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FORMAT AND STYLE

The editors invite submission of articles on subjects within the field of international studies, diplomacy, foreign relations, strategic and security studies and development studies. The title of a manuscript should be between 5000–7500 words (in Times New Roman, 12 points) for articles (exclusive of endnotes) and 1500–2500 words for book reviews, which should contain full book details like the ISBN and total number of pages. Interviews should be up to 4000 words. All submissions should be double-spaced with one-inch margins (right margin unjustified) and conform to the latest edition of *The Chicago Manual of Style*. The citation method preferred is the social science rather than the humanities method; therefore, short author-date references should appear in the text and thus minimise the need for footnotes. Full bibliographical details, also in the social science style, should be provided at the end of the article. All articles must include an abstract of between 150–250 words describing its main points, followed by 5 keywords (separated by commas) identifying the manuscript's content, for the purpose of retrieval systems. Authors of articles selected for publication and book reviews must provide a short paragraph of their respective profiles.

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Integrity and Moral Values in Malaysia's Foreign Policy

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OVERVIEW

More often than not, public debates on issues such as integrity, transparency and good governance tend to focus on the domestic policies of the government of the day, forgetting that such issues also apply in the conduct of our international affairs. No discussion has so far emerged on whether these elements are embedded in our foreign policy. Moral issues are important and morality governs the conduct of our daily lives. But if integrity, transparency and good governance are part of our domestic agenda, how are they translated in our foreign policy, given that foreign policy should rightly be a mirror of domestic conduct?

This paper addresses the question of integrity and moral values in the management of our international affairs. Since we tend to put so much emphasis on this subject domestically, do integrity and morality even have a place in our foreign policy? Have they ever been an element of consideration in Malaysia's foreign policy?

Throughout this paper, integrity is being applied to mean the quality of being honest and having strong moral principles. Although there is a fine line of difference between integrity and morality, both are used here interchangeably. Extended to the international context, integrity is confined to upholding of moral, normative values in the arena of "low politics" of humanitarian assistance, development and economic wellbeing. This paper will not discuss integrity in the context of "high politics" of military intervention, of just or unjust wars or aggression since such conduct has never been a part of Malaysia's foreign policy.

The essay will begin with a philosophical debate on the reality of decision-making in foreign policy and commence with an examination of the place of morality in international relations. It will review Malaysia's foreign policy conducted over the past 49 years to examine if integrity and morality has ever been part and parcel of that foreign policy and will attempt to offer answers to the questions on moral judgments

and moral principles. The author is guided by a literature review on the subject of International Ethics, International Justice, Foreign Policy, National Interest and numerous essays on Moral issues in International Affairs.

A PHILOSOPHICAL DEBATE
National interest has always been the basis for which a government conducts its foreign policy. The survival of a government is a great deal dependent on how well it is able to gain the support of its citizens to keep it in power, often based on its promises of sufficient food, employment, health care and education. Logically, when a country engages with the outside world, the promotion of the collective national interest of its citizens takes first priority. In the interest of the public back home, governments engage with other governments with the hope of finding new markets for their goods, getting more revenue through investments and learning new technologies to enable their citizens to gain a competitive edge. The more sophisticated its citizens, the more is expected from the government, and issues like individual rights, freedom of expression and questions of morality become equally central to their needs.

But the equation becomes quite different when a government deals with another outside its political boundary. Once outside the national boundary, it is a different game altogether. Has morality a place in international relations? When we talk about international relations, we are talking about states. Even though states are made up of people, the state itself is not a living, breathing entity. It has no compassion, nor memory, nothing except the fulfillment of its own selfish purposes.

Events in history have shown that international relations is about the protection of a country's national interest in which selfishness, deceit, hypocrisy, exploitation, intervention and sometimes aggression, and genocide are common practices. Why do countries spy on one another, plunder the resources of the weak, or form like-minded alliances against another? Such practices, immoral as they sound, appear to be expected, if not outright accepted in international affairs because countries need to survive and governments need to remain in power. These actions are likened to the Darwinian definition of self determination as survival of the fittest (Darwin, 1859), even if fittest means most adept in the use of force. Domestic politics will always be the key determinants of a country's foreign policy.

The proponents of realism, the principal being Machiavelli (1975), argue that international relations must be viewed under the category of power and that the conduct of nations should be guided and judged exclusively by the amoral requirements of national interests. Realists claim that morality is irrelevant in the

conduct of international affairs. According to them, the most notable being Hans Morganthau in his classic work, *Politics Among Nations*, international politics is best understood as an autonomous realm of power in which the actions of nations are neither motivated by ethical considerations nor subject to ethical judgment. According to Morganthau (1959), he is not unaware of the existence and relevance of standards other than the political one but as a political realist, he cannot but subordinate these other standards to the political one. In the Hobbesian view (Aron, 1968), agreed upon by most realists, we need to abandon the use of moral language altogether when we speak in the international state of nature and confine ourselves to speaking the language of national interest. Only in that way can we more likely achieve sensible accommodations.

To a large extent, all governments are guilty of propagating a realist foreign policy. Otherwise, how could they remain in power? The events that followed September 11, 2001 provide a clear example of realism at its height. The United States' war against terrorism in Afghanistan in October 2001 and the attack on Iraq in 2003 on the premise that the latter had weapons of mass destruction and was therefore capable of attacking the United States was a realist response. Even in the realm of international economics, the long and tedious negotiations at the World Trade Organisation (WTO) to ensure that countries are not short-changed by another are realist in response. While the WTO is meant to liberalise trade, it has been used to impose conditions linking trade to human rights records, sustainable development and fair labour practices.

MORAL CONSIDERATIONS IN FOREIGN POLICY
A study of foreign policy particularly since the 1960s suggests a shift in foreign policy behaviour of states. Because newly independent countries were at that time just beginning to stand on their own feet, their relations with other countries did not involve issues of great substance as much as non-material factors like pride, honour and dignity. International incidents during those years such as the Vietnam War, famine, poverty and economic injustice brought moral issues into the forefront of the international agenda. The creation of UNCTAD (United Nations Conference on Trade and Development), the call for a New International Economic Order (United Nations General Assembly (UNGA) Resolution 3201, 1974) and the formation of the Non-Aligned Movement all centred on the argument that poor and marginalised countries needed to band together in order to be heard.

During the 1970s, fresh debates on moral issues such as human rights, refugees, the plight of the Palestinians, the rights of the child, and the role of women in development took centre stage in international discourses. International organisations such as the United Nations High Commissioner for Refugees (UNHCR), United

Nations High Commissioner for Human Rights (UNCHR), International Labour Organisation (ILO), International Committee of the Red Cross (ICRC), International Federation of the Red Cross (IFRC), United Nations Relief and Works Agency (UNRWA) and hundreds of other agencies bloomed in response to the needs of the newly independent countries. In addition, when a government turned savagely against it own people, the international community justified humanitarian intervention as a moral response. Human rights violations have been accepted as justification for intervention and interference in the internal affairs of states. The United Nations Security Council (UNSC) has justified such interventions in the case of Cambodia during the regime of Pol Pot, in Bosnia, East Timor and recently in Darfur in West Sudan.

In fact, proponents of international justice like John Rawls (1972) take a step further to include within the scope of human rights the right to an adequate standard of living. In view of the increasing global distributive inequalities, many world society theorists question if citizens of relatively affluent countries have obligations founded on justice to share their wealth with the least fortunate countries. Charles Beitz (2004), in discussing the ethics of assistance contends that human rights are not just desirable goals but are morally necessary ones and international efforts to aid or promote reform are legitimate and may be morally required. In this aspect, human rights intervention may take the form of deploying funds and technology to the deprived states.

Peter Singer in his essay "Famine, Affluence and Morality" produced one of the strongest cases for cutting through the complexities of international relations theory in favour of a direct appeal for action. The strength of his argument is in its simplicity. Given an emerging famine in Bengal that could lead to suffering and the death of millions, Singer asked if it is in our power to prevent something bad from happening, without thereby sacrificing anything morally significant, are we morally obligated to act? Following that principle, Singer (1990) contends that we should not discriminate against someone merely because they are far away from us or we are far away from them.

Singer's principle brings us closer to an event at home in the early morning after Christmas in 1996 when the interior Division of Keningau in the state of Sabah was hit by a strong cyclone that eroded the shores and swept away over a thousand riverine houses and left 400 people dead.[1] Following the tragedy, which was beyond expectation for Malaysia as the state was supposed to be the "land below the wind,"

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[1] See, Speech by The Honourable Datuk Raymond Tan, Minister of Community Development and Consumer Affairs, Sabah on the occasion of the handing over of disaster relief equipments from Japan, August 26, 1999.

