students gather at Thammasat University in Thailand to protest the return of Thqanom Kittikachorn, a dictator ousted during the 1973 protests. Police and paramilitary soon storm the campus and begin shooting, leading to the deaths of over 40 students.[16]

May 21, 1998 — After three decades of uninterrupted rule, authoritarian president Suharto of Indonesia resigns due to mounting anti-government demonstrations. The resulting Reformasi transformation leads to greater political openness, free elections, and a democratic constitution.[17]

December 15, 2008 — The ASEAN charter is signed into force and ratified by all member states. The charter provides new legal frameworks and enhanced commitments to the promotion of "principles of democracy, the rule of law, and good governance" throughout Southeast Asia.[18]

May 20, 2014 — The Thai military stages a coup, taking control of the country and suspending the 2007 Thai constitution. The National Assembly of Thailand elects army chief, General Prayut Chan-o-chat, as prime minister.[19]

June 30, 2016 — Former Philippine President Roidrigo Duterte carries out a "War on Drugs" that results in the intense crackdown of civil liberties and death of over 12,000 Filipinos. Critics are concerned this aggressive stance could undermine the checks and balances of democracy and consolidate power into the executive branch of government.[20]

May 9, 2018 — Malaysians elect a new coalition to power, putting an end to 61 years of Barisan Nasional (BN) *de facto* monopoly on power.[21]

February 1, 2021 — Myanmar's military (Tatmadaw) stages a coup against the democratically-elected parliamentary government. Members of the country's ruling party, the National League for Democracy (NLD), are arrested, and institutional power is vested into a military junta.[22]

Historical Analysis

Colonial Rule: Pre-WWII

Prior to World War II, the majority of Southeast Asian countries were under colonial rule. The regions' voices were often ignored and suppressed by the European colonialists, who sought to consolidate power and reinforce their governance across the colonies. By the turn of the 20th century, a regional consciousness against colonial denomination emerged, giving rise to nationalist independence movements such as the Indonesian National

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[16] Jasmine Chia. "Remembering October 6 in words and pictures." *Thai Enquirer*, October 6, 2021, https://www.thaienquirer.com/19329/remembering-october-6-in-words-and-pictures/.
[17] Britannica, T. Editors of Encyclopaedia. "Suharto." Encyclopedia Britannica, September 8, 2023. https://www.britannica.com/biography/Suharto.
[18] "About ASEAN." *The Association of Southeast Asia*, https://asean.org/about-asean/.
[19] "Thailand military seizes power in coup." *BBC*, May 22, 2014, https://www.bbc.com/news/world-asia-27517591.
[20] "Philippines' 'War on Drugs'." *Human Rights Watch*, https://www.hrw.org/tag/philippines-war-drugs.
[21] "Democracy in Asia." *Brookings*, January 22, 2021, https://www.brookings.edu/articles/democracy-in-asia/.
[22] Amy McKenna. "2021 Myanmar coup d'état." *Encyclopedia Britannica*, June 22, 2023. https://www.britannica.com/event/2021-Myanmar-coup-d-etat.

Awakening and the Philippine Independence Movement.[23] Ultimately, although these movements were unsuccessful in achieving independence—with many nationalist organizations repressed and a variety of political leaders jailed—the resulting national sentiments towards colonial rule remained high through much of the 1930s and sowed the first seeds of democracy in the region.

Japanese Occupation: WWII

The onset of World War II witnessed the violent invasion of Southeast Asia by Japan, resulting in a legacy of widespread devastation. The region arguably garnered few benefits from Japanese occupation beyond the dismantling of colonial empires.[24] The post-war landscape saw a wave of independence movements sweep across the region, ultimately leading to the liberation of many countries such as Indonesia, the Philippines, and Myanmar from colonial rule.[25] Inspired by the principles of self-determination and political autonomy, many of these newly independent nations attempted to embrace democratic systems. However, post-war recovery posed significant challenges, and many democratic institutions in Southeast Asia faltered in face of worsening economic woes and increasing socio-political instability.

Foreign Intervention: The Cold War

The Cold War introduced further complexities to the development of democracy in Southeast Asia. The geopolitical rivalry between the United States and the Soviet Union divided the region into pro and anti-communist camps and heightened foreign intervention in national politics. A total of five multinational wars were fought in Cambodia, Laos, and Vietnam over a period of four decades, resulting in massive socio-political instability and the total breakdown of many democratic institutions.[26] Additionally, many citizens of these war-stricken nations became attracted to the ideals of stability as promised by populist leaders or nationalist reformists, leading to an overall rise in authoritarianism throughout the region.[27]

For approximately two decades following the end of the Cold War, the United States held a dominant role in shaping the global order, and free markets and democratization efforts quickly spread across Southeast Asia.[28] Many nations embraced global trade and adopted Western-style democratic reforms, including open elections and multi-party governance systems. However, the era of uninterrupted democratic progress faced significant challenges, particularly highlighted by the 2008 global financial crisis.[29] The Western promises of liberty and prosperity were increasingly discredited by an accelerating concentration of wealth and power, deepening social divisions, and worsening political polarisation. Consequently, these disruptions led to a shift in public sentiment about the status of democracy across Southeast Asia. Many citizens, once enthusiastic about democracy and capitalism, grew more skeptical about the ability of these systems to deliver on socioeconomic promises. This

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[23] Hans Pols. "Indonesia's National Awakening: Physicians, Nationalism, and Cosmopolitanism in the Dutch East Indies." *Cambridge* Blog, September 24, 2018, https://www.cambridgeblog.org/2018/09/indonesias-national-awakening/.
[24] Gregg Huff. "World War II and Southeast Asia: Economy and Society under Japanese Occupation." *EH.net*, September 2021, https://eh.net/book_reviews/world-war-ii-and-southeast-asia-economy-and-society-under-japanese-occupation/.
[25] "Contemporary Southeast Asia." *Britannica*, https://www.britannica.com/topic/history-of-Southeast-Asia-556509/Contemporary-Southeast-Asia.
[26] Thitinan Pongsudhirak. "Southeast Asia's new-old cold war." *ASPI*, February 9, 2022, https://www.aspistrategist.org.au/southeast-asias-new-old-cold-war.
[27] Ibid.
[28] Ibid.
[29] Ibid.

skepticism often led to a preference for centralized political control, sometimes resembling more authoritarian governance.

People's Power Revolution: Philippines (1986)

The People Power Revolution in the Philippines, spanning from February 22 to February 25, 1986, stands as a pivotal point in the nation's history.[30] It was a mass movement against the long-standing rule of President Ferdinand, who claimed re-election victory over Corazon Aquino. The pressure from hundreds of thousands of Filipons forced Marcos to abdicate and leave the country.[31] Many Filipinos were optimistic that the Philippines could finally adopt democratic policies to address the socioeconomic inequalities that had grown under Marco's twenty-two year rule. Moreover, this revolution served as an inspiration to anti-authoritarian activists around the world.[32]

However, the path forward was far from straightforward. In the years following 1986, the legacy of the People Power Revolution remained uncertain. Subsequent presidents faced numerous coup attempts, and the anticipated agricultural and economic reform did not materialize as many had hoped.[33] Surprisingly, nostalgia for the dictator emerged among some Filipinos as well, and recent government projects have been criticized as efforts of historical revisionism aimed at desensitizing the Marcos era.[34] Adding to the complexity, the once-exiled Marcos family eventually returned to the Philippines and regained political prominence. Notably, Bongbong Marcos, the son of the dictator, was recently elected as the president of the Philippines in 2022, raising further concerns that he may attempt to steer the nation back towards a path of authoritarianism, essentially continuing his father's legacy.[35]

Recent Developments: ASEAN

ASEAN has played a significant role in the promotion of democratic values within the region. Although ASEAN initially focused on economic cooperation, it gradually recognized the importance of democratic governance in achieving regional stability and integration. For instance, the ASEAN Charter in 2008 highlighted the principles of "democracy, human rights, and good governance," illustrating a commitment by the organization to foster democratic ideals among member states.[36] However, many of these commitments have yet to materialize; a history of authoritarian governance, as well as socio-economic inequalities, continue to create fertile grounds for political instability, thus impeding the progress of democratic reforms.

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[30] Mark John Sanchez. "The People Power Revolution, Philippines 1986." *OSU*, 2019, https://origins.osu.edu/milestones/people-power-revolution-philippines-1986?language_content_entity=en.
[31] Ibid.
[32] Ibid.
[33] Ibid.
[34] Chinatsu Tsuji. "Ferdinand Marcos, Jr.." Encyclopedia Britannica, October 15, 2023.
https://www.britannica.com/biography/Bongbong-Marcos.
[35] Ibid.
[36] "The ASEAN Charter." *The Association of Southeast Asia Nations*, December 2007, https://asean.org/wp-content/uploads/images/archive/publications/ASEAN-Charter.pdf.

Past UN/International Involvement

1971 Zone of Peace, Freedom and Neutrality (ZOPFAN) Declaration

In direct response to the deteriorating international environment and rising power of communist insurgencies during the Cold War, ASEAN published the ZOPFAN Declaration.[37] The document stresses the organization's commitment to "the principles of respect for the sovereignty and integrity of all states… free from outside interference in its internal affairs."[38] By the mid-1970s, ASEAN member states such as Vietnam and Cambodia had both succumbed to dictatorships in reaction to deepening economic troubles and growing leftist and populist movements.[39] ZOPFAN was born out of a collective desire amongst all ASEAN member states for enhanced regional autonomy and maintenance of existing democratic institutions.

The implementation of ZOPFAN represented a significant compromise amongst ASEAN member states. Although the original proposal had two components—to seek explicit guarantees from the United States, Soviet Union, and China regarding foreign intervention in national politics; and that regional states would pursue policies of non-interference in each other's internal affairs—the proposal was ultimately not well-received on the international and regional level.[40] Whereas both the United States and the Soviet Union continuously sought to enhance their presence in the region through the support of proxy-wars and nationalist uprisings, countries within ASEAN had conflicting national interests as well. For example, Thailand, the Philippines, and Singapore all considered the United States as a vital component in their own security strategies, and were unwilling to relinquish foreign support in favor of political neutralization.[41] The end result was a watered-down version of ZOPFAN that, although looking good on paper, lacked legal rigour and any forms of enforceability. Thus, the issue of foreign intervention in democratic processes continued to be an issue that remained unresolved.

2021 ASEAN Five-Point Consensus on Myanmar

Shortly after the 2021 Myanmar coup d'état, the nine ASEAN leaders and Myanmar's junta chief, Min Aung Hlaing, agreed to five points of consensus in addressing the crisis: an immediate concession of violence in Myanmar; the enactment of constructive dialogue among all parties involved; the provision of humanitarian aid by ASEAN; the appointment of a special envoy, and the special envoy's visit to Myanmar to meet with all parties of governance.[42]

Two days after the consensus agreement, however, the junta backtracked on its endorsement, announcing it would only consider the "suggestions made by ASEAN leaders when the situation returns to stability."[43] This shift was followed by a surge in violence by the military, involving intensified abusive operations against ethnic

[37] Lee Jones. "ASEAN Intervention in Cambodia: From Cold War to Conditionality." *University of Oxford*, https://qmro.qmul.ac.uk/xmlui/bitstream/handle/123456789/9434/JONESASEANInterventioninCambodia2007Accepted.pdf.
[38] Ibid.
[39] Ibid.
[40] Laura Southgate. "ASEAN: still the zone of peace, freedom and neutrality?" *Talor & Francis Online*, Sept. 27, 2021, https://www.tandfonline.com/doi/full/10.1080/00323187.2021.1967762.
[41] Ibid.
[42] "Chairman's Statement on the ASEAN Leaders' Meeting." *The Association of Southeast Asia Nations*, April 24, 2021, https://asean.org/wp-content/uploads/Chairmans-Statement-on-ALM-Five-Point-Consensus-24-April-2021-FINAL-a-1.pdf.
[43] "Press Release on ASEAN Leaders' Meeting." *The Global New Light of Myanmar*, April 26, 2021, https://www.burmalibrary.org/sites/burmalibrary.org/files/obl/GNLM2021-04-27-red.pdf.

minorities and launched indiscriminate attacks on civilians that constituted severe violations of human rights and crimes against humanity.[44]

ASEAN Political-Security Community Blueprint

The ASEAN Political-Security Community (APSC) Blueprint has played a significant role in outlining the security objectives and strategies for the organization. It aims to "uphold the purpose of preserving regional peace and stability," providing a comprehensive framework for ASEAN's political development.[45] In 2016, ASEAN adopted the APSC Blueprint 2025 to further regional cooperation and strengthen its capacity to address regional and international challenges.[46]

More specifically, the blueprint highlights ASEAN's commitment in promoting political development based on democratic principles, the rule of law, good governance, and the general protection of human rights and fundamental freedoms. It includes measures such as encouraging democracy among ASEAN youth, conducting calamity building initiatives for government officials, and conducting annual research on democratic experience throughout the region.[47] Despite these aspirations, the ASPC Blueprint's effectiveness has been largely hindered by its vaguely defined clauses and lack of legal authority; ASEAN member states continue to prioritize their own political agendas that often conflict with the APSC Blueprint.

Current Situation

State of Democracy in Southeast Asia

The Economist Intelligence Unit's (EIU) Democracy Index provides a snapshot of the state of democracy across the world. This index is based on EIU ratings for 60 indicators of governance, grouped into five categories. Each category has a rating on a 0 to 10 scale, and the overall index is the simple average of the five category indexes.

Rank	Country	Overall score	Electoral Process and Pluralism	Functioning of government	Political Participation	Political Culture	Civil Liberties	Category
121	Cambodia	3.18	0.00	3.21	5.00	5.63	2.06	Authoritarian
54	Indonesia	6.71	7.92	7.86	7.22	4.38	6.18	Flawed Democracy
159	Laos	1.77	0.00	2.86	1.67	3.75	0.59	Authoritarian

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[44] "Myanmar: ASEAN's Failed '5-Point Consensus' a Year On." *Human Rights Watch*, April 22, 2022. https://www.hrw.org/news/2022/04/22/myanmar-aseans-failed-5-point-consensus-year.

[45] "Asean Political-Security Community Blueprint 2025." *The Association of Southeast Asia Nations*, March 2016, https://asean.org/book/asean-political-security-community-blueprint-2025-2/.

[46] Ibid.

[47] "Asean Political-Security Community Blueprint." *The Association of Southeast Asia Nations*, June 2009, https://asean.org/wp-content/uploads/2021/03/APSC_BluePrint.pdf.

40	Malaysia	7.30	9.58	7.86	7.22	6.25	5.59	Flawed Democracy
166	Myanmar	0.74	0.00	0.00	0.56	3.13	0.00	Authoritarian
52	Philippines	6.73	9.17	5.00	7.78	4.38	7.35	Flawed Democracy
70	Singapore	6.22	4.83	7.86	4.44	7.50	6.47	Flawed Democracy
55	Thailand	6.67	7.42	6.07	8.33	5.63	5.88	Flawed Democracy
138	Vietnam	2.73	0.00	3.93	3.33	3.75	2.65	Authoritarian

Note: Data unavailable for Brunei Darussalam.