Malaysians were overwhelmed that hundreds of heads of government and individuals from all over the world whom we did not know, conveyed their condolences and offered assistance to help the victims, without discriminating on political or geographical grounds and without attaching strings. Similarly, the United States did not close an eye to children who suffered from starvation in North Korea despite their strong ideological and political differences.

The adherence of moral values is reflected further in the text of the UN Millennium Declaration when Heads of State and Government gathered at the UN in New York in September (6–8), 2000. The meeting, held at the dawn of a new millennium reaffirmed states' commitments and undertaking of responsibilities on various noble tasks including the following:

- To free fellow men, women and children from the abject and dehumanising conditions of extreme poverty, to which more than a billion of them are currently subjected;
- To address the special needs of the least developed countries, small island and land-locked developing countries and adopt a policy of duty-and quota-free access for essentially all their exports, improve market access, enhance Official Development Assistance (ODA) and increase flow of Foreign Direct Investment (FDI) a well as transfers of technology;
- To implement the enhanced programme of debt relief for the heavily indebted poor countries and to grant more development assistance to reduce poverty;
- To reduce the proportion of people who suffer from hunger and who are unable to reach or to afford safe drinking water;
- To ensure that children have access to all levels of education;
- To promote gender equality and the empowerment of women;
- To reduce maternal mortality, reverse the spread of HIV/AIDS, the scourge of malaria and other major diseases and to improve the lives of at least 100 million slum dwellers; and
- To ensure that children and all civilian populations who suffer disproportionately the consequences of natural disasters, genocide, armed conflicts and other humanitarian emergencies are given every assistance and protection, to enable them to resume normal life as soon as possible.

If all governments adhere to the call for duty and charity, to which their leaders have committed them, the world would be spared many of the societal ills related to hunger and poverty of the unfortunate and deprived millions. Unfortunately, there appears to be an erosion of generosity and self-sacrifice and the heightening of self-centredness

on the part of those who traditionally exhibited generosity. Today, only a handful of OECD donor countries (i.e., Denmark, Norway, Sweden and The Netherlands) have honoured the 1970 UN call to meet the quota of 0.7 per cent of their GNP for overseas aid (ODA). The average contribution from other OECD countries is 0.26 per cent of their GNP. Further (*Global Futures Bulletin*, 1999), corrupt regimes and human rights criteria are applied unevenly to serve the political and economic interests of some donor countries. Critiques of development assistance suggest that foreign aid has failed as a development policy because it destroys the incentives of the market place and extends the power of the ruling elites.

A deeper study of these financial flows to the needy countries might also reveal some disturbing facts. ODA that are in the form of grants, loans or technical support are more often than not, given with conditions. In most instances, aid is tied to the recipient countries having to engage consultants and contractors of the donors' choice. This is understandable given their taxpayer's expectations but it negates any pretense of selflessness on the part of the donor countries.

If this is not enough, many poor countries are at the mercy of the developed world when it comes to determining what kind of healthcare they can get. Official UN statistics show that an alarming number of people in Africa (25.3 million in Sub Sahara alone) suffer from HIV/AIDS. How far these figures are true is not certain, since it is a fact that very few people in Africa have been tested for HIV/AIDS. A sinister interpretation is that the panic and terror intentionally generated by the hype publicity campaign is a plot by the multinational pharmaceutical and petrochemical industry to sell expensive drugs at the expense of the poor governments in Africa. To a fast growing number of professional observers, it is increasingly obvious that AIDS is not caused by any virus, that it is not sexually transmitted and that it is not even contagious. Instead, AIDS is said to be a multi-factored syndrome caused by poisonous chemicals and drugs (Jerndal, 2002), particularly insecticides, pesticides, recreational drugs, viral and bacterial infections, malnutrition and prescription drugs of many kinds most particularly the extremely toxic chemotherapy routinely prescribed for AIDS and HIV infection.

Similarly, governments all over the world whether rich or poor have been bullied by non-state actors in the form of powerful drug companies, into purchasing numerous kinds of vaccines. Many new findings have shown that vaccines for whooping cough (pertussis) polio, measles, flu and tuberculosis are in fact the cause of many deaths and cause infants to suffer irreversible brain damage, paralysis and serious complications (Sinclair, 1993). While rich governments are quick to realise the dangers of these

vaccines—and in the case of the pertussis vaccine have made efforts to remove the mercury content that is causing brain damage to children, poor countries continue to take them, out of ignorance or because of irreversible decisions.

MORALITY IN THE CONDUCT OF MALAYSIA'S FOREIGN RELATIONS

Let us now turn to Malaysia and examine the extent to which we adhere to the principles of morality as we conduct the business of diplomacy with the international community. Many of our leaders have reinforced the view that Malaysia's foreign policy is based on the need to protect, promote and defend our national interests. Although taken at face value this appears to sound Machiavellian, in practice Malaysia's foreign policy is more Grotian in nature[2] in that we subscribe to moderation, sympathy for others, common sense and charity. A review of our foreign policy since 1957 will reveal that our policy makers have been persistent in ensuring that communitarian interest and normative values form part of our national raison d'etre. At the international level, Malaysia has been a strong proponent of issues that have communitarian appeals. We have been concerned about poverty and the inequality in the distribution of wealth throughout the world and we believe that those who are less advantaged for reasons beyond their control morally cannot be asked to suffer the pains of inequality.

One important area in which Malaysia is an active proponent of moral values is the issue of human rights. Malaysia takes a holistic view of human rights. Our perception of human rights is molded by our own national values, customs and traditions as well as by our social fabric and economic system. We believe that these values are indivisible and independent. While the western human rights concept gives greater emphasis to the rights of the individual, Malaysia emphasises the importance of community rights over the individual. Thus, Malaysia contends that individual rights are best served when the community as a whole prospers. In addition, we will continue to stress that the right to development is a fundamental and inalienable human right.

Concerns about the environment, transboundary crimes such as trafficking of persons, drug trafficking and money laundering are also communitarian and normative in nature and Malaysia has been an active advocate at the regional and international levels. Malaysia has never failed to provide support to those who suffer from the consequences of natural disasters, armed conflict or other humanitarian emergencies.

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[2] Hugo Grotius, 1583–1645. The Dutch jurist set the foundation for modern international law with his famous work, *The Law of War and Peace*.

Over the years since independence, we have contributed in millions of *ringgit* to relief funds, notably the humanitarian assistance for the Bosnia Herzegovina reconstruction effort, Palestine, Afghanistan and the latest being Iraq.

Malaysia is involved in peace-keeping efforts in many troubled parts of the world. Its strong commitment towards the purposes and principles of the United Nations Charter saw its involvement in the UN peacekeeping operations in Congo, Kuwait, Western Sahara, Mozambique, Angola, Bosnia Herzegovina, Somalia and Liberia. Such commitment is in tandem with Malaysia's position on ensuring the manifestation of the principles of universal justice through the office of the United Nations.

Belief in international cooperation means having to accept multiple memberships in international groupings which may reflect separate strands in one's foreign policy. The Non Aligned Movement (NAM) is important to many relatively weak countries because it has been a way to devalue power. But NAM has changed considerably over the years and has cut across new debates of the 1960s and 1970s. Until today it has become a good way to link internal and external needs of the member countries. Similarly, the Organisation of Islamic Conference (OIC) is relevant to many Muslim countries as a way to bring the *Ummah* together. As a country with a majority Muslim population, policy makers have been sensitive that the principles and values of Islam such as social justice, communal peace and individual dignity—which are in fact universal values—are also incorporated in our foreign policy considerations. It is for these internal and external factors that Malaysia advocates activism and leadership in these two organisations. Of importance is Malaysia's leadership role in ASEAN. Prime Minister Dato' Seri Abdullah Haji Ahmad Badawi has called (2004) for a universal acceptance that for ASEAN to make an impact in the world, community interests should prevail over national interests on issues affecting the overall community.[3] Equally, at the bilateral level, we have unfailingly emphasised the strengthening and expansion of our relations with almost all countries in the world, in every area, regardless of their political and economic systems.

From being a donor-recipient country of the 1970s, Malaysia was transformed into becoming a progressive trading nation. This has enabled it to assist other developing countries since the early 1980s. Through its Malaysia Technical Cooperation Programme (MTCP), Malaysia has assisted over 10,000 participants from 135

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[3] Dato' Seri Abdullah Haji Ahmad Badawi, Keynote Address by the Prime Minister at the National Colloquium of ASEAN, Shah Alam, 7 August, 2004.

developing countries, sharing development experience with them with a view to nurturing collective self-reliance; promoting multicultural understanding and international teamwork. While some may argue that Malaysia's South-South policy is aimed at exploiting the untapped potential of the South which could in turn offer vast opportunities for trade and investment and bring increased revenue to Malaysia, its advocates argue that South-South cooperation creates a win-win situation in which by sharing a portfolio of knowledge through capacity-building, these developing countries would be in a position to engage with dignity and on an equal footing with the rest of the world.

Do we need a moral code in the conduct of our foreign relations? History will judge us for the manner in which we conduct ourselves externally. Professor Jomo K. S. (2002) in his book *Ugly Malaysians?* mentions cases of investment abuses by some of our logging companies and corporate investors abroad. However, these are exceptions rather than the rule and some manufacturing investors and state-owned enterprises—notably Petronas, have actually been welcomed and appreciated as an attractive, even superior alternative to other options in the world's oil and gas industry. Compared to many oil producing countries—particularly members of OPEC, Petronas' record of sharing the returns of its revenue to the citizens of its country through economic development, education and scholarships schemes, outreach programmes in areas of health, environment, arts and culture and sports development are outstanding and exemplary.

National geocentricism will continue to be powerful drives in inter states relations. Malaysia, like any other state will undoubtedly have to make choices about when to put pure self interest above all others. It is not the case of one or the other all the time and in some situations there is no choice and the way is obvious. But so far Malaysia is fortunate that it places so much importance in advocating a foreign policy that centres on propagating a good national image and integrity in the conduct of its international affairs. The concept of integrity is crucial because without it there would be no notion of self or self-respect. It is because of these elements we find so central in our foreign policy that we believe Malaysia will stand a good chance of finding a deserving place in the international community.

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A Comparative Study between India and Malaysia: The Case of Freshwater Scarcity and Security

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"Big dams are to a Nation's 'Development' what Nuclear Bombs are to its Military Arsenal. They're both weapons of mass destruction. They're both weapons Governments use to control their own people. Both Twentieth Century emblems that mark point in time when human intelligence has outstripped its own instinct for survival. They're both malignant indications of civilisation turning upon itself. They represent the severing of the link, not just the link—the understanding—between human beings and the planet they live on. They scramble the intelligence that connects eggs to hens, milk to cows, food to forests, water to rivers, air to life and the earth to human existence." (Roy, 1999)

INTRODUCTION: ENVIRONMENTAL ISSUES IN THE 21ST CENTURY

This is a preliminary study on the similarities and differences that India and Malaysia face in freshwater scarcity and security. It argues that both India and Malaysia face freshwater scarcity dilemmas due to, *inter alia*, poor governance, public apathy, accelerating unsustainable development, pollution and climate change. The paper touches on the security aspects of the situation, realising that there are possibilities for tension and escalating conflict that could arise from its continued scarcity. However, the bulk of the study argues that a comparative analysis is critical for both India and Malaysia, in order to kick-start Track I, II and III discussions, on a regular basis. It would be beneficial if both India and Malaysia cooperate by sharing their experiences, as well as exchange technological and educational innovations to reduce freshwater scarcity and insecurity in their respective countries. We conclude that the role of non-

governmental organisations (NGOs) in this process is vital if the governments of both nations are to successfully address this growing security problem that could escalate into regional instability.

Before we proceed, it would be helpful to present the main points linking the environment with the recent global issues that have cropped up in the 21st century. Within the international relations field, the critical question to ask is how we can connect the environment with how nations interact with one another, and if there will be any security implications (Dabelko, 1994). Some think this is "an inappropriate and analytically muddled" association. These are people (mainly in the United States) who probably think that bringing a nexus between the environment and security is going to put a strain on the budget, which in turn would have domestic political consequences (given that there was a declining interest in foreign affairs among the public and Congress). There are others, though, who think the association is necessary as there are growing environmental problems, negatively affecting the way nations relate with one another (Dabelko and Simmons, 1997). In their paper, Dabelko and Simmons state that the United States' foreign policy objectives had taken a noticeable turn in 1996, when former Secretary of State Warren Christopher put environmental issues near the top of the foreign policy agenda. Dabelko and Simmons analysed that Christopher's announcement meant that the US was finally taking heed of the destructive scale that rapid population growth, resource depletion and global climate change had on international security. This indirectly meant that a new conceptualisation of security was needed. A discussion of the motives behind such a shift in the US foreign policy agenda as well as US domestic and Congress opposition to it is beyond the scope of this study. Instead, we ask ourselves what the rest of the world thought.

Around the globe, environmental experts (both government and non-government) have long been espousing the dangers associated with resource depletion and large-scale economic development, greenhouse gas emissions due to unmonitored industrial growth, diminishing natural resources such as freshwater, and global warming. In fact, environmental disruption and exploitation have been taking place for millennia, on a reduced scale, since the beginning of human history. Its acceleration, though, sped up when coal-powered steam engines were invented, facilitating more energy-intensive economic development. This went in tandem with an increase in population growth. By the 1950s, even greater acceleration took place with the discovery and availability of cheap oil. Apart from the seminal work done by Dabelko, funded by government and non-governmental foundations, numerous initiatives have been taken up by various United Nations' organisations in countries ranging from Brazil, to countries in Asia and Africa. Some of these initiatives include programmes relating to migrating water birds

(conservation and biodiversity efforts), rural energy enterprise development, and in freshwater conservation and climate change (Kyoto Protocol, 1997). Examples of such UN organisations dedicated to these activities are the United Nations Environment Program (UNEP), the United Nations Development Program (UNDP), the United Nations Conference on Environment and Development (UNCED), the United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP), the United Nations Fund for Population Activities (UNFPA) and the United Nations Food and Agricultural Organisation (UNFAO). Also, the original work of Thomas F. Homer-Dixon which relates environmental scarcity with violence was instrumental in advancing more interest in and efforts to slow down the destructive behavior human societies have inflicted on the environment. He warned that environmental scarcity could lead to insecurity, which in turn could spark tension and violence (Homer-Dixon, 1999). Vandana Shiva, in her book, argues that the scarcity of water has benefited large corporations who have turned freshwater scarcity into a profitable bottled water business. Not only does she call for an end to corporate colonialism but also for the preservation of the basic rights of human beings to have access to freshwater (Shiva, 2002). Hence, we see that serious work in identifying the causes of environmental destruction and its impact on human lives is already in place.

In 1992, just before the 10th United Nations Conference on Environment and Development (also called the Earth Summit or Stockholm+10) in Rio de Janeiro, Malaysia's former Prime Minister Mahathir Mohamad came out strongly to echo the sentiments of the nations of the South regarding difficulties posed by globalisation. His ideas on the negative impact of globalisation on the developing world, together with those of many leading statesmen from other parts of the South were incorporated in the Rio Declaration on Environment and Development (UNEP, 1992). Earlier, in April of that year, Mahathir Mohamad spoke at the Second Ministerial Conference of Developing Countries on the Environment and Development (the meeting of the G-77), focusing on the international debate of giving equal attention to the environment and development. By 'equal' it was meant that development should not compromise the environment, and that a clean, safe environment should be preserved at all costs (Vidal, 1992). This is a goal that the original UNCED at Stockholm 1972 had failed to achieve, during the 20 years that led up to the Rio Declaration of 1992. Mahathir Mohamad did not mince words when he castigated the developed North for their "polluting behavior and failure to accept responsibility" saying "….25% of the world population who are rich consume 85% of its wealth and produce 90% of its waste…". (Mohamad, 1992).

India, considered a key G-77player, is home to hundreds of non-governmental organisations dedicated to several aspects of human rights, including sustainable development, resource management, economic exploitation by the "haves" against the "have-nots", and a host of other environmental issues. Both the Indian government and Indian non-governmental organisations have been very clear in getting the point across that a new phenomenon called "eco-imperialism" had emerged since the Rio Summit and more so with the US's shifting foreign policy focus in the late 1990s. Also, India's main concern was *not* with climate change, ozone depletion and conservation of biodiversity, but rather with poverty and environmental degradation—importantly, freshwater and air pollution. Together with Malaysia, and many other developing countries, the concern was that these issues should lead the agenda after Rio, rather than what the industrialised countries were aiming for. India's growing problem was, and still remains, a population explosion that has put a serious strain on the environment. Deforestation, soil erosion, water pollution and land degradation continue to worsen and are hindering economic development in rural India, while rapid industrialisation and urbanisation in India's booming metropolises are straining the limits of municipal services and causing serious air and water pollution problems (US Department of Energy, 2004). Malaysia faces similar environmental problems, which are being addressed in the Eighth Malaysia Plan (Economic Planning Unit, 2001). The prognosis, however, is that both nations have a freshwater crisis looming.