Figure 1: ASEAN country rankings and scores in the EIU Democratic Index (2022). [48]

In 2022, the EIU concluded no full democracies exist in Southeast Asia. It classified five countries as "flawed democracies" and four as "authoritarian" regimes—although basic civil liberties may be guaranteed, issues such as freedom infringement and minor suppression of political opposition and critics persist in the region.[49] The average regional score stood at 5.46, largely unchanged from the previous year.[50] This figure halts a deteriorating trend in governance quality and civil liberties that started in 2020 as a result of COVID-19 restrictions.[51] The postponement of many national elections and civilian crackdown in response to the pandemic lead to an overall consolidation of power that has greatly impacted the state of democracy within the region. However, this trend of democratic decline began much earlier than the pandemic, and the region's democracy index has declined steadily after a peak in 2014–2015.[52]

Regression of Freedoms

COVID-19 has accelerated the democratic decline in many Southeast Asian countries. Much of the ruling elite have weaponized the pandemic as a means to undermine democratic institutions and consolidate power.[53] Individual liberties were taken away by stringent lockdowns, and security forces expanded their powers. Although many restrictions have largely been lifted, the long-term implications of the pandemic persist. In Cambodia, for example, the introduction of new civil and criminal penalties at the height of the pandemic have further curbed citizen's rights to freedom of expression, association, and peaceful assembly.[54] The revised draft of the Law of Public Order grants Cambodian national authorities the power to impose heavy censorship and restrict freedom of expression, prohibiting the use or distribution of content on social media sites that are

[48] Ibid.
[49] "Democracy Index 2022." *Economist Intelligence Unit*, 2023, https://www.eiu.com/n/campaigns/democracy-index-2022/
[50] Ibid.
[51] Ibid.
[52] Ibid.
[53] "The Covid-19 Pandemic: Impact on ASEAN Connectivity and Recovery Strategies." *Economic Research Institute for ASEAN and East Asia*, 2022, https://www.oecd.org/southeast-asia/ERIA%20COVID19%20and%20ASEAN%20Connectivity.pdf.
[54] "Cambodia." *Freedom House*, 2022, https://freedomhouse.org/country/cambodia/freedom-net/2022.

deemed to "endanger national tradition and dignity."55 Meanwhile, in Myanmar, the ruling military has used coronavirus-related troubles to increase its political position; mass media campaigns spread the narrative that civilian authorities could not manage the complex challenges of the pandemic, and further consolidation of power was required by the military to ensure the socio-economic stability of the nation.[56] In all, the COVID-19 pandemic has created opportunities for the expansion of military power and security measures across Southeast Asia, thus leading to the often-unchecked enforcement of executive power and exasperation of democratic decline.

Economic Deterioration and Heightened Political Participation

The recent economic deterioration of many Southeast Asian countries, in part due to spillover effects of the Russia-Ukraine war and lingering Covid-19 pandemic, further fueled public dissatisfaction and resulted in greater political participation across the region.[57]

Firstly, increasing economic inequality and government corruption have both weakened the quality of and popular support for democracy within the region. As economic hardships deepened, citizens became increasingly dissatisfied with their current leadership and began exploring alternative solutions, including the prospect of a more autocratic but centralized government.

In Indonesia, for example, citizens have grown increasingly frustrated about the continued devaluation of their currency. Further depreciation of the Indonesian Rupiah could exacerbate doubts on the economic capabilities of current President Joko Widodo's administration and amplify fears of a national economic crisis. This political turbulence could potentially benefit Jokowi's opponent, former Lieutenant General Prabowo Subianto, who lost in the previous presidential election. In the past, Prabwo has targeted minority groups, such as Indonesia's ethnic Chinese, and showed a limited interest in upholding democratic principles.[58]

Globalization and Technological Advancements

Globalization and recent advancements in technology wield significant influences on the state of democracy in Southeast Asia. Whereas the trends of globalization have opened up numerous socioeconomic opportunities to the region's citizens, the inadequate regulation of technology companies have given rise to a rising tide of political extremism that is hard to control.

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[55] Ibid.
[56] Melissa Crouch. "Southeast Asian democracies in declining health amid Covid-19." *The Interpreter*, July 3, 2020, https://www.lowyinstitute.org/the-interpreter/southeast-asian-democracies-declining-health-amid-covid-19.

[57] Ann Marie Murphy. "Southeast Asia Amidst US-China Economic Competition." *Perry World House*, University of Pennsylvania, June 12, 2023, https://global.upenn.edu/perryworldhouse/news/southeast-asia-amidst-us-china-economic-competition.
[58] Joshua Kurlantzick. "Southeast Asia's Populism Is Different but Also Dangerous." *Council on Foreign Relations*, November 1, 2018, https://www.cfr.org/in-brief/southeast-asias-populism-different-also-dangerous.

In Myanmar, for example, Facebook owner Meta has faced repeated allegations of contributing to the extremist atrocities committed by the Myanmar military against the Rohingya people in 2017.[59] In the period leading up to these events, Facebook's engagement-based algorithms actively promoted inflammatory content—including advocating hatred, inciting violence, and fomenting hostility and discrimination—all in the name of retaining users on the platform for longer periods.[60] Consequently, actors linked to the Myanmar military and radical Buddhist nationalist groups began to flood the platform with anti-Muslim content, posting disinformation that claimed an impending Muslim takeover and portrayed the Rohingya as invaders.[61]

Case Study: Myanmar

Myanmar's history has been marred by a series of military coups, civil war, poor governance, and widespread poverty since gaining independence from Britain in 1948. However, the most recent military coup in February 2021 marked a particularly dark chapter in the country's democratic aspirations.[62] The military junta, known as the Tatmadaw, deposed the civilian government and effectively halted the progress toward democratic reforms.[63]

Myanmar's civil conflicts have a long and complex history dating back to its independence. The ongoing strife between the central government, dominated by the Bamar majority and various ethnic armed organizations (EAOs), is rooted in the country's diverse ethnic composition; territorial divisions deliberately sown under British colonial rule among the more than a hundred ethnic groups have fueled lengthy armed conflicts between the Tatmadaw and EAOs. [64]

Myanmar's Ethnic Groups

Indian (2%)
Mon (2%)
Chinese (3%)
Rakhine (4%)
Karen (7%)
Shan (9%)
Burman (Bamar) (68%)
Other (5%)
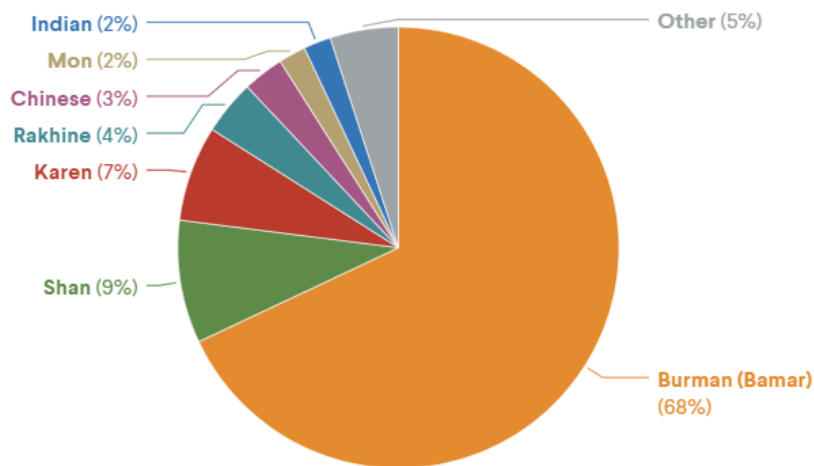
[59] "Myanmar: Facebook's Systems Promoted Violence Against Rohingya; Meta Owes Reparations." *Amnesty International*, September 29, 2022, https://www.amnesty.org/en/latest/news/2022/09/myanmar-facebooks-systems-promoted-violence-against-rohingya-meta-owes-reparations-new-report/.
[60] Ibid,
[61] Ibid.
[62] Lindsay Maizland. "Myanmar's Troubled History: Coups, Military Rule, and Ethnic Conflict." *Council of Foreign Relations*, January 31, 2022, https://www.cfr.org/backgrounder/myanmar-history-coup-military-rule-ethnic-conflict-rohingya.
[63] Ibid.
[64] "Military-ruled Myanmar marks 75 years independent of Britain." *Al Jazeera*, January 4, 2023, https://www.aljazeera.com/news/2023/1/4/military-ruled-myanmar-marks-75-years-independent-of-britain.

The country's political landscape has already witnessed several military coups: the 1962 coup led by General Ne Win resulted in the transition of civilian governance to military rule.[66] In 2007, the Saffron Revolution emerged in response to soaring fuel prices, triggering widespread anti-government protests. Faced with mounting pressure from both international and national actors, the junta began to loosen its political control on the nation.[67] The military junta formally dissolved in 2011, and a civilian parliament, although still military-dominated, was established.[68] In 2015, Myanmar held its first nationwide, multiparty elections, in which the NLD Party secured a significant victory.[69]

In February 2021, Senior General Min Aung Hlaing and other military leaders staged yet another coup.[70] The move came after the military's proxy party, the Union Solidarity and Development Party (USDP), experienced major setbacks during the 2020 elections. The junta detained Aung San Suu Kyi and placed many civilian lawmakers and activists under house arrest.[71] Protests sparked across the country and were met with a brutal military crackdown on civil liberties.

Despite widespread international condemnation of Myanmar's democratic regression, the situation remains marked by uncertainty. The ongoing power struggle between the Myanmar military and the resistance movements suggests that the conflict is likely to persist for the foreseeable future.[72] The prospects for a return to democratic processes remain bleak, and pro-democracy forces in Myanmar seem committed to their struggle for independence. For the people in Myanmar, this protracted turmoil means an ongoing political ordeal with no immediate relief in sight. The challenges facing Myanmar and its democratic aspirations remain deeply entrenched, representing a complex and evolving predicament for ASEAN to tackle.

Case Study: Thailand

Since gaining independence in 1932, Thailand has witnessed a tumultuous journey towards democracy, marked by a series of military coups and constitutional amendments.[73] Each respective government has largely followed the model of a constitutional monarchy, generally with significant power vested into the king and the military.

On May 14, 2023, Thai general elections were held again in what would become one of the most consequential political events in the country.[74] The winner of this election was the progressive Move Forward Party (MFP), which secured 151 of the 500 seats in the lower house.[75] Led by Harvard and MIT-educated Pita Limjaroenrat, age 42, the MFP ran on a reformist platform that aimed to dismantle the powers of former army chief-turned

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[65] Ibid.
[66] Ibid.
[67] Ibid.
[68] Ibid.
[69] "Myanmar election: Suu Kyi's NLD wins landslide victory." *BBC*, November 13, 2016, https://www.bbc.com/news/world-asia-34805806.
[70] "Myanmar's Troubled History: Coups, Military Rule, and Ethnic Conflict." *Council of Foreign Relations*, January 31, 2022, https://www.cfr.org/backgrounder/myanmar-history-coup-military-rule-ethnic-conflict-rohingya.
[71] Ibid.
[72] Ibid.
[73] "Constitutional history of Thailand." *Constitution Net*, March 2021, https://constitutionnet.org/country/thailand.
[74] Scott Christensen. "Thailand's election of the century." *Brookings*, May 25, 2023, https://www.brookings.edu/articles/thailands-election-of-the-century/.
[75] Ibid.

Prime Minister Chan-ocha and his unelected military junta.[76] This included proposals to scrutinize defense budgets, reform the judicial system, and decentralize fiscal administration to the provinces.[77]

Despite this, the recent election results do not guarantee Thailand's opposition forces will not be able to form a new government. The primary challenge facing the leading parties is the illiberal design of the 2017 constitutions; 250 unelected, junta-appointed senators are allowed to participate in a joint sitting to choose the next government.[78] As such, the military proxy parties can still, in theory, form a ruling coalition and retain power. Another challenge facing the opposition parties is electoral fraud: there is a possibility the conservative establishments in Thailand will find a way to invalidate the election results through a "judicial coup" of the national senate, thus resulting in the unconstitutional dismissal of elected officials.[79] There are strong precedents for this as many previous progressive parties have all been dissolved through court rulings, and a repeat of this process may trigger another wave of national unrest.[80]

While the future remains largely uncertain, the formation of a new civilian-led government is clearly inspiring. The recent vote outcome affirms a desire among Thai votes to strengthen democratic values and impose more accountability on the military and civil service. It represents a growing interest in policy platforms over tired populist agenda, and reflects a simmering dissatisfaction with what voters see as a selective enforcement of the law. This resounding vote against authoritarian politics and embracement of progressive reforms could be transformational for all of Southeast Asia, especially for countries facing similar political challenges and unrest.

Possible Solutions and Controversies

Increasing Education and Democratic Awareness

Increasing education and democratic awareness in Southeast Asia is a viable solution for addressing the current democratic deficits in the region. Currently, political literacy among ordinary people remains low as many citizens remain preoccupied by socioeconomic problems that exist in their local communities. This common issue highlights a need for collaborative efforts among all member states to educate and encourage all communities in the promotion of the principles of democracy, the rule of law, and human rights.[81]

One effective strategy is to embed the principles of democracy as a fundamental aspect of the education curriculum for ASEAN's youth. By integrating democratic values such as electoral reform and citizen representation into the regional education system, ASEAN can help raise a new generation of regional citizens who understand the significance of engaging with the processes of democracy. Furthermore, ASEAN can convene seminars, training programs, and other capacity-building activities for government officials, think

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[76] "Pita Limjaroenrat: Thai election upstart who vows to be different." *BBC*, May 29, 2023, https://www.bbc.com/news/world-asia-65743967.

[77] Scott Christensen. "Thailand's election of the century."

[78] Ibid.

[79] Narong Sangnak. "Thailand is on the verge of a new democratic spring, but significant obstacles could stand in the way." *The Conversation*, May 15, 2023, https://theconversation.com/thailand-is-on-the-verge-of-a-new-democratic-spring-but-significant-obstacles-could-stand-in-the-way-205207.

[80] Ibid.

[81] "Democracy in Southeast Asia." *Kofi Annan Foundation*.

tanks, and civil society organizations (CSOs).[82] These platforms would provide multilateral opportunities for nations to discuss and further develop the state of democracy.

With that said, it is essential for ASEAN to navigate the expansion of democratic education with caution. In more authoritarian regimes, government officials may be hesitant in promoting new systems of education that do not align with their current political agendas. As such, balancing the promotion of democracy with stability and social cohesion is crucial. ASEAN must work closely with all member states to develop strategies that encourage democratic awareness without destabilizing the entire political landscape. Additionally, religion and bigotry continue to remain influential factors in regional politics.[83] Any expansion of democratic education should also promote interfaith dialogue and discourage the manipulation of religious or racial sentiments for political gain. Striking a balance requires context-specific approaches, and ASEAN will need to engage with all stakeholders involved to fully understand the complex situation.