COMPARISON OF FRESHWATER RESOURCES IN INDIA AND MALAYSIA

Global figures concerning freshwater scarcity are now widely known. More than 97% of the world's water is salt water, in oceans and seas. Of the remaining 3% of freshwater, much of it remains trapped in the polar ice caps, glaciers, deep aquifers and soil moisture. Only about 1% freshwater is available for human consumption. Within the 1%, much of freshwater is used for agricultural purposes, to irrigate land that produces food to feed a growing global population. (*Global Environment Outlook*, 2000). Also, it takes 400,000 liters of water to produce one car; 750,000 liters to make 1 ton of newspapers and 1.8 million liters to produce 1 ton of rice. Given this scenario, the future looks bleak as far as freshwater availability that is fit for human consumption goes. This is why it is essential that countries cooperate in the area of freshwater conservation to avoid impending disaster. A sobering reason is that a human being can live for a month without food but can survive only a week without water. Recent studies have shown that one third of the world's population will experience severe water scarcity within the next 25 years according to a new study by a leading global water organisation. The study, which is the first to look at the complete cycle of use and reuse of the world's freshwater, finds that the water sources that supply the world's wells, lakes, and rivers are disappearing (International Water Management Institute, 2004).

Malaysia's freshwater situation is one to be concerned about. Being a tropical and lush country, one would expect Malaysia to have enough water for its needs, on an annual basis. However, this optimism is slowly being compromised by regular shortages at certain times of the year. Apart from recent changes in the weather pattern (the El Niño weather pattern) the regular flow of water out of domestic taps has diminished and become more precious. This is due to the condition of the source of the water, i.e., the highland forests. Rivers in these highlands supply much of the potable water in Malaysia, but the quality, quantity and timing of water is influenced by land use. When land use is not properly managed, rivers are subject to pollution, such as eutrophication. Eutrophication of rivers is the result of nitrogen and phosphorus contamination, from fertilizers used in agricultural projects (Kataoka, 2002). Similarly, the hazards created by water, such as river flooding, surface erosion and landslides are influenced by such distribution. The problem that Malaysia faces is the anthropogenic impacts on ecosystems. Plainly put, Malaysia's freshwater crisis is mainly the result of poor governance, lack of political will and capacity building and poor river basin management. The Malaysian Environmental Quality Report 2000, the Compendium of Environmental Statistics Malaysia 2001 and the Eighth Malaysia Plan 2001-2005 put the number of rivers polluted as 45.5% of the total number. This is due to population sewage. The sources also claim that only 28% of the rivers are clean, while only 10% of the river basins are polluted. Statistics from the Asian Development Bank and Water Watch Penang present a similar picture (Chan, 2002). They claim that, although Malaysia's annual rainfall totals about 2000-5000mm (one of the highest in the world), the actual amount of water available for use is reduced due to seasonal droughts, deterioration in water quality, wastage and poor management. For instance, on an average, a Malaysian urbanite uses 526 liters per day, and wastes up to 233 liters per day.

Water availability in India is similar to that in Malaysia in that it is strongly influenced by a number of climatic (monsoon weather patterns) and geographic factors. Also, although there seems to be enough freshwater to meet various needs arising from the agricultural, industrial and domestic sectors, the actual distribution of water resources over space and time limits access to certain geographic regions and is confined to certain months of the year. Precipitation in the form of rain and snowfall (from the Himalayas) provide over 4000 cubic km of freshwater to India, most of which returns to the oceans via the large rivers which flow across the continent. A portion is absorbed by the soil and is stored in underground aquifers. A much smaller percentage is stored in inland lakes and ponds, and man-made tanks and reservoirs. In total, out of the 4000 cubic km available, only 1122 cubic km can be exploited due to topographic and distribution constraints. Other constraints include poor resource management, wastage, poor governance, and of course, over population. India has twelve

major river systems and a number of smaller rivers and streams. Of these twelve, the most important in terms of water provision and impact on Indian society are the Ganges-Brahmaputra and the Indus systems. Together these systems drain almost half of the country and carry more than 40% of utilizable surface water, from their source in the Himalayas to the ocean (http://www.devalt.org/water/WaterinIndia/characteristics.htm).

Like Malaysia, agriculture remains central to the Indian economy and receives the greatest share of annual water allocation. 92% of India's utilizable water is devoted to the agricultural sector, compared with Malaysia's 75%. The two countries use more than half their total surface runoff on irrigation. Further, both nations face freshwater scarcity due to pollution and over-exploitation of groundwater resources. Both India and Malaysia seem to be experiencing ineffective government policy and economic incentives have only encouraged the unsustainable use of water resources. Let us take the case of urbanisation and freshwater pollution. In India, freshwater pollution is a serious problem. Almost 70% of surface water resources and a growing percentage of groundwater reserves are contaminated by biological, toxic organic and inorganic pollutants. In the late 1990s, the Central Pollution Control Board identified severely polluted stretches on 18 major rivers in India (World Bank,1999). These stretches were found in and around urban areas, proving that the industrial and domestic sectors were the key causes of freshwater pollution (and hence, scarcity). Malaysia's Department of Environment's (DOE) Assistant Director has said that the primary cause of river pollution in Malaysia is the disposal of partially-treated and untreated human and animal waste. Like India, increasing industrialisation has also caused a shift in pollution sources from agro-based chemicals to industrial-based pollutants. This brings with it a new set of environmental problems such as toxic and hazardous wastes which find their way into waterways and can be passed on to humans through the consumption of fish and crustaceans harvested from polluted rivers and streams (*The Star Online*, 2003).

In India, the Central and State Pollution Control Boards have identified 1532 grossly polluting industries; a majority of these industries do not comply with emission standards. In Malaysia, a similar situation exists: the manufacturing sector is not subjected to any licensing mechanism which compels it to install pollution control devices. Also, environmental compliance varies from industry to industry and is not widely enforced. The DOE has declared that, by and large, most industries are still hesitant about adopting cleaner production measures. A few industries would rather pay fines than improve their in-house production or effluent treatment capacity. There is some hope for the future, though, as more government funding for such measures has been allocated in the Eighth Malaysia Plan. However, how the efficiency and honesty with which such funding is allocated remains to be seen. Rivers in both India and

Malaysia suffer from sediment load leading to frequent flooding problems. Due to human, animal and industrial wastes, rivers become silted up and cannot perform their drainage function (Malaysian Drainage and Irrigation Department, 2003). Flooding, especially in towns and cities has become a regular problem. Death due to water-borne diseases and drowning can be blamed on the exploitation of rivers beyond sustainable levels.

In the midst of the concern over freshwater resources in countries such as India and Malaysia, there is a call for a new conceptualisation of security, more so with the end of the Cold War, from the traditional to the non-traditional causes of international conflict. The reconceptualisation seems appropriate because countries are facing increasing threats which cannot be defended using traditional military means. As we have seen above, one such threat stems from the environment. Following Homer-Dixon's thesis, environmental stress could affect how people relate with each other, and how nations might fight among themselves, over dwindling natural resources. Below, we address this link between environmental scarcity and security.

THE ENVIRONMENTAL SCARCITY-SECURITY NEXUS

The post –Cold War era has resulted in several governments ushering in a new security agenda, globally. This is due partly to a re-configuration of the concept of security and partly to a re-focusing of attention by governments, the private sector and non-governmental organisations to the non-military aspects of national, and thus, human security. The catalysts for new thinking in security studies and a re-orientation in public policy are threefold. First, the emergence of a *uni-polar* world has brought more attention to the contribution of non-military factors to state insecurity. Second, threats to national security are no longer clear-cut and have become gray areas due to the process of *globalisation*. Third, the disintegration of the Soviet Bloc, the increasing loss of faith in Communist ideology, and the rise of global capitalist values have highlighted *democracy* as the determining factor in steering policy makers and academics away from traditional to non-traditional security issues. How do a single superpower, globalisation and democracy influence the shift of attention to non-traditional security matters within a state? To answer this, it is necessary to define what traditional and non-traditional security is.