Creating Regional Election Management Bodies

Establishing a clear criteria for assessing and managing the quality of regional elections is essential to migital the potential for electoral violence and political unrest in Southeast Asia. Currently, most ASEAN members lack the determination and political capacity to fulfill ASEAN principles of democracy; the majority of ASEAN member states lack effective and transparent mechanisms for handling mechanisms and enforcing sanctions for electoral law violations.[84] A first step towards addressing this issue involves the introduction of domestic and international non-partisan observer organizations, including ASEAN representatives, to monitor national elections.[85] Their presence can serve to identify issues, defuse tensions, and deter any cases of electoral fraud. The application of various election observation methodologies such as Parallel Vote Tabulation (PVT), which can accurately verify elections by projecting them from a sample of the polling stations, can both detect and deter fraud, further enhancing the integrity of electoral processes in the region.[86]

However, the implementation of election management bodies remains a sensitive and complex topic with varying implications for different member states. Whereas countries more closely aligned with international standards on electoral processes—such as Indonesia—may appreciate the logistic benefits of establishing such an election management body, other countries with more autocratic forms of government may perceive these electoral entities as a threat to their grip on power. Thus, achieving a balance between introducing these entities and respecting the unique political environments of each ASEAN member state is crucial. Sensitivity to political contexts, meticulous planning, and inclusive dialogue are all indispensable considerations for delegates as they determine the most appropriate course of action.

[82] Ibid.
[83] Ibid.
[84] Ibid.
[85] Ibid.
[86] "Parallel Vote Tabulations." *National Democratic Institute*, https://www.ndi.org/pvt.

Developing Robust Conflict Resolution Systems

In the face of recent political crises across Southeast Asia, such as the civil war in Myanmar, ASEAN finds itself confronted with the need to prioritize conflict resolution throughout its political agenda.[87] The committee should work towards enhancing existing legal frameworks, such as the ASEAN Security Community Plan of Action (ASCPA), and establishing clear procedures and guidelines to govern the intricate conflict resolution process.[88] Additionally, the use of third-party mediation and arbitration may also be considered in the preceding peace-building process.

In the context of preserving democracy, it is necessary that ASEAN approaches every conflict equally. Upholding democratic values requires a commitment to promoting democratic governance across all member states. Ignoring a coup against an authoritarian regime in favour of a democratic alternative would, for instance, undermine the very principles of democracy and potentially lead to the proliferation of conflict and undemocratic practices. A more fitting approach would involve endorsing transitions of power based on democratic principles, facilitated through peaceful means. Member states should actively engage with a diverse array of stakeholders across civil society, including ethnic organizations and political parties, before attempting to comfort the humanitarian consequences of ongoing conflicts and provide support to those affected by the crises.[89]

Implementing Clear Enforcement Mechanisms

Following the de-escalation of political conflict through robust conflict resolution systems, ASEAN member states should work to establish clear enforcement mechanisms that ensure all parties involved in conflict comply with resolution outcomes and democratic principles as described in ASEAN's mandate. For example, in the context of the 2021 Myanmar civil war, ASEAN member states could have chosen to enforce a list of sanctions against the Myanmar military should they fail to comply with the five-point consensus and reinstate the nation towards a path of democratization.[90] Moreover, multilateral efforts to impose an arms embargo, cut financial flows to the ruling junta, and implement an ASEAN travel ban to Myanmar are all possible solutions in holding the Tatmadaw more accountable for their actions.[91] The degree to which such measures are implemented, however, requires a lot more discussion; as highlighted in ASEAN's official mandate, all member states will need to strike a balance between enforceable actions and respect for national sovereignty. Ultimately, the success of this resolution will depend largely on the agreements that are established among all member states, who will need to reach some sort of unanimous consensus, before ASEAN can act—something that may prove too difficult to attain amidst rising regional tensions and conflicting national interests. As such, formal ASEAN intervention in the process of democratization should only be treated as one of many potential solutions to this topic at hand.

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[87] Rebecca Barber. "Can ASEAN forge a political solution in Myanmar?" *The Interpreter*, March 22, 2023, https://www.lowyinstitute.org/the-interpreter/can-asean-forge-political-solution-myanmar.

[88] "ASEAN Security Community Plan of Action." *The Association of Southeast Asian Nations*, June 14, 2012, https://asean.org/asean-security-community-plan-of-action/.

[89] Amitav Acharya. "ASEAN 2030: Challenges of Building a Mature Political and Security Community." *ADBInstitue*, October 2013, https://www.adb.org/sites/default/files/publication/156296/adbi-wp441.pdf.

[90] "ASEAN: Act to Stop Myanmar Military Abuses" *Human Rights Watch*, November 1, 2022, https://www.hrw.org/news/2022/11/01/asean-act-stop-myanmar-military-abuses.

[91] Ibid.

Democratic Capacity Building through Civil Society Organizations (CSOs)

Building the capacity of relevant democratic institutions and individuals to effectively respond to political conflict will be essential in improving the current situation. In this regard, Civil Society Organizations (CSOs)—non-state institutions formed and led by citizens to represent their common interests and concerns—have already played a significant role in promoting civil rights and monitoring elections across Southeast Asia. To build upon these foundations, ASEAN has the opportunity to further incorporate CSOs into its political framework, akin to initiatives such as Malaysia's Berish 2.0.[92]

Originating in 2005, Berish 2.0 is a political movement dedicated to the reformation of Malaysia's electoral system.[93] Its extensive political agenda and robust campaign program has gradually forged a symbiotic relationship with the Malaysian state. This interaction has led to heightened civil participation and positive changes in the electoral landscape across Malaysia. On the regional scale, ASEAN can adopt a similar approach by collaborating with CSOs. This elaborate effort can empower the public and foster active involvement within the regional community.

It is important to clarify, however, that the integration of CSOs into ASEAN's framework should have the intent for regime change. Rather, the objective should be to enhance the current status quo and prevent any further regression in democratic values. Consequently, members should engage in meaningful discussions to determine the extent to which CSO integration aligns with their collective interests.

Potential Controversy: ASEAN Centrality and Non-Interference

The concept of ASEAN centrality aims to position ASEAN at the centre point of geopolitical stability in Southeast Asia, serving as the primary regional platform for addressing shared challenges and engaging with external powers.[94] However, this concept has been increasingly undermined by a lack of internal unity within ASEAN. The founding principles of non-interference have often been used to legitimize abusive state behaviours in the interests of political and economic elites, rather than promoting democratic values.[95] Consequently, this principle of non-interference has led to a state of paralysis within ASEAN when swift and decisive responses are required.[96] The association frequently finds itself lacking the determination and capacity to enforce meaningful measures, thereby impeding its ability to effectively address emerging issues.

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[92] "Abous Us." *Bersih 2.0*, https://www.globalbersih.org/campaigns/bersih-2-0/.

[93] Ibid.

[94] Kementerian Kominfo. "ASEAN Centrality, What Does It Mean?" *ASEAN Indonesia 2023*, April 28, 2023, https://asean2023.id/en/news/asean-centrality-what-does-it-mean.

[95] Mieke Molthof. "ASEAN and the Principle of Non-Interference." *E-International Relations*, February 8, 2012, https://www.e-ir.info/2012/02/08/asean-and-the-principle-of-non-interference/.

[96] Prashanth Parameswaran. "Democracy in Southeast Asia: Between Discontent and Hope." *Wilson Center*, July 2020, https://www.wilsoncenter.org/sites/default/files/media/uploads/documents/2020-07%20Democracy%20in%20Southeast%20Asia_Parameswaran.pdf.

Bloc Positions

Progressive Flawed Democracies (Indonesia, Malaysia)

ASEAN's efforts in strengthening democratic principles thus far has largely been driven by the leadership of Indonesia and Malaysia. As some of the largest and only democracies in Asia, these two nations have emerged as prominent critics of recent political crises, most notably the Myanmar civil war. This bloc has unilaterally condemned the Tatmadaw's heavy-handed approach in this conflict and urged the junta to halt the use of force and restore normalcy.97 Moving forward, this bloc may prioritize the strengthening of existing ASEAN enforcement mechanisms and the imposition of more stringent measures against those perpetuating conflict. This shift in policy will greatly reduce the socioeconomic burden of managing regional politics on the national governments, thus increasing ASEAN cooperation and collaboration.

Recessive Flawed Democracies (Singapore, Philippines, Thailand)

Conversely, flawed democracies with closer ties to authoritarianism, such as Singapore, Thailand and the Philippines, may lack the motivation to facilitate enforceable action. The status quo has proven to be effective at promoting socio economic development, and these countries may not see purpose in further democratic development. As such, this bloc would likely prioritize broader resolutions that simply promote democratic principles, such as fostering capacity-building initiatives and CSO involvement.98 Although such resolutions would have less direct impacts on the current political landscape, they would also ensure the national government maintains significant control and oversight over whatever plan is ultimately adopted by ASEAN.

Authoritarian Regimes

Comments from countries with authoritarian systems of government—such as Cambodia, Laos, and Vietnam—in strengthening democratic principles have been notably subdued. For instance, in the context of the Myanmar civil war, these nations have adopted a stance of "cowboy diplomacy," agreeing to leave the door open to engagement with the Tatmadaw generals.99 The rationale behind this approach lies in the belief that engaging with the ruling government is the most effective avenue to avert potential state failure in the region.

Additionally, as a collective of authoritarian regimes, nations in this bloc are more hesitant to adopt any democratic policies that may interfere with their continued rule of power. Their paramount concern is the preservation of political stability within their own borders. Sudden democratic development may inadvertently trigger populist optimism towards regime change or national upheaval among their populace—a prospect current rulers seek to avoid. As such, this bloc would adopt a much more cautious approach to navigating ASEAN's mandate. These nations will prefer non-binding resolutions that can be implemented and controlled

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[97] Kavi Chongkittavorn. "An ASEAN way to resolve the Myanmar crisis." *East Asia Forum*, March 21, 2021, https://www.eastasiaforum.org/2021/03/21/an-asean-way-to-resolve-the-myanmar-crisis/.

[98] "ASEAN: Act to Stop Myanmar Military Abuses." *Human Rights Watch*, November 1, 2022, https://www.hrw.org/news/2022/11/01/asean-act-stop-myanmar-military-abuses.

[99] Allegra Mendelson. "Cambodia's 'cowboy diplomacy' in Myanmar isolates ASEAN." *Al Jazeera*, December 22, 2021, https://www.aljazeera.com/news/2021/12/22/cambodias-cowboy-diplomacy-in-myanmar-isolates-asean.

at a national level, such as bolstering civil education or encouraging greater public involvement. Thus, any signs of conflict can be easily detected and immediate action can be taken to quell unrest.

Myanmar

The recent military coup in Myanmar will be a pivotal area of discussion.[100] Within this context, democratic-leaning countries could conceivably harbour concerns regarding the potential implications of democratic backsliding on their own governance systems. In contrast, nations with more authoritarian governments may seize the opportunity to underscore the perceived advantages of political stability and economic advancement that can be realized under their form of rule.

The current government of Myanmar continues to face the delicate task of navigating between these divergent outlooks. The challenge rests in striking a balance that best harmonizes with the priorities of the ruling Tatmadaw and its intricate political agenda. Firstly, the nation will likely seek third-party mediation and humanitarian assistance to stabilize the ongoing crisis. Then, under the assistance of third-party mediators such as ASEAN, Myanmar may decide to enter talks with EAOs and other national political parties to draft a timeline that highlights the eventual reinstatement of democratic process within the nation.

External Regional Powers

The perspective of external regional powers, especially China, Japan, and South Korea, introduces a new layer of discussion to this topic. Their positions emphasize the need to avert drastic upheavals in the current regional landscape due to the profound implications such changes would likely wield over regional stability and trade dynamics. Furthermore, these foreign nations often grapple with divergent interests—ones that do not neatly align with either the authoritarian or democratic models of governance that characterize ASEAN. China-Myanmar relations, for instance, has been characterized by a complex web of international diplomacy and foreign statements; despite openly supporting the Tatmadaw junta, China has also concurrently backed some of Myanmar's most influential ethnic armed organizations. This calculated approach allows Beijing to extend its influence far within the region.

In light of the concerns of these external nations, the ASEAN committee must remain attuned to the interests of its member states. It remains crucial to acknowledge that these foreign powers are inherently driven by their distinct political agendas and goals that, at times, may collide with the collective security and interests of ASEAN. Navigating this intricate landscape will require aligning regional priorities while acknowledging the nuances that foreign dynamics introduce.

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[100] Yun Sun. "The civil war in Myanmar: No end in sight." *Brookings*, February 13, 2023,. https://www.brookings.edu/articles/the-civil-war-in-myanmar-no-end-in-sight/.

Discussion Questions

1. What foreign interests does your delegation hold in Southeast Asia? What type of regional political landscape would best serve these interest(s)?

2. Should nations act multilaterally? Do individual states have a responsibility to follow ASEANs mandate, or will this infringe upon national sovereignty? Why or why not?

3. How can ASEAN prevent democratic backsliding while adhering to its principles of consensus, non-interference, and the peaceful resolution of disputes?

4. How can nations currently at high-risk of political instability and/or democratic backslide build government resilience and capacity to respond to conflicts?

5. In response to recent political crises across the region, what are effective legal mechanisms that ASEAN can enforce? What repercussions may these mechanisms hold?

6. How can ASEAN balance democratic engagement with economic development? What barriers may arise through the increased promotion of democratic principles?

Additional Resources

Article | Myanmar's Troubled History: Coups, Military Rule, and Ethnic Conflict:

https://www.cfr.org/backgrounder/myanmar-history-coup-military-rule-ethnic-conflict-rohingya

Commentary | Democracy in Southeast Asia:

https://www.brookings.edu/articles/democracy-in-asia/

Report | Built for Trust, Not for Conflict: ASEAN Faces the Future:

https://www.usip.org/sites/default/files/2020-08/20200826-sr_477_built_for_trust_not_for_conflict_asean_faces_the_future-sr.pdf

Report Democracy in Southeast Asia:

https://www.kofiannanfoundation.org/app/uploads/2018/04/Democracy-in-Southeast-Asia.pdf

Report | Democracy Index 2022:

https://www.eiu.com/n/campaigns/democracy-index-2022

Website | East Asia Forum:

https://www.eastasiaforum.org/category/countries/indonesia/

Bibliography

"Abous Us." *Berish 2.0*. https://www.globalbersih.org/campaigns/bersih-2-0/.

Acharya, Amitav. "ASEAN 2030: Challenges of Building a Mature Political and Security Community."
ADBInstitue. October 2013. https://www.adb.org/sites/default/files/publication/156296/adbi-wp441.pdf.

"Asean Political-Security Community Blueprint 2025." *The Association of Southeast Asia Nations*. March 2016.
https://asean.org/book/asean-political-security-community-blueprint-2025-2/.

"Asean Political-Security Community Blueprint." *The Association of Southeast Asia Nations*. June 2009.
https://asean.org/wp-content/uploads/2021/03/APSC_BluePrint.pdf.

"ASEAN Security Community Plan of Action." *The Association of Southeast Asian Nations*. June 14, 2012.
https://asean.org/asean-security-community-plan-of-action/.

"ASEAN: Act to Stop Myanmar Military Abuses." *Human Rights Watch*. November 1, 2022.
https://www.hrw.org/news/2022/11/01/asean-act-stop-myanmar-military-abuses.

"Aung San Suu Kyi: Myanmar democracy icon who fell from grace." BBC. December 6, 2021.
https://www.bbc.com/news/world-asia-pacific-11685977.

Barber, Rebecca. "Can ASEAN forge a political solution in Myanmar?" *The Interpreter*. March 22, 2023.
https://www.lowyinstitute.org/the-interpreter/can-asean-forge-political-solution-myanmar.