Barry Buzan wrote that, "….in the case of security, the discussion is about the pursuit of freedom from threat. When this discussion is in the context of the international system, security is about the ability of states and societies to maintain their independent identity and their functional integrity". (Buzan, 2000). It follows then that traditional security is the absence of threats implicit in war and violent conflict situations. The emphasis is on the military dimensions of threats to the

sovereignty of nation states, the outcome of which is usually violent conflicts and wars. Less attention is paid to individual security, although it is understood that the protection of the nation state ultimately leads to the security of its people. Subsequently, to avoid future conflicts and wars, the concepts of nuclear deterrence, strategic arms balance, arms race/control and the balance of power have emerged as part of the Cold War ideology and conflict. All these concepts project the ideological and realist/military components of state power. In sum, traditional security is therefore the absence of threats by the implementation of military components and the Cold War ideology of statecraft.

Non-traditional security is defined as the absence of non-military and transnational threats. The focus is to preserve both individual and state security. Examples of such threats are terrorism, transnational organised crime such as the smuggling of illegal immigrants, piracy, drug trafficking, ethnic conflict and environmental degradation. Non-traditional security has more recently been termed *non-conventional security* since the concept is still in its infancy. Having made this point, however, it is necessary to note that the ideas it encompasses date back several centuries because such threats to human existence have always existed, albeit to varying degrees. What is different now is that significant attention has been given to these threats only because they have challenged the sovereignty and core existence of the nation state.

It is obvious that the security discourse of the 1990s has moved away from inter-state conflict between major powers (Cold War scenario) to intra-state conflict represented in nationalism, ethnic conflicts and religious rivalries, to name a few. On the one hand, globalisation has facilitated the transmission of democratic ideals, nationalism, capitalism, ethnic superiority and its advantages. On the other, the relaxation in 'border controls' as a result of the revolution in information and communication technology (ICT) and free movement of capital and cheap labour has increased perceived and real threats to a nation's security. One such threat is to the environment. Debates are profuse, but the main arguments supporting this thesis are that globalisation increases the pressure to pull resources from the environment and generates waste; that all this is done in the name of economic activity, which impacts the environment as a source of inputs and a destination for wastes (Mendelsohn, 2003). The final outcome so far has been continuous degradation of human and animal habitats which have resulted in conflict situations in certain parts of the world.

To sum up, there are essentially four arguments to support the theory that environmental scarcity could lead to conflict and insecurity:

1. Environmental degradation negatively affects human wellbeing, which in turn reduces economic productivity and output.
2. The environmental degradation-security nexus is mere rhetoric used by the developed North to forcefully suggest to the developing South to comply by international environmental agreements.
3. Following point 2 above, funds could be generated to achieve sustainable development goals in developing countries, which in turn would provide the perfect foundation for large corporations to invest their capital and generate goods at low cost.
4. The fourth argument is that military and security thinkers should prepare for potentially harmful environmental threats, and that a nation's capabilities should include the ability to predict environmental catastrophes, channelling funds into scientific research, and protecting natural resources. This 'preparation' can be positively enhanced if there is more communication between countries which face similar predicaments, such as India and Malaysia.

While the above may seem cynical, a discussion of it is not the scope of this study. However, it is important to bear in mind that the potential for conflict is not entirely impossible. There is no denying that some nations have already been experiencing escalating conflict, leading to war, as a result of environmental scarcity and resource depletion (some countries in the Middle East is a case in point). Shiva states that over the last five decades, the capacity to divert rivers from their natural courses increased dramatically with the adoption of technology from the United States (2002). This has put a heavy strain on populations, resulting in tension. Diversions of rivers is facilitated mainly by the construction of dams. These are usually considered solutions for agricultural water needs in valleys, but reality has proven otherwise. Both India and Malaysia have had several large dams, built over a period of 20-30 years. Over the years, though, unexpected low availability of freshwater has not resulted in high returns from dam construction (in terms of agricultural output). The long term effects have shown that both governments have had to spend a lot more funding on repair work.

In Malaysia, freshwater to the Klang Valley is supplied by the Klang River, which flows through the heart of Kuala Lumpur city. A river *it is*, but most people would describe it as a 'large monsoon drain'. Again, this is testimony to engineering-driven 'solutions' to riverbank erosion and flooding, and an attempt to manipulate nature, geared towards straightening and widening a river. What was thought to be great

engineering feats has turned out to be expensive 'clean-up' operations for the Malaysian government. On numerous occasions, the Klang 'monsoon-drain' River has overflowed its banks, concrete slabs have cracked, broken and been washed away, and the heart of Kuala Lumpur has been subjected to debilitating floods, human inconvenience and suffering, and traffic congestion (*The Star Online*, 2003). Deforestation, dam construction, silt from construction sites, industrial discharges and dumping of solid wastes have greatly undermined the capacity of Malaysian rivers like the Klang River, to carry excessive run-offs to the sea. Having apparently not learnt from mistakes, the Drainage and Irrigation Department (DID) have come up with new proposals to re-meander the river. Although the department claims to be removing the concrete slabs, it remains to be seen how the management of rivers in our urban areas can translate into a more holistic approach to harmonising nature with urbanisation. Under the Eighth Malaysia Plan, RM1.5 billion was allocated for flood-relief plans, but the DID is saying this is far from adequate. Be that as it may, will the funding be used appropriately? One positive development is that in 1992, the DID embarked on a clean-up of the Klang River. Subsequently, in 1993, the Malaysian government launched an ongoing 'Love Our Rivers' (*Cintai Sungai Kita*) campaign. After 12 years, it is disheartening to see that Malaysia's urban centres still have clogged-up rivers with animal and domestic waste and industrial effluvia, not to mention the 'monsoon-drain' look!

The deforestation of tropical forests in East Malaysia causes landslides and flooding, which in turn causes homelessness for thousands of inhabitants. The economic ramifications of such a scenario could, in theory, lead to inter-ethnic or religious strife. For instance, the socioeconomic position of certain groups within the Bumiputera (indigenous) community in Malaysia, such as the Orang Asli and other groups in the East Malaysian states of Sabah and Sarawak, as well as the Indians within the non-Bumiputera community has lagged behind. The progress achieved by these groups has not been in tandem with the achievements of the other communities due to many factors, one of which is the lack of opportunities that come with a highly-competitive globalised economy. Political tension has erupted on numerous occasions between racial groups. Indigenous peoples (the Penan) in Sarawak have been displaced due to the construction of roads which has cleared forests and destroyed much of their environment, including the pollution of freshwater resources. The plight of the Penan has brought international recognition. No tension has been reported between logging companies and the Penan, but the extent of their outcries borders on tension. There are numerous examples of potential hotspots in India as well.

The damming of two of India's most sacred rivers, the Ganges and the Narmada (the Sardar Sarovar and Narmada Sagar Dams are among the larger dams; there are over 3000 dams planned for the entire Narmada Valley Dam project), has generated strong protest from women, peasants and tribals whose life support systems have been disrupted. The dams that have already been constructed have submerged thousands of acres of land forcing villagers to relocate, and requiring the clearing of thousands of acres of forests. Silting, salinity and reduced rainfall have destroyed coconut and paddy fields, which has in turn rendered the dam useless in the long run. To make matters worse, one of the proposed dams is on an earthquake fault (Shiva, 2002). The entire project is expected to uproot about one million people. Movements against dam construction led by scientists, environmentalists and local communities have created tension with local and state authorities.

All said and done, the case studies of India and Malaysia both show that freshwater scarcity, while becoming a growing environmental problem, has not yet led to widespread conflict. On the contrary, there is evidence to prove the opposite. For instance, while there is continuing tension between Singapore and Malaysia, for historical reasons, as well as current ongoing disagreements concerning Malaysia's sale of untreated water to Singapore, no violent conflict has erupted (Symonds, 1998). India too has had her share of tension with neighbouring countries due to resource scarcity without facing a war. For example, despite her ongoing tension with Pakistan, the Indus River Water Treaty, signed in 1960, has never been repudiated. Other areas of pressure on water resources in South Asia have resulted in more, not less joint projects and treaties, such as the Mahakali River Water Treaty between India and Nepal, and the Ganges River Water Treaty between India and Bangladesh (Vasudeva). Nevertheless, one can never be too prepared if the ultimate goal is to ensure security within and among nations, and to avoid wars fought in the name of securing natural resources. Also, the two nations should pay special attention to the indicators of tension and conflict resulting from freshwater scarcity.

INDIA-MALAYSIA COOPERATION: COMMERCIAL, SECURITY AND ENVIRONMENTAL TIES

Having clarified the relationship between freshwater scarcity and conflict in India and Malaysia, we now address the issue of India-Malaysia ties in the hope of arriving at a solution to the mounting crisis that faces these countries. Since the beginning of the twenty-first century, India and Malaysia have established closer relations on a bilateral basis, as well as multilaterally, through ASEAN.