Baviera, Aileen. "Preventing War, Building a Rules-based Order: Challenges Facing the ASEAN Political–
Security Community." *Economic Research Institute for ASEAN and East Asia*. 2017.
https://www.eria.org/ASEAN_at_50_4A.0_Baviera_final.pdf.

Britannica, T. Editors of Encyclopaedia. "Suharto." Encyclopedia Britannica, September 8, 2023.
https://www.britannica.com/biography/Suharto.

Buchana, James. "A historical 'record' of Thai elections." *New Mandala*. March 23, 2019.
https://www.newmandala.org/a-historical-record-of-thai-elections/.

"Cambodia." *Freedom House*. 2022. https://freedomhouse.org/country/cambodia/freedom-net/2022.

"Chairman's Statement on the ASEAN Leaders' Meeting." *The Association of Southeast Asia Nations*. April 24,
2021. https://asean.org/wp-content/uploads/Chairmans-Statement-on-ALM-Five-Point-Consensus-24-
April-2021-FINAL-a-1.pdf.

Chandler, David: "Cambodia: A Historical Overview." *Asia Society*.
https://asiasociety.org/education/cambodia-historical-overview.

Chia, Jasmine. "Remembering October 6 in words and pictures." *Thai Enquirer*. October 6, 2021.
https://www.thaienquirer.com/19329/remembering-october-6-in-words-and-pictures/.

Chongkittavorn, Kavi. "An ASEAN way to resolve the Myanmar crisis." *East Asia Forum*. March 21, 2021.
https://www.eastasiaforum.org/2021/03/21/an-asean-way-to-resolve-the-myanmar-crisis/.

Christensen, Scott. "Thailand's election of the century." *Brookings*. May 25, 2023.
https://www.brookings.edu/articles/thailands-election-of-the-century/.

Christie, Kenneth. "Illiberal Democracy, Modernisation and Southeast Asia." *Theoria: A Journal of Social and Political Theory*, no. 91 (1998): 102–18. http://www.jstor.org/stable/41802094.

Constitutional history of Thailand." *Constitution Net*. March 2021. https://constitutionnet.org/country/thailand.

 "Contemporary Southeast Asia." *Britannica*. https://www.britannica.com/topic/history-of-Southeast-Asia-556509/Contemporary-Southeast-Asia.

Crouch, Melissa. "Southeast Asian democracies in declining health amid Covid-19." The Interpreter, July 3, 2020, https://www.lowyinstitute.org/the-interpreter/southeast-asian-democracies-declining-health-amid-covid-19.

"Democracy in Southeast Asia." *Kofi Annan Foundation*. April 23, 2018. https://www.kofiannanfoundation.org/app/uploads/2018/04/Democracy-in-Southeast-Asia.pdf.

"Democracy Index 2022." *Economist Intelligence Unit*. 2023. https://www.eiu.com/n/campaigns/democracy-index-2022/.

 "Economy of Southeast Asia." *Britannica*. https://www.britannica.com/place/Southeast-Asia/Economy.

"History of Singapore." *One World Nations Online*. https://www.nationsonline.org/oneworld/History/Singapore-history.htm.

Huff, Gregg. "World War II and Southeast Asia: Economy and Society under Japanese Occupation." *EH.net*. September 2021. https://eh.net/book_reviews/world-war-ii-and-southeast-asia-economy-and-society-under-japanese-occupation/.

"Inflation, consumer prices (annual %) - Thailand." *World Bank*. https://data.worldbank.org/indicator/FP.CPI.TOTL.ZG?locations=TH.

"International Covenant on Civil and Political Rights." *Government of Canada*, Human Rights Program. 2013. https://www.canada.ca/content/dam/pch/documents/services/canada-united-nations-system/reports-united-nations-treaties/intnl_civil_politique-intnl_civil_political-eng.pdf.

"International Covenant on Civil and Political Rights." *United Nations Human Rights Office of the High Commissioner*, United Nations. December 16, 1996. https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights.

Jason Tower. "The Limits of Beijing's Support for Myanmar's Military." *United States Institute of Peace*. February 24, 2023. https://www.usip.org/publications/2023/02/limits-beijings-support-myanmars-military.

Jones, Lee. "ASEAN Intervention in Cambodia: From Cold War to Conditionality." University of Oxford, https://qmro.qmul.ac.uk/xmlui/bitstream/handle/123456789/9434/JONESASEANInterventioninCambodia2007Accepted.pdf.

Kominfo, Kementerian. "ASEAN Centrality, What Does It Mean?" *ASEAN Indonesia 2023*. April 28, 2023, https://asean2023.id/en/news/asean-centrality-what-does-it-mean.

Koonthamattam, Leah. "Digital surveillance in democracies: 'Who will guard the guardians?'" *Geneva Solutions*. May 2, 2022, https://genevasolutions.news/science-tech/digital-surveillance-in-democracies-who-will-guard-the-guardians.

Kurlantzick, Joshua. "The Mixed Legacy of King Bhumibol Adulyadej." *Council on Foreign Relations.* October 13, 2016, https://www.cfr.org/expert-brief/mixed-legacy-king-bhumibol-adulyadej.

"Laos profile - timeline." *BBC.* January 9, 2018, https://www.bbc.com/news/world-asia-pacific-15355605.

Linter, Bertil. "Myanmar Military's Long History of Electoral Fraud." *The Irrawaddy.* July 19, 2022. https://www.irrawaddy.com/opinion/guest-column/myanmar-militarys-long-history-of-electoral-fraud.html.

Maizland, Lindsay. "Myanmar's Troubled History: Coups, Military Rule, and Ethnic Conflict." *Council of Foreign Relations.* January 31, 2022. https://www.cfr.org/backgrounder/myanmar-history-coup-military-rule-ethnic-conflict-rohingya.

Mcgregor. "THE INDONESIAN KILLINGS OF 1965-1966." *SciencesPo.* August 4, 2009. https://www.sciencespo.fr/mass-violence-war-massacre-resistance/fr/document/indonesian-killings-1965-1966.html.

McKenna, Amy. "2021 Myanmar coup d'état." *Encyclopedia Britannica.* June 22, 2023. https://www.britannica.com/event/2021-Myanmar-coup-d-etat.

Mendelson, Allegra. "Cambodia's 'cowboy diplomacy' in Myanmar isolates ASEAN." *Al Jazeera.* December 22, 2021. https://www.aljazeera.com/news/2021/12/22/cambodias-cowboy-diplomacy-in-myanmar-isolates-asean.

"Military-ruled Myanmar marks 75 years independent of Britain." *Al Jazeera.* January 4, 2023. https://www.aljazeera.com/news/2023/1/4/military-ruled-myanmar-marks-75-years-independent-of-britain.

Moller, Kay. "Cambodia and Burma: The ASEAN Way Ends Here." *Asian Survey* 38. no. 12 (1998): 1087–1104. https://doi.org/10.2307/2645823.

Molthof, Mieke. "ASEAN and the Principle of Non-Interference." *E-International Relations.* February 8, 2012. https://www.e-ir.info/2012/02/08/asean-and-the-principle-of-non-interference/.

Murphy, Ann M. "Southeast Asia Amidst US-China Economic Competition." *Perry World House*, University of Pennsylvania. June 12, 2023. https://global.upenn.edu/perryworldhouse/news/southeast-asia-amidst-us-china-economic-competition.

"Myanmar election: Suu Kyi's NLD wins landslide victory." *BBC.* November 13, 2016. https://www.bbc.com/news/world-asia-34805806.

"Myanmar's Troubled History: Coups, Military Rule, and Ethnic Conflict." *Council of Foreign Relations.* January 31, 2022. https://www.cfr.org/backgrounder/myanmar-history-coup-military-rule-ethnic-conflict-rohingya.

"Myanmar: ASEAN's Failed '5-Point Consensus' a Year On." *Human Rights Watch.* April 22, 2022. https://www.hrw.org/news/2022/04/22/myanmar-aseans-failed-5-point-consensus-year.

"Parallel Vote Tabulations." *National Democratic Institute.* https://www.ndi.org/pvt.

Parameswaran, Prashanth. "Democracy in Southeast Asia: Between Discontent and Hope." *Wilson Center.* July 2020. https://www.wilsoncenter.org/sites/default/files/media/uploads/documents/2020-07%20Democracy%20in%20Southeast%20Asia_Parameswaran.pdf.

"Philippines' 'War on Drugs'." *Human Rights Watch*. https://www.hrw.org/tag/philippines-war-drugs.

"Pita Limjaroenrat: Thai Election Upstart who Vows to be Different." *BBC*. May 29, 2023. https://www.bbc.com/news/world-asia-65743967.

Pols, Hans. "Indonesia's National Awakening: Physicians, Nationalism, and Cosmopolitanism in the Dutch East Indies." *Cambridge* Blog. September 24, 2018. https://www.cambridgeblog.org/2018/09/indonesias-national-awakening/.

"Press Release on ASEAN Leaders' Meeting." The Global New Light of Myanmar. April 26, 2021. https://www.burmalibrary.org/sites/burmalibrary.org/files/obl/GNLM2021-04-27-red.pdf.

Repucci, Sarah and Amy Slipowitz. "Democracy under Lockdown." *Freedom House*. https://freedomhouse.org/report/special-report/2020/democracy-under-lockdown .

Ricklefs, M.C. "Guided Democracy, 1957–65. In: A History of Modern Indonesia since c. 1300." Palgrave, London. 1993, https://doi.org/10.1007/978-1-349-22700-6_19.

Sanchez, Mark J. "The People Power Revolution, Philippines 1986." OSU, 2019, https://origins.osu.edu/milestones/people-power-revolution-philippines-1986?language_content_entity=en.

Sangnak, Narong. "Thailand is on the Verge of a New Democratic Spring, but Significant Obstacles Could Stand in the Way." *The Conversation*. May 15, 2023. https://theconversation.com/thailand-is-on-the-verge-of-a-new-democratic-spring-but-significant-obstacles-could-stand-in-the-way-205207.

Southgate, Laura. "ASEAN: Still the Zone of Peace, Freedom and Neutrality?" *Talor & Francis Online*, Sept. 27, 2021, https://www.tandfonline.com/doi/full/10.1080/00323187.2021.1967762.

Sun, Yun. "The Civil War in Myanmar: No End in Sight." *Brookings*. February 13, 2023. https://www.brookings.edu/articles/the-civil-war-in-myanmar-no-end-in-sight/.

"Timeline: Thailand's Turbulent Politics Since 2014 Military Coup." *Reuters*. August 5, 2020. https://www.reuters.com/article/us-thailand-politics-timeline/timeline-thailands-turbulent-politics-since-2014-military-coup-idUSKCN2520CB.

"Thailand Military Seizes Power in Coup." *BBC*. May 22, 2014. https://www.bbc.com/news/world-asia-27517591.

"The ASEAN Charter." *The Association of Southeast Asia Nations*. December 2007. https://asean.org/wp-content/uploads/images/archive/publications/ASEAN-Charter.pdf.

 "The COVID-19 Pandemic: Impact on ASEAN Connectivity and Recovery Strategies." *Economic Research Institute for ASEAN and East Asia*. 2022. https://www.oecd.org/southeast-asia/ERIA%20COVID19%20and%20ASEAN%20Connectivity.pdf.

"The Two Vietnams (1954–65)." Britannica. https://www.britannica.com/place/Vietnam/The-two-Vietnams-1954-65.

Tsuji, C.. "Ferdinand Marcos, Jr.." Encyclopedia Britannica, October 15, 2023. https://www.britannica.com/biography/Bongbong-Marcos.

"UN Charter." *United Nations*. https://www.un.org/en/about-us/un-charter.

"Universal Declaration of Human Rights.
   United Nations. https://www.un.org/en/about-us/universal-declaration-of-human-rights.

Piracy in the Strait of Malacca

Overview

Stretching 800 kilometers from the westernmost corner of Malaysia to the tip of Indonesia's Bintan Island, the Strait of Malacca is among the world's most narrow, busy, and important waterways.[101] It connects the Indian ocean and the South China Sea, serving as a critical trade route for countries in Southeast Asia and beyond. Each year, more than 120,000 ships pass through these waterways, accounting for over a third of the world's total marine commerce.102

Piracy is defined under the United Nations Convention on the Law of the Sea (UNCLOS) as the deliberate "acts of violence or detention, or any act of depredation, committed for private ends by the crew or passengers of a private ship."[103] Given the strategic significance of the waterway, rising piracy incidents may have far-reaching implications for the region at large. Beyond the immediate threat posed to the safety of crew members and their cargo, there also exists the potential risk for higher operational and transportational costs; thus, it negatively impacts the shipment of international goods and further disrupts an already fragile system of regional trade. [104]

Southeast Asia is especially prone to piracy due to a number of socioeconomic factors that have become deeply embedded in the customs of regional society; economic hardship in coastal communities, as well as widespread ecological degradation and lax maritime law enforcements have all played a pivotal role in the spread of piracy.[105] Impoverished fishermen often turn to piracy as a source of alternative income, using their smaller boats to board and rob commercial ships filled with goodsfrom developed nations.[106] Sophisticated criminal syndicates have also regularly engaged in piracy, kidnapping crew members for ransom, and stealing oil or other resources from tankers and cargo freighters to sell on the black market.[107]

In response to increased threats posed by piracy, the littoral states of Indonesia, Malaysia, and Singapore have all expanded their naval and air patrol operations within the strait.[108] Multilateral cooperation and initiatives, such as the Malacca Strait Patrols (MSP) in 2004, were also established as an additional step to combating piracy.[109] Although such efforts have proven effective in reducing the severity of armed incidents, the issue of

[101] Zahra Ahmed. "10 Things About Malacca Strait You Might Not Know," Marine Insight, February 22, 2023, https://www.marineinsight.com/environment/malacca-strait/.

[102] Adam Mccauley. "Pirates in Southeast Asia: the Most Dangerous Waters in the World," *TIME*, https://time.com/piracy-southeast-asia-malacca-strait/.

[103] "United Nations Convention on the Law of the Sea," *United Nations*, 1982, https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf.

[104] Dean Crossley. "Malacca and Singapore Straits – Increase of Piracy Incidents," *West of England*, March 2, 2023, https://www.westpandi.com/news-and-resources/news/march-2023/malacca-and-singapore-straits-increase-of-piracy-i.

[105] Thư Nguyễn Hoàng Anh. "Stemming the tide of piracy in Southeast Asia," *The Interpreter*, June 9, 2022, https://www.lowyinstitute.org/the-interpreter/stemming-tide-piracy-southeast-asia.

[106] "Strait of Malacca Is World's New Piracy Hotspot," *NBC News*, March 27. 2014, https://www.nbcnews.com/news/world/strait-malacca-worlds-new-piracy-hotspot-n63576.

[107] Adam Mccauley. "Pirates in Southeast Asia: the Most Dangerous Waters in the World," *TIME*, https://time.com/piracy-southeast-asia-malacca-strait/.

[108] "Strait of Malacca Is World's New Piracy Hotspot," *NBC News*, March 27. 2014, https://www.nbcnews.com/news/world/strait-malacca-worlds-new-piracy-hotspot-n63576.

[109] Ibid.

piracy remains persistent. Post-pandemic figures for 2022 reveal a year-on-year increase in reported incidents, indicating a paradoxical challenge for the organization to tackle.[110]

Within the Association of Southeast Asian Nations (ASEAN), curbing piracy in the Strait of Malacca is a top priority. Despite offers from the United Nations, India, and others to participate in counter-piracy operations, there is notable hesitation, particularly from Indonesia and Malaysia. These littoral states are concerned by increased foreign presence and the potential consequences of granting foreign naval forces unrestricted access to their territorial waters.[111] Consequently, striking a balance between security interests in the state and the preservation of national sovereignty and the well-being of coastal communities is paramount.

Ultimately, piracy in the Strait of Malacca remains a persistent security challenge rooted in economic difficulties. Addressing this challenge requires enhanced regional cooperation, effective naval deterrence, and tackling the underlying issues on shore. Given that Southeast Asia sees trillions of dollars in maritime trade annually, ASEAN has a significant incentive to contain the threat posed by increasingly sophisticated piracy groups operating in these critical waterways.

Timeline

March 17, 1824 — The Anglo-Dutch Treaty of 1824 is signed in London, United Kingdom. Both parties agree to take forceful measures in suppressing piracy through the Strait of Malacca, but there is no concrete provision for naval cooperation or intelligence-sharing.[112]

November 17, 1869 — The Suez Canal opens in Egypt, greatly reducing the maritime distance between Europe and Southeast Asia by over 4,000 miles. This project leads to a significant increase in international merchant trade and passenger shipping through the Strait of Malacca.[113]

April 29, 1958 — The Convention on the High Seas is signed in Geneva, Switzerland. This convention codifies the rules of international law on international waters, providing a legal basis for international efforts to combat piracy.[114]

December 9, 1982 — The United Nations Conventions on the Laws of the Sea (UNCLOS) is signed in Montego Bay, Jamaica. The convention sets out the legal framework for all international maritime activities, and establishes guidelines of international piracy law under Article 100 to 110.[115]

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[110] "Reports on Acts of Piracy and Armed Robbery Against Ship," *IMO*, April 19, 2023, https://wwwcdn.imo.org/localresources/en/OurWork/Security/Documents/MSC.4-Circ.267_Annual%20report_2022.pdf.

[111] "The Pirates of the Strait," *The Jakarta Post*, May 4, 2023, https://www.thejakartapost.com/opinion/2023/05/04/the-pirates-of-the-strait.html.

[112] Stefan E. Amirell. "The Strait of Malacca," *Cambridge,* Cambridge University Press, 2019, https://www.cambridge.org/core/books/pirates-of-empire/strait-of-malacca/9343B768D2FB6AA9FB3CE8A5BA9B6778. doi:10.1017/9781108594516.004.

[113] William Fisher and Gordan Smith. "Suez Canal," *Encyclopedia Britannica*, July 23, 2023, https://www.britannica.com/topic/Suez-Canal.

[114] "Convention on the High Seas," *United Nations*, 2005, https://www.legal-tools.org/doc/7b4abc-1/pdf/.

[115] "United Nations Convention on the Law of the Sea," *United Nations*, 1982, https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf.

July 2004 — Indonesia, Malaysia, Singapore, and Thailand launch the Malacca Straits Patrol (MSP) to ensure the security of the Straits of Malacca and Singapore. Unfortunately, a lack of program funding, patrol ships, and trained personnel have hindered the project's success.[116]

July 2005 — Lloyd's of London, a prominent British insurance market, declares the strait of Malacca as a high war-risk area for insurance purposes and adds a premium of 1% to cargo values. This classification results in significant shipping disruptions and prompts increased coastal patrols by MSP.[117]

September 4, 2006 — The Regional Cooperation Agreement on Combating Piracy and Armed Robbery Against Ships in Asia launches the Information Sharing Center (ISC) in Singapore.[118] Although the ISC has demonstrated effectiveness in monitoring piracy incidents, its voluntary participation model has limited its overall impact on piracy reduction.

April 21, 2011 — The Chief of Malaysian Defence Forces, Jen Tan Sri Azizan Ariffan, says the Strait of Malacca achieved a "close to zero incident level" in 2010 due to increased collaboration among MSP member states.[119]

December 2013 — Reported piracy attacks and attempted attacks in the waters of Indonesia totaled 107 in 2013, marking a 700% increase from 2008 levels. This increase can be attributed to rising economic disparities, greater maritime traffic, and inadequate law enforcement.[120]

May 2014 — The *Orapin 4* is reported as the fourth vessel registered under Bangkok-based Thai International Tankers to have fallen victim to pirate attacks in the span of less than one year. The fact that multiple vessels from the same company were attacked within a short timeframe raises serious concern about collusion and corruption within the regional maritime trade network.[121]

April 2023 — An annual report released by the International Maritime Organization (IMO) indicates that the Straits of Malacca and Singapore accounted for over 50% of the reported incidents of maritime piracy in 2022 (72 incidents). Despite a downward trend in piracy at the global level, the strait has consistently seen a year-on-year increase.[122]

Historical Analysis

The Strait of Malacca has historically always served as a bottleneck for regional and international maritime trade, providing raiders with the wealth of heavily laden—and oftentimes poorly protected—targets. The region's numerous small islands, secluded bays, rivers, and densely forested coastlines, provide ideal conditions for launching swift attacks and evading capture. Additionally, the allure of piracy as a "passport to adventure, riches,

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[116] "Fact Sheet: The Malacca Straits Patrol," *MINDEF Singapore*, April 21. 2015, https://www.mindef.gov.sg/web/portal/mindef/news-and-events/latest-releases/article-detail/2016/april/2016apr21-news-releases-00134/.

[117] "Malaysia says Strait of Malacca security improved, insurance rates should fall," *EagleSpeak*, March 21, 2006, https://www.eaglespeak.us/2006/03/malaysia-says-strait-of-malacca.html.

[118] "About ReCAAP Information Sharing Centre," *ReCAAP*, https://www.recaap.org/about_ReCAAP-ISC.

[119] "Drastic drop in piracy in Malacca Straits," *Safety4Sea*, April 26, 2011, https://safety4sea.com/drastic-drop-in-piracy-in-malacca-straits/.

[120] "Strait of Malacca Is World's New Piracy Hotspot," *NBC News*, March 27. 2014, https://www.nbcnews.com/news/world/strait-malacca-worlds-new-piracy-hotspot-n63576.

[121] Adam Mccauley. "Pirates in Southeast Asia: the Most Dangerous Waters in the World," *TIME*, https://time.com/piracy-southeast-asia-malacca-strait/.

[122] "Reports on Acts of Piracy and Armed Robbery Against Ship," *IMO*, April 19, 2023, https://wwwcdn.imo.org/localresources/en/OurWork/Security/Documents/MSC.4-Circ.267_Annual%20report_2022.pdf.

and prestige" has always appealed to locals, particularly those born into the life of impoverished fishing communities, to embrace this criminal activity.[123]

The control of maritime trade in precolonial times was especially key in determining political power and wealth, and piracy in this era of history often mirrored shifts in political processes.[124]Piratical raids tended to increase in times of political instability and conflict; whereas, it tended to decrease in times of political stability and centralization. By the middle of the nineteenth century, several key developments had taken place. For example, joint efforts by the British and the Dutch, as stipulated in the Anglo-Dutch Treaty of 1824, dramatically reduced the number of pirates within the Malacca Strait.[125] Although joint patrols were not effectively coordinated until 1835, the combinations of European naval resources had significant results; the utilization of steam-powered gunboats and superior artillery, coupled with a willingness to use force and violence to stamp out resistance, contributed to their success.[126]

A further step in curbing piracy across the Malacca Strait came through gaining the support of many local Malay chiefs, who were often sponsors of regional piracy.[127] The British took initiatives to encourage or force fierce Orang-Laut groups and other traditional seafaring ethnic tribes occupying littoral areas to move inland, resulting in the diminish of their piratical activity.[128] Additionally, efforts were made to persuade remaining sea-faring locals to join naval patrols, greatly enhancing the detection of piratical raids. Therefore, these collective measures led to a general decline in piratical activities across the Malacca Strait, and by the late 19th century, incidents of piracy were relatively scarce. Although piracy attacks did not disappear, they were simply not a matter of much regional concern.

Past UN/International Involvement

MSP Involvement

The Malacca Straits Patrol (MSP) is a set of regional security measures involving the states of Indonesia, Malaysia, Singapore, and Thailand. Its primary goal is to reduce the number of piracy incidents within the strait.[129] The MSP consists of several components, including the Malacca Straits Sea Patrol (MSSP), maritime air patrols known as Eyes-in-the-Sky (EiS), and the Intelligence Exchange Group (IEG).[130] Member navies hold regular meetings to improve coordination and engage in real-time information-sharing on suspicious contacts or incidents, thus enabling effective operational responses to maritime threats.[131]

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[123] "Strait of Malacca Is World's New Piracy Hotspot," *NBC News*, March 27. 2014, https://www.nbcnews.com/news/world/strait-malacca-worlds-new-piracy-hotspot-n63576.

[124] Scott McCook. "Piracy in the Malacca Straits," *Marina Map*, https://www.marinamap.com/article/14-Piracy-in-the-Malacca-Straits.html.

[125] Barbara Addaya. "The Dark Passage: History, Piracy and the Malacca Strait," *University of Hawaiʻi at Mānoa*, January 2011, https://www.researchgate.net/publication/290981728_'The_Dark_Passage'_History_Piracy_and_the_Melaka_Strait.

[126] Ibid.

[127] Ibid.

[128] Ibid.

[129] The Oracle of Insight. "MALSINDO Operation and Piracy in the Malacca Strait," *Medium*, September 1, 2021, https://sureshofgehlot.medium.com/malsindo-operation-and-piracy-in-the-malacca-strait-216f81a16bbe.

[130] "Fact Sheet: The Malacca Straits Patrol," *MINDEF Singapore*, April 21, 2016, https://www.nas.gov.sg/archivesonline/data/pdfdoc/MINDEF_20160421001/MINDEF_20160421003.pdf.

[131] Ibid.

Effective maritime awareness and naval diplomacy by the MSP led to a drastic reduction in piracy incidents in the Malacca Strait in the early 2000s. The MSP's success in combating piracy was demonstrated through Lloyd's of London's decision to drop the classification of the Malacca Strait as a "war-risk area" in August of 2006, following MSP members' launch of increased sea and air patrols in 2004 and 2005.[132] However, challenges still remain as recent economic downturns and social unrest have resulted in an influx of piracy incidents within the strait.[133] To address this, providing economic opportunities to coastal communities remains key to preventing the resurgence of piracy incidents.

ReCAAP Involvement

The Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia Information Sharing Center (ReCAAP ISC) is a center for maritime security established by representatives from ASEAN+6 nations and regional shipping agencies.[134] 21 states—14 Asian countries, 5 European Countries, Australia, and the USA—are current contracting parties to ReCAAP.[135] The roles and activities of ReCAAP ISC are aligned in accordance with the three pillars of information sharing, capacity building, and cooperative arrangements. However, the agreement does not deal with methods of assistance or the use of force.[136]

Although information sharing has proven effective in watchkeeping and analyzing incidents of piracy, the center has proven largely ineffective in reducing the total number of incidents. According to official figures published by ReCAAP ISC, the total number of reported incidents in the Straits of Malacca and Singapore during January–June increased from 27 in 2022 to 41 in 2023—a 50% increase.[137] As a result, it is imperative that coastal states also continue to build their own security presence and generate a comprehensive cooperative mechanism against piracy.

IMO Involvement

The International Maritime Organization (IMO) has been very active in multilateral efforts to combat piracy and armed robbery at sea. The IMO has sponsored and participated in a number of international and regional conferences. Recently, IMO cooperated with both the MSP and ReCAAP to provide and maintain adequate aids to navigation.[138] Moreover, the organization has made considerable efforts to enhance the safety of navigating the strait and has provided a forum for littoral and user states to discuss pertinent issues.[139] The forums have resulted in the adoption of various amendments to rules for vessels navigating through the Strait of Malacca (COLREG.2) and the establishment of a mandatory ship-reporting system.[140] The IMO has also sponsored various navigational projects, such as the Marine Electronic Highway (MEH) project which aims to provide

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[132] Ibid.

[133] Ibid.

[134] "About ReCAAP Information Sharing Centre," *ReCAAP*, https://www.recaap.org/about_ReCAAP-ISC.

[135]Ibid.

[136] Ashle J. Roach. "Enhancing Maritime Security in the Straits of Malacca and Singapore," *Journal of International Affairs* 59, no. 1 (2005): 97–116, http://www.jstor.org/stable/24358235.

[137] "ReCAAP ISC: Half Yearly Report 2023, Piracy and Armed Robbery Against Ships in Asia," *Safety4Sea*, July 24, 2023, https://safety4sea.com/recaap-isc-half-yearly-report-2023-piracy-and-armed-robbery-against-ships-in-asia/.

[138] "About ReCAAP Information Sharing Centre," ReCAAP, https://www.recaap.org/about_ReCAAP-ISC.

[139] Ashle J. Roach. "Enhancing Maritime Security in the Straits of Malacca and Singapore," *Journal of International Affairs* 59, no. 1 (2005): 97–116, http://www.jstor.org/stable/24358235.

[140] Ibid.

navigational information to passing ships on a real-time basis.[141] While these efforts have proved effective in reducing the success of piracy incidents, it fails to address the root cause of the problem: the pirates themselves, and their incentives for piracy.

International and Regional Agreements

There are also a number of international and regional agreements that have formed part of the legal framework for international cooperation in the Strait of Malacca, while respecting the national sovereignty and territorial claims of littoral states. These include the United Nations Law of the Sea Convention of 1982, Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation of 1988, and the Caribbean Regional Agreement of 2003. [142] [143,144]

Current Situation

State of Piracy

Since the 1980s, piracy in the Strait of Malacca has risen significantly. Although traditional piratical activities associated with the Orang Laut and other coastal village populations have declined, there has been a rise in quick "hit and run" robberies by local fishermen. In the 21st century, piracy has evolved significantly, involving designated pirate ships, ties to crime syndicates, and complex insurance scams which is substantially different from earlier forms of piracy. However, many root causes of piracy remain unchanged; ordinary fishermen, trapped in a cycle of poverty and systemic suppression, are still the primary victims and perpetrators.[145] It is crucial to highlight that piracy currently poses no existential threat across the Strait of Malacca. Given the immense volume of international trade passing through the strait each year, piracy-related losses are relatively minor, and the impact on the overall sense of disorder is challenging to quantify in monetary terms.[146]

Definition of Piracy

The 1982 UNCLOS, adopted by most Southeast Asian states, defines piracy in Article 101; However, this nomenclature is problematic for three major reasons.[147] Firstly, it limits the definition of piracy to illegal acts committed for "private ends," which excludes the acts committed for public or political purposes.[148] It focuses

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[141] Ibid.
[142] "United Nations Convention on the Law of the Sea," *United Nations*, 1982, https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf.
[143] "Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation," *United Nations*, 1988, https://treaties.un.org/doc/db/terrorism/conv8-english.pdf.
[144] "Maritime and air counter narcotics agreement in Caribbean." *U.S. Department of State*, 2003, https://2009-2017.state.gov/s/l/2005/87198.htm.
[145] Barbara Addaya. "The Dark Passage: History, Piracy and the Malacca Strait," University of Hawai'i at Mānoa, January 2011, https://www.researchgate.net/publication/290981728_'The_Dark_Passage'_History_Piracy_and_the_Melaka_Strait.
[146] Ibid.
[147] "United Nations Convention on the Law of the Sea," United Nations, 1982, https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf.
[148] Ibid.

on an *intent to steal*, which many critics view as playing an increasingly diminished role in recent piracy incidents.[149]

Secondly, piracy is described as an act solely committed on the "high seas."[150] This means that piratical acts committed in the exclusive economic zones or territorial seas of any state do not fall within the scope of this provision. For example, a large number of contemporary pirate attacks in the Strait of Malacca have occurred in the territorial waters of Indonesia and Malaysia; the UNCLOS definition limits the ability of other Southeast Asian states to prosecute offenders in these circumstances.[151]

The right of hot pursuit, as described in Article 111, serves as an additional legal barrier in the prosecution of pirates. Under this agreement, local officers cannot chase suspected pirates from international waters into the territorial waters of neighboring countries unless given prior permission.[152] Current geopolitical sensitivities in the region have heightened sovereignty concerns, and littoral states of Malaysia, Singapore and Indonesia have not allowed foreign law enforcement vessels to operate within their territorial waters.[153] These restrictions hamper security efforts and give suspects an opportunity to flee.