India's "Look East" policy in the early 1990s began with a focus on Southeast Asia. Bilaterally, India exchanged high-level visits with nearly every member country of the Association of Southeast Asian Nations (ASEAN) and in certain cases more than once. India-Malaysia relations received particular attention in 2001. In May of that year, Prime Minister Vajpayee visited Kuala Lumpur (following an earlier cancellation due to the devastating Gujarat earthquake), the first Indian leader to do so in six years. The visit was an especially important one given reports that only Malaysia had opposed the proposal to have India as part of the annual ASEAN summits (ASEAN-India summit). Later, Malaysia agreed provided it was based on the formula of "ASEAN Plus-One". As a result, India has made notable progress in its official relationship with ASEAN as an organisation. In 2003, at the Vientiane Summit (3rd), ASEAN and India signed the ASEAN-India Regional Trade and Investment Area agreement. The most important purpose of the agreement was to give a boost to ASEAN's trade relations with India. Malaysia's relations with India have also grown in many areas. Within its "Look East" policy, India has also initiated an economic engagement with Southeast Asia to generate political trust and mutual economic gain. Due to the salience of Southeast Asia in geo-strategic terms, cooperation among maritime security forces has lately become imperative to respond to transnational security threats and realise common politico-strategic objectives (more on this below). Subsequently, many more agreements between India and Malaysia have been signed. One agreement has opened the way for Malaysia to use Indian facilities to launch its own satellites. Another agreement was also reached at to allow an Indian company to construct a new $1.5 billion rail link in northern Malaysia. There are more than 27 Indian joint ventures operating in Malaysia and Malaysia ranks first in terms of FDI approved by the Government of India. Potential areas of synergy have also been earmarked in space technology, biotechnology, pharmaceuticals, Ayurveda, infrastructure development and others. However, what has been given the least attention at governmental and non-governmental levels are the areas of environmental and resource issues. Both Malaysia and India should see that it is necessary to explore avenues for cooperation in freshwater security. What has been done so far?

India and Malaysia have strong bilateral relations in the Information Technology sector. In January 2005, Malaysia's Minister of Energy, Water and Communications, Lim Keng Yaik was told by India's Information Technology Minister, Dayanidhi Maran that the two countries were 'natural partners' in the IT industry, saying "one is strong in software and the other is strong in hardware" (Balasubramanian, 2005). India also offered R&D facilities to Malaysia in the field of telecommunications. An invitation was extended to Malaysia's Prime Minister Abdullah Badawi, to attend the INSOFT exhibition in March 2005. Malaysia and India (IRCON) also signed an MoU which

welcomed Indian expertise in railway infrastructure. Both India and Malaysia have targeted US$10 billion to be achieved in bilateral trade in three years' time; the current level is US$3.5 billion. Malaysia is already India's largest trading partner in ASEAN, and India is Malaysia's largest market for palm oil. The inaugural Malaysia-India Economic Conference 2005 was held in Kuala Lumpur, with the sub-theme, "India— An Emerging Economic Giant". This landmark conference is testament to the importance given to bilateral economic relations between the two nations, at the governmental and non-governmental levels (Badawi, 2005). The Malaysia International Shipping Corporation (MISC) in currently in talks with parties in India to set up a liquefied natural gas (LNG) joint-venture shipping company and another one for the transportation of crude oil (*Business Times*, 2005). Some of the more significant bilateral agreements, MoUs and business agreements signed since the year 2000 were as follows:

Bilateral Agreements
1. Agreement between the Governments of Malaysia and India on the exemption of visa requirements for diplomatic and official passport holders.
2. Agreement between the Governments of Malaysia and India for the avoidance of double taxation and prevention of fiscal evasion with respect to taxes and income.

Memoranda of Understanding (MoUs)
1. MoU between the Governments of Malaysia and India on mutual cooperation relating to investment, construction, privatisation and management of seaports in India.
2. MoU between the Governments of Malaysia and India on cooperation in Information Technology and services.
3. MoU between the Governments of Malaysia and India on cooperation in the field of civil services, personnel management and public administration.
4. MoU between the Governments of Malaysia and IRCON International Ltd. for double-tracking and electrification of the Ipoh-Padang Besar section of the Malaysian peninsula railway line (palm oil will be swapped in exchange for the cost of construction of the railway line).
5. Mou between the Malaysian Securities Commission and the Securities Exchange Board of India in relation to assistance and mutual cooperation.

Business Agreements
1. Malaysia has won contracts worth more than US$184 million to build two highways in India.

2. Business agreements were signed for two joint ventures in India's Antrix Cooperation Ltd. with Malaysia's Binariang Satellite Systems and Astronautic Technology.

3. Malaysia has been allowed direct banking facilities with India by agreeing to India's request for Bank of Baroda to operate in Malaysia (India had four commercial bank branches, three decades ago, operating in Malaysia but have closed down subsequently).

4. The CII (Confederation of Indian Industries) signed an MoU with ASLI (Asian Strategy and Leadership Institute).

In the area of security, India and Malaysia have also had promising ties. Spurred by close multilateral economic relations with ASEAN and bilateral agreements with individual countries of the ASEAN group, India is forging ahead to bring the Bay of Bengal closer to the Melaka Straits, economically and in the security arena as well. Below are some examples of such security ties:

1. Two Indian naval ships (INS Rana and Khanjar) visited Penang, Malaysia in December, 2001 on a goodwill visit. The latest Indian naval visit was in July 2005, when INS Viraat, India's sole aircraft carrier, was on a goodwill visit to Malaysia, Singapore and Indonesia. India's Navy Chief said, however, that India was not in the position to offer military assistance in the Straits of Melaka, only humanitarian aid. A case in point was Operation Gambhir, when India sent a hospital ship to Indonesia, to help in relief efforts following the tsunami which devastated Acheh in December 2004.

2. In 2001, Atal Behari Vajpayee, the then Prime Minister of India made a 72-delegation visit to Malaysia, to strengthen both economic and security ties. Among the topics discussed was ASEAN's stance on maintaining a nuclear weapons free zone to which India agreed, in principal, for the sake of maintaining close ties with Malaysia and ASEAN in general (*Reuters*, 2001).

3. On the Indian side, there seems to be deeper strategic interest in the Bay of Bengal states near the Western mouth of the Melaka Straits. Concerns about terrorism, piracy and other transnational threats are strong catalysts for the increase in bilateral security agreements with Malaysia. India has initiated regular patrols of the Six Degree Channel, the strategic shipping route to the west of the Melaka Straits.

4. Bilateral security ties are also influenced by concern over China's role in the region, especially after Chinese President Hu Jintao said that his country was facing a 'Malacca dilemma'. He was referring to the vulnerability of the transport of oil from Africa and the Middle East, being interrupted *en route*

through the Melaka Straits, on its way to China, due to piracy and other security threats. Both India and Malaysia have similar concerns over China's intention to build a canal across the Isthmus of Kra that would allow ships to bypass the Melaka Straits. This would result in a loss of revenue for Malaysia and increase the perceived threat to India's states whose coastlines face the Bay of Bengal.

5. Even though direct bilateral security exercises between India and Malaysia have not taken place, both India and Malaysia seem to be taking similar precautions with respect to their security infrastructure. For instance, Malaysia, concerned about security threats in the Andaman Sea and the Melaka Straits, has recently built a series of radar stations along the west coast of the peninsula to oversee traffic in the Melaka Straits. Malaysia is also acquiring new naval platforms. More importantly, the navy is building new bases to strengthen its capability in the Melaka Straits and the Andaman Sea, including facilities at Langkawi and Lumut. Langkawi, Malaysia's only port directly fronting the Indian Ocean, will house the navy's Area Three Headquarters and will be a staging point for the deployment and management of her soon-to-be-acquired submarines. The Lumut facility, on the other hand, is part of a larger plan to equip Malaysia's naval air component, for the first time, with fixed-wing aircraft. Malaysia has also agreed to buy 18 Russian-made Su-30MKM fighter jets. With a range of approximately 2,700 kilometers, they will be armed with supersonic X-31A missiles designed to strike sea-based targets.