Lastly, the UNCLOS definition of "two ships" as the necessary requirement for any act to fall within the scope of piracy.[154] However, there have been several attacks in recent times that have only involved one ship.[155] Given the success of past anti-piracy operations, it is imperative to discuss and resolve the legal issues that still exist within the current international maritime regime. Identifying such legal issues will help future lawmakers decide which issues need resolutions, and how to make anti-piracy efforts more effective.

Use of Private Maritime Security Companies (PMSCs)

In response to growing maritime security threats, the employment of PMSCs and use of private armed guards (PAGs) onboard merchant ships has begun to be implemented over time.[156] Maritime security, which has long been considered as a prerogative of sovereign states, is slowly losing ground to private security companies. Some experts attribute this growth in PAGs to the failure of governments in their duty to offer protection to international shipping.[157]

The activities of armed guards on merchant vessels fall under overlapping jurisdictions and add an additional layer of complexity to the equation; they must comply with laws of the flag state, international law, and the laws of coastal states while operating in domestic waters. However, there is no international framework for the use of PAGs. The transport, carriage, and use of firearms across international waters remains a complicated legal

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[149] Mazyar Ahmad. "Maritime piracy operations: Some legal issues," *Journal of International Maritime Safety, Environmental Affairs, and Shipping,* July 5, 2020, https://www.tandfonline.com/doi/full/10.1080/25725084.2020.1788200.
[150] Mazyar Ahmad. "Maritime piracy operations: Some legal issues," *Journal of International Maritime Safety, Environmental Affairs, and Shipping,* July 5, 2020, https://www.tandfonline.com/doi/full/10.1080/25725084.2020.1788200.
[151] Thư Nguyễn Hoàng Anh. "Stemming the tide of piracy in Southeast Asia," *The Interpreter*, June 9, 2022, https://www.lowyinstitute.org/the-interpreter/stemming-tide-piracy-southeast-asia.
[152] "United Nations Convention on the Law of the Sea," *United Nations*, 1982, https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf.
[153] Ibid.
[154] Ibid.
[155] Richard Pallardy. "Achille Lauro hijacking," *Encyclopedia Britannica*, March 31, 2023, https://www.britannica.com/event/Achille-Lauro-hijacking.
[156] Carolin Liss. "New Actors and the State: Addressing Maritime Security Threats in Southeast Asia," *Contemporary Southeast Asia*, https://bookshop.iseas.edu.sg/publication/1908.
[157] Ibid.

process typically reserved for the most wealthy container shipping companies.[158] Compliance with these stringent regulations demand resources and expertise that smaller companies may struggle to meet.[159] Additionally, on many occasions, PAGs have resorted to violence to fend off pirates and to protect merchant vessels, resulting in the killing of pirates or suspected pirates.[160] This has caused significant concern among the international community, especially in terms of legality and humanitarianism.

Currently, there are two instruments governing the role of private actors in an armed conflict: the Montreux Document on Pertinent International Legal Obligations and Good Practices for States related to Operations of Private Military and Security Companies during Armed Conflict (Montreux Document), and the International Code of Conduct for Private Security Service eProviders (ICoC).[161] [162] Although both documents do not apply to piracy directly, they reaffirm the legal obligations of PAGs with regards to international humanitarian law and international human rights law.[163] The IMO has previously referred to these documents as "useful reference points for PMSCs."[164] More recently, the IMO and other maritime security stakeholders have also requested the International Organization for Standardization (ISO) to develop standards for compliance and best practices for PMSCs.[165] Thus, the ISO developed a pilot certification program—ISO/PAS28007—to serve as the benchmark standard of compliance and best practices for PMSCs to follow.[166] However, the ISO/PAS28007 is not a mandatory certification; adoption has remained in the hands of individual countries—many of which have yet to accept it as a foundation for the operation of PMSCs on their vessels.[167]

Prosecution of Apprehended Pirates

Universal jurisdiction over pirates is well established under international law; UNCLOS Article 105 empowers the courts of capturing states to decide on the penalty of the imposed pirates.[168] In other words, all states have jurisdiction over pirates, which they may or may not use to capture and prosecute pirates. As such, it is necessary for the individual state to develop domestic legislation criminalizing piracy.

Currently, only a select number of littoral states have developed and adopted relevant national legislation on piracy. For example, the United States' national legislation on piracy not only describes the offence of piracy, but

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[158] Carolin Liss. "New Actors and the State: Addressing Maritime Security Threats in Southeast Asia," *Contemporary Southeast Asia*, 2013, https://bookshop.iseas.edu.sg/publication/1908.

[159] Ibid.

[160] "Armed Security Guards Kill Pirate in Shootout," *Canadian Naval Review*, last modified August 17, 2012, https://www.navalreview.ca/2010/03/armed-security-guards-kill-pirate-in-shootout. /

[161] "The Montreux Document on Private Military and Security Companies," International Committee of the Red Cross, June 11, 2020, https://www.icrc.org/en/publication/0996-montreux-document-private-military-and-security-companies.

[162] "The International Code of Conduct for Private Security Service Providers (ICoC)," *Private Security Governance Observatory,* November 9, 2010, https://observatoire-securite-privee.org/en/content/international-code-conduct-private-security-service-providers-icoc.

[163] Mazyar Ahmad. "Maritime piracy operations: Some legal issues," *Journal of International Maritime Safety, Environmental Affairs, and Shipping,* July 5, 2020, https://www.tandfonline.com/doi/full/10.1080/25725084.2020.1788200.

[164] "Interim Guidance to Private Maritime Security Companies Providing Privately Contracted Armed Security Personnel on Board Ships in the High Risk Area," *International Maritime Organization*, May 25, 2012, https://wwwcdn.imo.org/localresources/en/OurWork/Security/Documents/MSC.1-Circ.1443.pdf.

[165] Mazyar Ahmad. "Maritime piracy operations: Some legal issues," *Journal of International Maritime Safety, Environmental Affairs, and Shipping,* July 5, 2020, https://www.tandfonline.com/doi/full/10.1080/25725084.2020.1788200.

[166] "ISO 28007-1:2015," *International Organization for Standardization*, April 2015, https://www.iso.org/standard/63166.html.

[167] Ibid.

[168] "United Nations Convention on the Law of the Sea," *United Nations*, 1982, https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf.

also makes piracy punishable by life imprisonment.[169] On the other hand, many ASEAN states have yet to enact piracy-related national legislation. Malaysia, for instance, does not yet have specific laws for piracy, relying instead on general legal provisions such as the Penal Code of Malaysia to prosecute pirates.[170] This presents many challenges, especially in the apprehension of suspected pirates detained without evidence.

Extradition of apprehended pirates is also not covered by UNCLOS. Although there have been some bilateral and even multilateral agreements between states, the majority of ASEAN member states have yet to reach consensus on the prosecution of apprehended pirates.[171] A lack of domestic legislation and persistent legal complexities have made it difficult for ASEAN members to determine the appropriate legal procedure for prosecuting pirates across the region.[172]

In essence, this lack of capacity, domestic legislation, and clarity about how to dispose of pirates after their capture has hindered more robust international action against pirates, and in some cases led to pirates being released without facing justice.

Enforcement of Anti-Piracy Instruments

The three littoral states of Malaysia, Indonesia and Singapore are mandated under UNCLOS to be responsible for the safety and administration of the Malacca Strait.[173] Although a range of multilateral agreements have been implemented, their impact remains minimal. A wide range of issues, such as weak surveillance, capacity building, and enforcement mechanisms, have limited the extent to which nations can counter piracy through the strait.[174] This can be attributed to the fact that most of Southeast Asia consists of low and middle-income countries; thus, the region's budget is relatively limited and law-enforcement agencies are typically poorly financed. Agencies do not have enough resources to hire and train members, which can lead to inconsistencies in decision making and law implementation.[175] Such shortcomings to enforcement are not only harmful to regional trade, but may also trigger unwanted intervention from outside powers. Unchecked piracy can give major powers like China and the United States to funnel their naval presence in and around the strait, thus further undermining regional security.[176]

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[169] "18 U.S. Code § 1651 - Piracy under law of nations," *Cornell Law School*, June 25, 1948, https://www.law.cornell.edu/uscode/text/18/1651.

[170] "Laws of Malaysia," *Government of Malaysia*, February 1, 2018, https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/61339/117909/F1085941047/MYS61339%202015.pdf.

[171] Jagdish Khobragade et al. "The Anti-Maritime Piracy Law in India and Malaysia: An Analytical Study," *Journal of International Maritime Safety, Environmental Affairs, and Shipping*, July 5, 2020, https://www.tandfonline.com/doi/full/10.1080/25725084.2021.2006462?src=recsys.

[172] Ibid.

[173] "The Pirates of the Strait," *The Jakarta Post*, May 4, 2023, https://www.thejakartapost.com/opinion/2023/05/04/the-pirates-of-the-strait.html.

[174] Mazyar Ahmad. "Maritime piracy operations: Some legal issues," *Journal of International Maritime Safety, Environmental Affairs, and Shipping,* July 5, 2020, https://www.tandfonline.com/doi/full/10.1080/25725084.2020.1788200.

[175] Thư Nguyễn Hoàng Anh. "Stemming the tide of piracy in Southeast Asia," *The Interpreter*, June 9, 2022, https://www.lowyinstitute.org/the-interpreter/stemming-tide-piracy-southeast-asia.

[176] "The Pirates of the Strait," *The Jakarta Post*, May 4, 2023, https://www.thejakartapost.com/opinion/2023/05/04/the-pirates-of-the-strait.html.

Poverty and Lack of Alternative Income Sources

Poverty and poor economic conditions continue to serve as major motivation factors for modern piracy, and in some cases, has effectively made piracy the sole option for survival.[177] In a 2015 survey published by the UNODC, over 50% of surveyed prison inmates convicted of maritime piracy identified as "poor fishermen" whose driving incentive for criminal action was poverty.[178] When examining the issue of piratical poverty in Southeast Asia, four key factors stand out: overfishing and ecological degradation, lax maritime regulations, organized crime syndicates, and radical politically motivated groups. The elements collectively contribute to the complex challenge of piracy in the region.

Firstly, through the development of new sophisticated fishing technologies in the 20th century, fishing yields dramatically increased, and fishermen were able to capture stocks previously beyond their capability.[179] However, these improvements adversely affected fish stocks, which pushed fishers to move further outwards to search for less developed fishing grounds. Moreover, ecological degradation through the destruction of estuaries, wetlands, and reefs has also played an important role in limiting the number of fish.[180] As resources became more sparse, the management and protection of local fishing industries from overfishing has become a necessity. While international conventions and guidelines such as UNCLOS were established to regulate ownership and jurisdiction over ocean space, this division of ownership has had an inverse effect on fishermen activity; fishermen were no longer allowed to fish in waters considered to be under the jurisdiction of another country.[181] Moreover, complicating the issue even further is the fact that many countries within Southeast Asia have not been able to agree on actual sea boundaries between their nations, and regional navies consistently engage in overlapping territorial patrols.[182]

Corruption and Collusion

Changing trends in the global shipping industry have shifted piracy strategies in Southeast Asia away from pure robberies of cargo and towards elaborate hijackings for product theft. Products such as palm oil have often been stolen in collusion with ship captains, their crews, and even local officials.[183]

Additionally, while the shift of the global shipping industry towards short-term employment has ensured the free flowing and steady supply of personnel, it has also made it difficult for officials to trace shipping companies, captains, and crews.[184] This, in turn, creates weak links of security that can then be tapped into. For example, while a shipping company may be able to vet the captain of a ship, the captain may have the ability to choose their crew, and that crew may have little contact with, let alone loyalty to, the parent shipping company. These

[177] "Survey of maritime pirates spotlights poverty motive, threat of world's navies," *UNODC*, United Nations, September 3, 2015, https://www.unodc.org/unodc/en/frontpage/2015/September/survey-of-maritime-pirates-spotlights-poverty-motive--threat-of-worlds-navies.html.
[178] Ibid.
[179] "The roots of piracy in Southeast Asia," *APSNet Policy Forum*, October 22, 2007, https://nautilus.org/apsnet/the-roots-of-piracy-in-southeast-asia/.
[180] Ibid.
[181] Ibid.
[182] Ibid.
[183] Adam Mccauley. "Pirates in Southeast Asia: the Most Dangerous Waters in the World," *TIME*, https://time.com/piracy-southeast-asia-malacca-strait/.
[184] Ibid.

complicated relationships often result in insufficient auditing of captains and sailors, increasing the likelihood of theft and corruption.

In separate incidents across Asia, armed gangs have been able to establish links to the crews on board of hijacking targets, allowing them to obtain inside knowledge of the ships and their cargo.[185] For instance, a piratical incident in the fall of 2013 entailed a complex feat of oil siphoning.[186] Only years after the incident was it revealed that the chief engineer and captain of the ship may have sold information about the oil shipment through a middleman to a local crime syndicate.[187] It was with this information that the syndicate was able to then commandeer a ship, steal its cargo, and sell the batch illegally to buyers across the world.[188] Pirated oil is also often mixed with legally obtained oil at sea, in vessels referred to as mother ships.[189] This makes it extremely difficult for officials and buyers to discern whether a given oil supply has been illegitimately obtained. This illicit fuel exchange, known as bunkering, is a common practice throughout Southeast Asia; according to its own port authority, Singapore is the "largest and most important bunkering port in the world."[190]

Lack of Regional Cooperation

Current regional efforts to combat piracy are hampered by regional politics and differences; notably, neither Malaysia nor Indonesia have joined ReCAAP.[191] Some experts suggest Malaysia's reluctance to join ReCAAP may be related to concerns that the program could become a rival of the Kuala Lumpur-based International Maritime Bureau Piracy Reporting Center (IMB PRC).[192] On the other hand, Indonesia's bid to host ReCAAP in Jakarta was unsuccessful, which could have contributed to the nation's dissatisfaction and non-membership.[193] Moreover, mistrust exists towards Singapore, where ReCAAP is headquartered. Malaysia and Indonesia have previously harboured suspicions that Singapore is unwilling to reciprocate information sharing due to its reputation as an intelligence hoarder.[194] This mistrust can hinder effective collaboration and information exchange—essential components of any successful anti-piracy efforts. Additionally, geopolitical tensions and territorial disputes may also play a role in disrupting regional cooperation. For instance, Malaysia's unresolved territorial disputes with Indonesia and the Philippines, as well as conflicting claims in the South China Sea, could lead to strained relationships and overlapping efforts.[195] Thus, this limits the coordination of already-scarce maritime resources and renders anti-piracy initiatives much less effective.[196]

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[185] Ibid.
[186] Ibid.
[187] Ibid.
[188] Ibid.
[189] Ibid.
[190] Ibid.
[191] Inês Sousa. "Maritime territorial delimitation and maritime security in the Atlantic," *ATLANTIC FUTURE Workshop*, University of Pretoria, vol. 7. 2014.
[192] Ibid.
[193] Ibid.
[194] Adam Mccauley. "Pirates in Southeast Asia: the Most Dangerous Waters in the World," *TIME*, 2023, https://time.com/piracy-southeast-asia-malacca-strait/.
[195] William Avis. "Border Disputes and Micro-Conflicts in South and Southeast Asia," *GSDRC*, December 2020, https://gsdrc.org/publications/border-disputes-and-micro-conflicts-in-south-and-southeast-asia/.
[196] Ibid.