Our discussion up till now has focused on relations that India and Malaysia have established in areas of great concern to both, mainly in the economic and security sectors. We have also shown that in the area of freshwater scarcity and security, India and Malaysia face a frighteningly precarious future. Both nations face freshwater shortages due to extreme pollution and over utilisation. With such similarities, it makes sense for the countries to engage in Track I, II and III discussions in the hope of sharing resources, exchanging research and development know-how and preventive measures. There are already-established fora through which India can discuss these issues with the Southeast Asian region, namely through the ASEAN Regional Forum and the ASEAN-India Summit, but more importantly, India and Malaysia have to discuss these issues regularly at a bilateral level. Equally important is for the two nations to consult their respective civil societies to obtain input from the grassroots as to the severity of the freshwater scarcity problem and the probability for tension and escalating conflict (Shiva, 2002). Taking this holistic approach and engaging each other, India and Malaysia would be better equipped to overcome their respective freshwater crises.

Perhaps we could take the example of the Stockholm Water Symposium, which is a multi-disciplinary forum for discussions on global, regional, national and local water issues. Administered by the Stockholm International Water Institute (SIWI), the findings of the symposium, although multilateral in approach, are brought to the attention of the individual nations' publics. Authorities are alerted with practical recommendations for implementation. Neither India nor Malaysia is represented in the Scientific Programme Committee of the symposium, although Singapore, the only ASEAN country, is represented (SIWI, 2001). Another promising development is the establishment of the Freshwater Action Network (FAN), set up after the 2nd World Water Forum, 2000. FAN is an international organisation dedicated to ensuring that NGOs concerned with freshwater issues are strongly represented in international water policy fora and political debates. The secretariat is based in London, with funding secured till December 2005, from the Dutch government. In 2005, FAN supported two meetings in India, one in Hyderabad and one in Assam. Saci WATERs (South Asian Consortium for Interdisciplinary Water Resources Studies) and CAPNET (Communities Against Poverty Network) South Asia hosted the Hyderabad meeting, while CAPNET South Asia hosted the Assam meeting. Unfortunately, such meetings were confined to the region of South Asia. There are many Indian organisations represented in the membership list of FAN, but not a single Malaysian organisation. Unlike India, there are only a few Malaysian NGOs that attend large global summits, but often these meetings are not conducive to discussing and networking on a bilateral basis. Also, most Malaysian organisations that attend are either government departments or government-supported agencies. While this in itself is beneficial for the country, it would help if more NGOs, business and citizens' groups are represented at such international meetings. More importantly, what we need is for the Indian and Malaysian government organisations, non-government organisations, businesses, academic organisations and the media to regularly meet to bring awareness to the larger public.

The Malaysian Water Partnership, and Water Watch Penang, Malaysia's only NGO dedicated to water issues are examples of two NGOs in Malaysia with which both Indian and Malaysian governments can exchange findings. What both countries need is to increase public consultation and participation in water resource management as well as sensitize their publics to play an increasingly active role to promote conservation and to eradicate apathy towards water scarcity and conservation. During the period of the Seventh Malaysia Plan (1996-2000), the Malaysian government underlined the importance of attaining certain universal standards in environment and sustainable resource management. Three areas were given particular attention, namely, the emission of pollutants to the atmosphere by source, river water quality and solid

waste generated. In chapter 19 of the Eighth Malaysia Plan (2001-2005), cited above, four more clauses were added to environmental and natural resource issues. These were the use of cleaner technologies, the use of a market-based approach to address environmental and resource issues, environment education and an increase in awareness campaigns. Generally, the aim of the Eighth Malaysia Plan is to foster a more integrated and holistic approach to environmental issues. However, this is clearly not enough. Malaysia can learn from the Indian experience, as it is very evident that Indian society is clearly more advanced in their grassroots approach to solving their freshwater crisis. This is evident from numerous academic publications by Indians. Also, there are many successful citizens' movements against government projects (such as the construction of irrelevant dams) that would otherwise cause much human suffering. In Malaysia, there are only a handful of academic publications dealing solely with the issue of freshwater scarcity and security in Malaysia.

CONCLUSION: HOLISTIC APPROACH TOWARD COOPERATION

The Transboundary Freshwater Dispute Database project at Oregon State University suggests that a systematic study of relationships between water resources and social, political, economic, and environmental patterns in countries with a freshwater deficit be carried out to allow for early warning signs of conflict (Yoffe and Ward, 1999). Both India and Malaysia could focus on population levels and land use within a basin; the quantity, quality and timing of river flow; the existence of agreements (as in Malaysia) or treaties (as in India) for the river basin; or the presence of minority groups with political aspirations (as in both countries). Once indicator data is obtained, the list of indicators will be further refined using statistical and spatial analysis techniques. The validity and credibility of indicators will also be evaluated by back-testing the indicators against both existing water treaties and incidences of water conflict. With this methodology, potential hotspots in Malaysia and India could be monitored closely.

It is important to identify the sectors of domestic society in both India and Malaysia that can build partnerships between the two nations. This is vital if both countries are going to successfully address the growing problem of freshwater scarcity they face, while fostering closer ties for the future. These sectors include the following:

Center for Environmental Technologies (CETEC), Malaysia
Center for Science and Environment (CSE), India
Chirag Publication, India
Center for Environment Education (CEE), India
Associated Environmental Engineers, Pvt. Ltd., India

AWM Consulting, India
Birla Technical Services (BTS), India
BK Rao and Associates, India
CDP Engineering Sdn Bhd, Malaysia
Accord Watertech, Pvt. Ltd., India
Aireff de Tox Incineration, Ltd. (ADIL), India
Anand Consultants, India
Aquakimia Sdn. Bhd. (AQ), Malaysia
Aquaplant Equipments, Ltd., India
Batliboi Environmental Engineering, Ltd., India
Academy of Hill Development Sciences (HIM VIKAS), India
Control Air Pollution, India

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Liberal-Intergovernmentalism and the EU's Common Foreign and Security Policy

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ABSTRACT:

The European Union's Common Foreign and Security Policy (CFSP), established under the 1992 Maastricht Treaty, is regarded as the most liberal-intergovernmentalist pillar of the European Union. This article seeks to explore whether the liberal-intergovernmentalist nature of the CFSP has been a key factor in determining the development of foreign and security policy for the organisation as a whole. It also takes a look at the development of the European Union's defence policy, as a junior component and late developer within the CFSP debate.

In 1648, the Westphalian concept of the sovereignty of the state came into being. The state was recognised as the key actor in the murky realm of 17th century international relations. In 1952, six European states (France, Germany, Italy, Belgium, The Netherlands and Luxembourg) set in motion a chain of events which would ultimately have the potential to challenge the traditional Westphalian model of state power. Their journey would take them from the primary purpose of 'locking in' the resource-rich region of the Ruhr under the European Coal and Steel Community (ECSC), to establishing a presence in approximately 120 countries of the world,[1] to agreeing to common positions and joint actions within the framework of a common external policy.

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[1] The EU is represented overseas through the supranational body of the European Commission, which maintains a field presence of about 120 Delegations and Offices around the world.

The European Union itself is described as *sui generis*—an entity whose uniqueness has had no precedent and whose role as an entity in the international stage transcends the capabilities of a more sedate and more defined regional organisation. That the European Union plays a role in the workings of international relations has never been doubted, that its member states often take a common stand to consolidate their power base, too, is a fact in international relations. But as an organisation which still owes its existence to the delegation of power from its Member States, can the European Union (understood to mean institutions arising out of the Treaty of Rome and subsequent treaties) set its own common foreign and security policy? And more importantly, in the light of the deep divisions over the invasion of Iraq, can the European Union be expected to keep to a common foreign and security policy—that area commonly known as the 'high politics' of international relations?

Much has been written about European foreign policy, or more widely known as the European Union's Common Foreign and Security Policy (CFSP). However, in looking at the European Union's foreign policy, there is debate on whether 'foreign policy' should be limited to being within the ambit of the CFSP. The problem with this unnecessarily narrow definition of foreign policy is that it excludes Commissioner Mandelson's portfolio of trade, Commissioner Michel's purview of development and humanitarian aid and other matters which do not specifically fall directly within the CFSP mandate.

In order to ensure clarity within this article, the term 'Europe', 'European Union' and 'European Community' will be used interchangeably to mean the 25 nations that constitute the EU. The term 'common foreign and security policy', in its strictest norm, includes a whole array of issues now subsumed under either Pillar 1 or 3, including—but not limited to—terrorism, trade relations and other external policies formulated by the EU to manage its relations with third countries. For the purposes of this article, however, reference will only be made to the CFSP—the Second Pillar of the EU.

Thus, it is to the CFSP, and to its predecessor, the European Political Cooperation (EPC), to which this article will turn. It is perhaps worth noting at this juncture that the categorisation of CFSP, as distinct from common economic policy and external relations, is a politically-motivated term coined by the EU[2] itself. One of the reasons for this was that by ensuring that a distinction existed between external relations and

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[2] B. White (2001), *Understanding European Foreign Policy*. Basingstoke: Palgrave.

the EPC, member states were willing to allow economic integration (and by extension, external relations *except* for security and defence issues) to occur at a faster rate than they would had the whole package been served up *in toto*.