Inter-Organization Differences

In addition to ReCAAP, there are currently two international organizations that regularly compile and report attacks against merchant shipping in the Strait of Malacca: the International Maritime Organization (IMO) and the International Maritime Bureau—a specialized division of the International Chamber of Commerce.[197] Both parties define piracy differently and have published different incident figures that vary drastically. In 2022, for example, while the IMO 131 maritime piracy incidents globally, with 72 taking place in the Strait of Malacca, the IMB PRC recorded 115 incidents worldwide, and none were reported in the Strait of Malacca.[198] [199]

Given the discrepancies that exist, regional governments usually question the validity of these statistics. Malaysia, in particular, has consistently insisted that its waters are free of piratical incidents. However, this can be attributed to politics as many governments are usually known to downplay the effect of regional issues to attract potential investors from the region. In considering these statistics, delegates should seek to look beyond the numbers; the descriptions of piratical acts listed within the IMO and IMB's annual and monthly reports on piracy prove a valuable asset in reaching a more detailed conclusion on the crimes. Regardless, whatever definitions or organizations are used, one fact remains undisputed: ships transiting the Straits of Malacca continue to face serious threats of unauthorized boardings, theft, and violence that put the safety of both the crew and cargo at risk.

Possible Solutions and Controversies

A multitude of factors must be considered when aiming to eradicate maritime piracy and armed robbery through the strait of Malacca. The solutions explored below should only serve as starting points of discussion; delegates are encouraged to be creative and conduct additional research on their delegation, regional geopolitics, and various other stakeholders, before reaching a holistic resolution that aligns with ASEAN's mandate. Moreover, while the broader issues—such as including poverty and corruption—connected to piracy should be taken into account when formulating solutions, they should not become the primary focus of the committee.

International and Domestic Law Reform

To address the issue of effective piracy prosecution, experts have proposed three categories of legal solutions: revising the international definition of piracy, followed by uniform domestic legislation; supplementing existing international treaties with multilateral and bilateral treaties; and allowing international courts to enforce international piracy laws.[200]

Firstly, it is necessary to revise the definition of piracy under UNCLOS. The evolving and sophisticated nature of modern-day piracy has outpaced development of international agreements and limited their effectiveness. A

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[197] Ashle J. Roach. "Enhancing Maritime Security in the Straits of Malacca and Singapore," *Journal of International Affairs* 59, no. 1 (2005): 97–116, http://www.jstor.org/stable/24358235.

[198] "Reports on Acts of Piracy and Armed Robbery Against Ship," *IMO*, April 19, 2023, https://wwwcdn.imo.org/localresources/en/OurWork/Security/Documents/MSC.4-Circ.267_Annual%20report_2022.pdf.

[199] "2022 Annual IMB Piracy and Armed Robbery Report," *International Maritime Bureau*, January 2023, https://www.icc-ccs.org/reports/2022%20Annual%20IMB%20Piracy%20and%20Armed%20Robbery%20Report.pdf.

[200] Diana Chang. "Piracy Laws and the Effective Prosecution of Pirates," *Boston College International & Comparative Law Review*, 2010, https://dashboard.lira.bc.edu/downloads/ec74fc2c-0155-4884-925b-564468faa0d5.

revision of piracy law will need to take the changing landscape into consideration and include new provisions to prosecute piratical acts committed in territorial waters. For example, the illicit use of advanced technologies—such as radars, automatic machine guns, and rocket-propelled grenades —to gain information on and capture larger vessels requires a completely new set of legal mechanisms yet to be developed.[201]

Regional piracy tribunals could also be enforced to establish a more uniform criminal procedure and punishment system.[202] For instance, ASEAN may choose to partner with regional maritime organizations such as ReCAAP and establish an independent regional piracy tribunal within one member state. This regional piracy tribunal could further derive its jurisdiction from a modified territorial jurisdiction principle, in which member states would establish a geographic scope that falls within the tribunal's power (i.e. territorial seas and the high seas). Additionally, because such regional piracy tribunals would be treaty-based, they would complement domestic criminal justice systems, rather than replacing them completely. Similar to the International Criminal court, regional piracy tribunals would not infringe on a state's national sovereignty or domestic legal system, instead offering an alternative forum for states unable or unwilling to prosecute pirates.

On the contrary, the creation of more multilateral and bilateral treaties to supplement UNCLOS would not be as effective for the prosecution of pirates; given most treaties only create binding obligations for their member states, they will only be as effective as the number of countries that ratify the treaty.[203] Given current geopolitical and territorial tensions that persist in Southeast Asia, it may prove too difficult for ASEAN member states to reach a consensus on the issue and establish a common ground for resolutions.[204]

Enhanced Burden Sharing Mechanisms

The need for burden sharing in maintaining and securing the Strait of Malacca has been consistently emphasized by littoral states. In the past, efforts by Malaysia and Indonesia have included broadening the scope of burden-sharing under Article 43 of UNCLOS to include costs associated with the administration of security in the straits.[205] Although such a proposal may have proved too restrictive for international consensus, similar regional treaties with major non-state actors such as shipping companies may also be considered. For instance, shipping companies whose vessels cross the strait over a set number of times per year could be required to pay toll fees that cover security costs of naval deployment and patrols. Additionally, ASEAN member states may choose to establish a regional system of contributions in which states pool money, equipment, and other resources to maintain security throughout the strait.

Improved Pirate Detection and Evasion Systems

The use of safe navigation systems, inbuilt radars, and satellite warnings may help ships detect and evade pirates. Currently, there are various navigation systems that can share pirate data, identify areas with potential piracy

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[201] Thư Nguyễn Hoàng Anh. "Stemming the tide of piracy in Southeast Asia," *The Interpreter*, June 9, 2022, https://www.lowyinstitute.org/the-interpreter/stemming-tide-piracy-southeast-asia.

[202] Diana Chang. "Piracy Laws and the Effective Prosecution of Pirates," Boston College International & Comparative Law Review, 2010, https://dashboard.lira.bc.edu/downloads/ec74fc2c-0155-4884-925b-564468faa0d5.

[203] Ibid.

[204] Ibid.

[205] Jagdish Khobragade et al. "The Anti-Maritime Piracy Law in India and Malaysia: An Analytical Study," *Journal of International Maritime Safety, Environmental Affairs, and Shipping,* July 5, 2020, https://www.tandfonline.com/doi/full/10.1080/25725084.2021.2006462?src=recsys.

risk, and build the route of the ship's in bypassing them.[206]Although expensive to construct and maintain, built-in radar can help alert the ship's captain to an impending attack, and it allows for them to have time to prepare themselves against the pirate ships, such as speeding up the merchant ship or notifying reserve naval patrols to protect the ship.[207]As no pirates have ever boarded a ship traveling above 18 knots, deliberating adjusting a ship's speed based on radar systems could be a crucial strategy for evading pirate encounters.[208]

Additionally, littoral states may also choose to use satellite GPS to geolocate and monitor the movement of pirate ships, allowing for the development of effective patrol strategies.[209] In essence, the widespread implementation of such systems—in addition to increased, real-time data-sharing among organizations such as IMO, IMB, and ReCAAP—can not only help ships predict and signal danger, but also offer several options for route change, drastically lowering the likelihood of successful pirate boardings.

Regulation of PMSCs and PAGs

Although the use of PMSCs and PAGs to protect vessels against maritime piracy is a viable solution, a comprehensive set of international regulations will be required first to prevent any potential misuse of force and violence against seafarers.[210] Currently, PMSCs are largely self-regulating and lack any standardized Rules for the Use of Force (RUF).[211] As such, establishing international consensus around the use of lethal force is a plausible first step.[212] The introduction of ISO (PAS) 28007—international guidelines for PMSCs—has been a welcoming addition to the maritime security industry, but many of its clauses need to be further discussed and developed.[213] For instance, member states could mandate the continuous carriage of firearms, counter piracy equipment on board all ships, and define clear oversight mechanisms for affected states. Encouraging littoral states to construct precise and clear regulations is also vital, specifically in countries such as Singapore where current regulations are ill-defined.[214] For the long-term success of this approach, rigorous oversight and an internationally accepted framework of enforceable rules must be established and adopted by all states and PMSCS opening on the vessels; a united commitment to international regulations will help prevent any escalation of violence and ensure that private security efforts align with legal and ethical standards.

Increased Joint-Naval Cooperation

Increased joint naval anti-piracy operations have emerged as a promising, cost-effective solution to combating piracy. By collaborating with other regional players, littoral states can effectively share the burden of maintaining maritime security and reduce the socioeconomic impact of piracy. That being said, implementing multilateral initiatives presents additional complexities to the equation. In the past, attempts at trilateral patrols between

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[206] "Evolution of piracy at sea: pirates in maritime 2020," *Marine Digital*, 2020, https://marine-digital.com/article_pirates.
[207] Ibid.
[208] "Strait of Malacca Is World's New Piracy Hotspot," *NBC News*, March 27. 2014, https://www.nbcnews.com/news/world/strait-malacca-worlds-new-piracy-hotspot-n63576.
[209] "Evolution of piracy at sea: pirates in maritime 2020," *Marine Digital*, 2020, https://marine-digital.com/article_pirates.
[210] Andrew Edwards. "Private Contracted Armed Security Personnel (PCASP) – The need for International Regulation," *LinkedIn,* April 22, 2014, https://www.linkedin.com/pulse/20140422220938-70430765-private-contracted-armed-security-personnel-pcasp-the-need-for-international-regulation.
[211] Ibid.
[212] Ibid.
[213] "ISO 28007-1:2015,"International Organization for Standardization, April 2015, https://www.iso.org/standard/63166.html.
[214] Ibid.

Indonesia, Malaysia, and Singapore have been hindered by ongoing territorial disputes between the nations. Moreover, inviting neighbouring countries to patrol territorial waters may raise questions about national jurisdiction, potentially creating diplomatic challenges.[215] Politics aside, the success of joint patrols would also require addressing operational concerns: questions around the nature of patrols (i.e. joint or coordinated), standard procedures for operation, and the necessary supporting infrastructure will need to be resolved first.[216] In the case of the MSP, for instance, the naval forces were supported by other mechanisms, including air patrols and intelligence sharing platforms, that remained difficult to establish and maintain.[217]

Bloc Positions

Singapore

The city-state of Singapore is heavily dependent on maritime trade to fuel its export-driven economy and status as a global financial and trading hub.[218] Out of the three littoral states, Singapore's economy would suffer the most if the pirates further escalated conflict.[219] This constant threat-filled environment has heightened Singapore's sense of vulnerability and pressured the state into taking severe actions; recognizing the importance of maritime security, Singapore has already built a modern and capable navy and police coast guard that effectively protects the 60-mile long Singapore Strait bordering the Strait of Malacca. In 2003, Singapore established the Maritime and Port Security Working Group, bringing together the Singaporean navy, coast guard, and port security to improve port security and monitor the movement of shipping within the port.[220] More recently, Singapore has also developed an advanced vessel traffic information system (STRAITREP), capable of tracking every vessel that passes through the strait.[221]

Within the region, Singapore is one of the most vocal advocates for international cooperation; given its close ties with regional countries, as well as with the United States, China, and Japan, Singapore is willing to work with non-littoral states in maintaining a constant security presence within the strait of Malacca.[222] In other words, Singapore is eager to enhance further international and inter-agency cooperation and defend itself against the threats posed by piracy.

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[215] https://thediplomat.com/2015/09/indonesia-malaysia-step-up-fight-against-piracy/

[216] Victor Huang. "BUILDING MARITIME SECURITY IN SOUTHEAST ASIA: Outsiders Not Welcome?" *Naval War College Review* 61, no. 1 (2008): 87–105, http://www.jstor.org/stable/26396899.

[217] Ibid.

[218] "Singapore — the leading financial center in the Asia-Pacific region," *cfi.co*, January 4, 2023, https://cfi.co/asia-pacific/2023/01/singapore-the-leading-financial-centre-in-the-asia-pacific-region/.

[219] Victor Huang. "BUILDING MARITIME SECURITY IN SOUTHEAST ASIA: Outsiders Not Welcome?" *Naval War College Review* 61, no. 1 (2008): 87–105, http://www.jstor.org/stable/26396899.

[220] "Port Safety & Security," *Maritime and Port Authority of Singapore*, https://www.mpa.gov.sg/port-marine-ops/port-safety-security.

[221] "Vessel Traffic Information System," *Maritime and Port Authority of Singapore*, https://www.mpa.gov.sg/port-marine-ops/operations/vessel-traffic-information-system

[222] Victor Huang. "BUILDING MARITIME SECURITY IN SOUTHEAST ASIA: Outsiders Not Welcome?" *Naval War College Review* 61, no. 1 (2008): 87–105, http://www.jstor.org/stable/26396899.

Malaysia

Similar to Singapore, Malaysia is heavily dependent on Maritime Trade. 80% of its trade passes through the Strait of Malacca, and several major Malaysian ports are situated on the strait itself.[223] Previously, Malaysian government offices have downplayed the threat of piracy and argued the Strait was free from it.[224] In more recent years, however, Malaysia has called for greater vigilance and intelligence sharing. The Royal Malaysian Navy (RMN), for instance, has been actively involved in counter-piracy operations since 2005 and had noticeable success in reducing the total number of reported piracy incidents.[225]

Unlike Singapore, Malaysia asserts that the littoral states have the capacity to safeguard the straits by themselves as "internationalization" of the straits by foreign powers would impinge upon regional security interests.[226] Nonetheless, Malaysia is reluctant to accept the military and financial responsibility of protecting the strait, given the high number of international users that consider the strait as an international sea lane. [227] Therefore, the state is willing to explore additional modalities for burden sharing that encourage international users of the strait to contribute towards joint security patrols without infringing on national sovereignty or integrity.

Indonesia

Indonesia has a smaller economic stake compared to Singapore or Malaysia in the Malacca strait because the majority of the nation's trade is conducted through the Lombok and Sunda straits. Instead, Indonesia is more focused on resolving domestic issues, such as economic development, political stability, territorial integrity, and radical Islam.[228] For the Indonesian navy, countering piracy may be lower in their agenda rather than patrolling its extensive maritime borders. Given Indonesia has over 95,000 km of coastline, the nation's naval enforcements, which are already plagued by a lack of funding and poor maintenance, do not have the additional capacity to maintain constant piracy patrols.

With that being said, Indonesia has firmly rejected foreign military presence in the region. Instead, its primary goals are to assert sovereignty over its national waters and foster positive international relations. Indonesia seeks to secure additional security guarantees from allied states such as the United States or Japan.[229] Indonesia has also promoted cooperation with the littoral states and is willing to work with other regional governments in hosting additional joint naval anti-piracy operations.

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[223] "Dire straits for flow of trade through Malacca." *The Insurer*, September 14, 2022, https://www.theinsurer.com/viewpoint/dire-straits-for-flow-of-trade-through-malacca/.

[224] Victor Huang. "BUILDING MARITIME SECURITY IN SOUTHEAST ASIA: Outsiders Not Welcome?" *Naval War College Review* 61, no. 1 (2008): 87–105, http://www.jstor.org/stable/26396899.

[225] Takai Susumu. "Suppression of Modern Piracy and the Role of the Navy," *National Institute of Defense Studies Japan*, March 2003, http://www.nids.mod.go.jp/english/publication/kiyo/pdf/bulletin_e2002_2.pdf.

[226] Victor Huang. "BUILDING MARITIME SECURITY IN SOUTHEAST ASIA: Outsiders Not Welcome?" *Naval War College Review* 61, no. 1 (2008): 87–105, http://www.jstor.org/stable/26396899.

[227] Ibid.

[228] Rabasa, Angel and Peter Chalk, "Indonesia's Future: Challenges and Implications for Regional Stability." Santa Monica, CA: *RAND Corporation*, 2001. https://www.rand.org/pubs/research_briefs/RB70.html.

[229] Victor Huang. "Building Maritime Security in Southeast Asia: Outsiders Not Welcome?" *Naval War College Review* 61, no. 1 (2008): 87–105, http://www.jstor.org/stable/26396899.

Other Coastal States

Although not directly located near the Strait of Malacca, coastal states of Southeast Asia are equally as dependent on the strategic waterway for maritime trade and resources. In the past, most efforts by regional players to introduce additional security frameworks within the Strait have been met with ambivalence or outright rejection; the resulting absence of multinational cooperation is depriving the region of important resources and capabilities, particularly information sharing and responsive multinational decision making.[230] Moving forward, coastal states should devise strategies to increase their participation in regional security cooperations. The revision of current regional and international legal frameworks, in addition to increased joint naval cooperation, are potential starting points that allow extra regional players to contribute towards meaningful maritime security cooperation without affronting regional sensitivities.[231]

Inland States

The significance of the Strait of Malacca in maritime trade is not of significant importance to the inland states in Southeast Asia, notably Myanmar and Laos. Historically, these inland states have lagged behind their coastal counterparts in terms of socioeconomic development, which has limited their presence on the regional stage.[232] Inland states also continue to face obstacles such as a limited labor pool and a small domestic market, and persistent issues related to corruption and political instability have hindered many investment opportunities.[233] Consequently, these states have limited capacity to engage in joint ventures to bolster regional security. Furthermore, recent initiatives to create new inland trade routes, particularly to China, have emerged.[234] Given China's concerns about U.S. influence in the Strait of Malacca, these inland states may be inclined to take a cautious approach and minimize their involvement in security efforts related to the Strait.

Discussion Questions

1. How does your country perceive the level of threat posed by piracy in the Strait of Malacca? What national or foreign interests does your country hold in securing the waterway, and what specific steps has your government taken in addressing this issue?

2. What strategies have your country employed to protect and promote the interests of your nation's maritime industries? To what extent may these strategies be implemented in securing the Strait of Malacca?

3. How does your country deal with the social and humanitarian consequences of piracy? Does your country have support mechanisms in place to assist affected communities?

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[230] Victor Huang. "Building Maritime Security in Southeast Asia: Outsiders Not Welcome?" Naval War College Review 61, no. 1 (2008): 87–105, http://www.jstor.org/stable/26396899.
[231] Ibid.
[232] "Lao Economic Monitor," *The World Bank*, May 19, 2020, https://www.worldbank.org/en/country/lao/publication/lao-economic-monitor-may-2023-addressing-economic-uncertainty-key-findings.
[233] Ibid.
[234] "Who is Laos' first special economic zone benefitting?," *China Dialogue*, October 25, 2019, https://chinadialogue.net/en/business/11609-who-is-laos-first-special-economic-zone-benefitting.

4. What are the challenges and benefits posed by joint naval cooperation? How can ASEAN strike a balance between respecting the principle of non-interference and pursuing collective action to combat piracy?

5. What role can ASEAN play in promoting socioeconomic development and governance in areas prone to piracy to address the root causes of piratical activities?

6. How can ASEAN enhance the capacity building of law enforcement agencies and maritime forces to effectively respond to piracy incidents? What mechanisms can be established to capture and bring perpetrators to justice?

7. What programs or initiatives have been previously created to strengthen anti-piracy cooperation between nations? What positive outcomes can be drawnfrom these examples, and how can the shortcomings of these programs be remedied?

Additional Resources

Cambridge | Academic Journal | "History of Piracy in the Strait of Malacca":
https://www.cambridge.org/core/books/pirates-of-empire/strait-of-malacca/9343B768D2FB6AA9FB3CE8A5BA9B6778

IMB | Live Piracy Map| "IMB Piracy Reporting Center":
https://www.icc-ccs.org/piracy-reporting-centre/live-piracy-map

IMO | Monthly and Annual Reports | "Piracy Reports":
https://www.imo.org/en/OurWork/Security/Pages/Piracy-Reports-Default.aspx

ReCAAP | Website | "ReCAAP ISC":
https://www.recaap.org/

TIME | Article | "Piracy in Southeast Asia:"
https://time.com/piracy-southeast-asia-malacca-strait/

Bibliography

"18 U.S. Code § 1651 - Piracy under law of nations." *Cornell Law School.* June 25, 1948. https://www.law.cornell.edu/uscode/text/18/1651.

"2022 Annual IMB Piracy and Armed Robbery Report." *International Maritime Bureau.* January 2023. https://www.icc-ccs.org/reports/2022%20Annual%20IMB%20Piracy%20and%20Armed%20Robbery%20Report.pdf.

"About ReCAAP Information Sharing Centre." *ReCAAP.* https://www.recaap.org/about_ReCAAP-ISC.

Addaya, Barbara. "The Dark Passage: History, Piracy and the Malacca Strait." *University of Hawaiʻi at Mānoa,* January 2011. https://www.researchgate.net/publication/290981728_'The_Dark_Passage'_History_Piracy_and_the_Melaka_Strait.

Ahmad, Mazyar. "Maritime piracy operations: Some legal issues." *Journal of International Maritime Safety, Environmental Affairs, and Shipping.* July 5, 2020. https://www.tandfonline.com/doi/full/10.1080/25725084.2020.1788200.

Ahmed, Zahra. "10 Things About Malacca Strait You Might Not Know." *Marine Insight.* February 22, 2023. https://www.marineinsight.com/environment/malacca-strait/.

Amirell, Stefan Eklöf. "The Strait of Malacca." *Cambridge,* Cambridge University Press. 2019, https://www.cambridge.org/core/books/pirates-of-empire/strait-of-malacca/9343B768D2FB6AA9FB3CE8A5BA9B6778. doi:10.1017/9781108594516.004.

Anh, Thư Nguyễn Hoàng. "Stemming the tide of piracy in Southeast Asia." *The Interpreter.* June 9, 2022. https://www.lowyinstitute.org/the-interpreter/stemming-tide-piracy-southeast-asia.

"Armed Security Guards Kill Pirate in Shootout." *Canadian Naval Review.* Last modified August 17, 2012. https://www.navalreview.ca/2010/03/armed-security-guards-kill-pirate-in-shootout. /

Ashle J. Roach. "Enhancing Maritime Security in the Straits of Malacca and Singapore." *Journal of International Affairs* 59. No. 1 (2005): 97–116. http://www.jstor.org/stable/24358235.

Avis, William. "Border Disputes and Micro-Conflicts in South and Southeast Asia." *GSDRC.* December 2020. https://gsdrc.org/publications/border-disputes-and-micro-conflicts-in-south-and-southeast-asia/.

Chang, Diana. "Piracy Laws and the Effective Prosecution of Pirates." *Boston College International & Comparative Law Review.* 2010. https://dashboard.lira.bc.edu/downloads/ec74fc2c-0155-4884-925b-564468faa0d5.

"Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation." *United Nations.* 1988. https://treaties.un.org/doc/db/terrorism/conv8-english.pdf.

"Convention on the High Seas." *United Nations.* 2005. https://www.legal-tools.org/doc/7b4abc-1/pdf/.

Crossley, Dean. "Malacca and Singapore Straits – Increase of Piracy Incidents." *West of England.* March 2, 2023. https://www.westpandi.com/news-and-resources/news/march-2023/malacca-and-singapore-straits-increase-of-piracy-i.

"Drastic drop in piracy in Malacca Straits." *Safety4Sea*. April 26, 2011. https://safety4sea.com/drastic-drop-in-piracy-in-malacca-straits/.

Edwards, Andrew. "Private Contracted Armed Security Personnel (PCASP) – The need for International Regulation." *LinkedIn*. April 22, 2014. https://www.linkedin.com/pulse/20140422220938-70430765-private-contracted-armed-security-personnel-pcasp-the-need-for-international-regulation.

"Evolution of piracy at sea: pirates in maritime 2020." *Marine Digital*. 2020. https://marine-digital.com/article_pirates.

"Fact Sheet: The Malacca Straits Patrol." *MINDEF Singapore*. April 21, 2016. https://www.nas.gov.sg/archivesonline/data/pdfdoc/MINDEF_20160421001/MINDEF_20160421003.pdf.

"Fact Sheet: The Malacca Straits Patrol." *MINDEF Singapore*. April 21. 2015. https://www.mindef.gov.sg/web/portal/mindef/news-and-events/latest-releases/article-detail/2016/april/2016apr21-news-releases-00134/.

Fisher, William and Gordan Smith. "Suez Canal." *Encyclopedia Britannica*. July 23, 2023. https://www.britannica.com/topic/Suez-Canal.

Huang, Victor. "BUILDING MARITIME SECURITY IN SOUTHEAST ASIA: Outsiders Not Welcome?" *Naval War College Review 61*. No. 1 (2008): 87–105, http://www.jstor.org/stable/26396899.

"Interim Guidance to Private Maritime Security Companies Providing Privately Contracted Armed Security Personnel on Board Ships in the High Risk Area." *International Maritime Organization*. May 25, 2012. https://wwwcdn.imo.org/localresources/en/OurWork/Security/Documents/MSC.1-Circ.1443.pdf.

"ISO 28007-1:2015." *International Organization for Standardization*. April 2015. https://www.iso.org/standard/63166.html.

Khobragade, Jagdish et al. "The Anti-Maritime Piracy Law in India and Malaysia: An Analytical Study." *Journal of International Maritime Safety, Environmental Affairs, and Shipping*. July 5, 2020. https://www.tandfonline.com/doi/full/10.1080/25725084.2021.2006462?src=recsys.

"Laws of Malaysia." *Government of Malaysia*. February 1, 2018. https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/61339/117909/F1085941047/MYS61339%202015.pdf.

Liss, Carolin. "New Actors and the State: Addressing Maritime Security Threats in Southeast Asia." *Contemporary Southeast Asia*. https://bookshop.iseas.edu.sg/publication/1908.

"Malaysia says Strait of Malacca security improved, insurance rates should fall." *EagleSpeak*. March 21, 2006. https://www.eaglespeak.us/2006/03/malaysia-says-strait-of-malacca.html.

"Maritime and air counter narcotics agreement in Caribbean." *U.S. Department of State*. 2003. https://2009-2017.state.gov/s/l/2005/87198.htm.

Mccauley, Adam. "Pirates in Southeast Asia: the Most Dangerous Waters in the World." *TIME*. https://time.com/piracy-southeast-asia-malacca-strait/.

McCook, Scott. "Piracy in the Malacca Straits." *Marina Map*. https://www.marinamap.com/article/14-Piracy-in-the-Malacca-Straits.html.

Pallardy, Richard. "Achille Lauro hijacking." *Encyclopedia Britannica*. March 31, 2023. https://www.britannica.com/event/Achille-Lauro-hijacking.

"Port Safety & Security." *Maritime and Port Authority of Singapore.* https://www.mpa.gov.sg/port-marine-ops/port-safety-security.

"ReCAAP ISC: Half Yearly Report 2023, Piracy and Armed Robbery Against Ships in Asia." *Safety4Sea.* July 24, 2023. https://safety4sea.com/recaap-isc-half-yearly-report-2023-piracy-and-armed-robbery-against-ships-in-asia/.

"Reports on Acts of Piracy and Armed Robbery Against Ship." *IMO.* April 19, 2023. https://wwwcdn.imo.org/localresources/en/OurWork/Security/Documents/MSC.4-Circ.267_Annual%20report_2022.pdf.

"Singapore — the Leading Financial Center in the Asia-Pacific Region." *Cfi.co.* January 4, 2023. https://cfi.co/asia-pacific/2023/01/singapore-the-leading-financial-centre-in-the-asia-pacific-region/.

"Strait of Malacca Is World's New Piracy Hotspot." *NBC News.* March 27. 2014. Sousa, Inês. "Maritime territorial delimitation and maritime security in the Atlantic." *ATLANTIC FUTURE Workshop.* University of Pretoria, vol. 7. 2014.

Susumu, Takai. "Suppression of Modern Piracy and the Role of the Navy." *National Institute of Defense Studies Japan.* March 2003. http://www.nids.mod.go.jp/english/publication/kiyo/pdf/bulletin_e2002_2.pdf.

"The Founding of ASEAN." *Association of Southeast Asian Nations.* https://asean.org/the-founding-of-asean/.

"The International Code of Conduct for Private Security Service Providers (ICoC)." *Private Security Governance Observatory.* November 9, 2010. https://observatoire-securite-privee.org/en/content/international-code-conduct-private-security-service-providers-icoc.

"The Montreux Document on Private Military and Security Companies." *International Committee of the Red Cross.* June 11, 2020. https://www.icrc.org/en/publication/0996-montreux-document-private-military-and-security-companies.

The Oracle of Insight. "MALSINDO Operation and Piracy in the Malacca Strait." *Medium.* September 1, 2021. https://sureshofgehlot.medium.com/malsindo-operation-and-piracy-in-the-malacca-strait-216f81a16bbe.

"The Pirates of the Strait." *The Jakarta Post.* May 4, 2023. https://www.thejakartapost.com/opinion/2023/05/04/the-pirates-of-the-strait.html.

"United Nations Convention on the Law of the Sea." *United Nations.* 1982. https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf.

"United Nations Convention on the Law of the Sea." *United Nations.* 1982. https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf.

"Vessel Traffic Information System." *Maritime and Port Authority of Singapore.* https://www.mpa.gov.sg/port-marine-ops/operations/vessel-traffic-information-system