It was deliberate on the part of the EU, at least, to put both defence and security issues on the backburner[3] while states learnt to deal with the loss of other aspects of sole decision-making which had for centuries framed their very existence. Defence and security were considered the last bastion of state sovereignty and therefore sacrosanct, if the failed European Defence Community (EDC) was anything to go by. The EDC was first mooted by France in 1950 through the Pleven Plan, and was initially called a 'European Army'.[4] There thus evolved a distinction between 'low policies' of trade and commerce compared to the 'high policies' of diplomacy and military security.[5]

Even within the ambit of the CFSP itself, there are "three types of CFSP issues: exclusively CFSP issues (which use traditional CFSP-types of decisions such as declarations, common positions, joint actions, common strategies), mixed CFSP-EC decisions (which require European Community decisions to be implemented), and European Security and Defence Policy (ESDP) or pure security issues".[6] The reason for pointing out this distinction is merely to show the complexity of the CFSP as a whole. This article will argue that liberal intergovernmentalism can be used to explain the slow and limited development of the CFSP within the EU, at least during its early formative years. In recent years, however, there has been rapid development of the CFSP and in particular its security and military component. This too is attributable to liberal intergovernmentalist theories of international relations.

We will therefore see that the liberal intergovernmentalist view that states ultimately hold the upper hand in ensuring the progress or stagnation of any particular aspect of European integration holds true.

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[3] A. Menon (2004), "The Foreign and Security Policies of the European Union" in M. G. Cowles & D. Dinan's *Developments in the European Union*. Basingstoke: Palgrave Macmillan.

[4] Jan van der Harst, *"The European Defence Community: A Failure in High Politics Integration"*. This paper was presented at the University of Groningen, The Netherlands, on 7 March 2003. Jan van der Harst held the Jean Monnet Chair in the History and Theory of European Integration at the University of Groningen.

[5] R. Morgan (1973), *High Politics, Low Politics: Towards a Foreign Policy for Western Europe*. London: Sage.

[6] C. Gegout (2003), "Liberal Intergovernmentalism and CFSP Policy-making". Department of International Relations, London School of Economics. Paper presented at the FORNET (European Foreign Policy Research Network) workshop in London, November 2003.

LIBERAL INTERGOVERNMENTALISM, THE EPC AND
THE START OF THE CFSP

The state-centric view of liberal intergovernmentalism assumes that states are rational, that they enter into negotiations (interstate bargaining) with the national interest in mind and work towards achieving a result closest to those interests. In this process, the state engages in a game of 'two levels': "the first game refers to how states define their policy preferences (or national interest) within the domestic environment. The second game is played on the international stage and involves the striking of interstate bargains".[7] Thus, for a state to give up some of its power to another entity, it must be convinced that it would be in its best interests to do so. A 'preference convergence'[8] must occur for there to be cooperation between states. Otherwise, Hoffman argues, states' "thin common interest" would naturally resist the creation of "a more supranational, foreign policy-making machinery", otherwise known as the 'logic of diversity' theory.[9]

If we take integration to begin from the Treaty of Rome in 1957 (in this case, we put aside for a moment the establishment of the ECSC, since the failure of the EDC followed that momentous event), we can see that there was a gap of 13 years before the EPC came into being. Everywhere else, preference convergence had taken place between member states—in commerce, in the development of a 'higher' court, in environmental policy. But to claim that European integration has not had its eye on foreign and defence policy would be a fallacy, for Europe's first tentative foray into integration in this area had already manifested itself in the 1948 Brussels Treaty of Economic, Social and Cultural Collaboration and Collective Self-Defence,[10] which was to establish the WEU. The WEU, which began with 5 member states, preceded NATO and currently has members (of different categories) from both NATO and the EU.

Within the EU, however, agreement was difficult to come by because of the resistance of the states which made up the European Community. The fact remains that even though foreign and defence policy was part of the Community's overall agenda,

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[7] M. Cini (2003), *European Union Politics*. Oxford: Oxford University Press. Chapter 2.
[8] S. Hoffman (1998), "Obstinate or Obsolete? The Fate of the Nation State and the Case of Western Europe" in Nelson & Stubb's *The European Union: Readings on the Theory and Practice of European Integration.* Basingstoke: Palgrave. See also the views put forth by both S. Hoffman and R. Keohane.
[9] M. Cini, op. cit., p. 241. Moravcsik's (1998) argument, that integration inherently benefits states, since most of the national interest is shaped by domestic economic concerns and is thus prompted by the corporate sector, is also relevant.
[10] M. G. Cowles & D. Dinan, op. cit.

it was not at the forefront of things, and especially not after three failed attempts—The Pleven Plan, the de Gasperi Plan and the Fouchet Plan. [11]

This was probably why, with the EPC, it was an "entirely intergovernmental process, outside the treaties, agreed among governments and managed by diplomats."[12] Furthermore, it was accepted that the agreement on the EPC was "facilitated by the fact that it was a much less coercive and entailed less coordination than its predecessors".[13] The CFSP itself was not much better, with Foreign Ministries, rather than Defence Ministries, negotiating the CFSP within a diplomatic setting, away from prying eyes. The early stages of the CFSP involved no additional funding to the EU budget, which effectively kept it away from public attention and institutional debate.

Negotiating the EPC and the CFSP within closed doors had a dual effect. One, states could still preserve the façade of state sovereignty to the general public by assuring them that their own governments would see to their peace and security. Two, the competing claims over jurisdiction in the CFSP between Foreign Ministries and Defence Ministries within the member states themselves could be averted—at least until things were more or less decided. This is part of the intergovernmentalist argument that even in the progress towards integration, states are still sovereign. What occurs is merely a delegation of authority from states to institutional bodies, which by themselves have no power of their own. Within the EU context, it was much easier to persuade Foreign Ministries of the validity of this argument than it was the Defence Ministries and the general public. Liberal intergovernmentalism, therefore, was to play a key role in the establishment of the CFSP through the interstate bargaining that took place. In the next part of this article, we shall explore if the CFSP development was indeed slow and limited.

THE 'SLOW AND LIMITED' DEVELOPMENT OF THE CFSP

There is no doubt that the EPC, as compared to other areas of European integration, had a slow start. But within 10 years of the establishment of the CFSP, integration in this respect has progressed in leaps and bounds. The EPC itself was limited to mere declarations on issues of unanimous concern. The Luxembourg Report (also known as the Davignon Report) which produced the EPC, spoke in vague terms about a

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[11] W. Wallace, H. Wallace & M. Pollack (2005), *Policy Making in the European Union.* Oxford: Oxford University Press.
[12] Ibid., p. 433.
[13] "The Common Foreign and Security Policy: Introduction" at http://europa.eu.int

'harmonisation of views' through 'consultations', with joint action being taken if it was agreed to by all. The CFSP, on the other hand, has at its disposal joint actions and common positions in addition to the declarations employed by the EPC. The CFSP also, by virtue of the Treaty of Amsterdam (1997), has a figurehead in the form of the High Representative, and a full working unit in the guise of the Policy Planning and Early Warning Unit. More importantly, perhaps, is the fact that the CFSP covers defence and security[14]—something which the EPC skirted due to political sensitivities.

It has now been 25 years and 13 years since the EPC and the CFSP, respectively, came into being. In that time, the EU has managed to agree not only on the post of the High Representative and the Early Warning Unit, but also on a Political and Security Committee (PSC), a Military Committee, a Military Staff and a European Rapid Reaction Force (ERRF). If we establish a criteria for the term 'slow and limited' to refer to both the *time factor* and the *scope* of the CSFP, then, considering that it took Europe 10 years to complete a customs union (from the Treaty of Rome in 1958 to the establishment of the customs union in 1968), and 29 years before a monetary union was achieved (from the presentation of the Werner Plan in 1970 to the launch of the Euro in 1999), CFSP progress should not be judged out-of-hand to be 'slow'.

The question of 'limited', on the other hand, is harder to answer. But if we let ourselves be guided by White's argument that analysts should concern themselves not only with the "*making* of policy" but also with the "*substance* of the policy"[15] we can measure the limitedness of the CFSP by traversing the path it took to get to its present stage.

The EPC, which began in 1970, was only given legal status under the Single European Act of 1986. However, the most momentous event in the development of the CFSP was to occur only in 1998, with the St. Malo Declaration. Between 1970 and 1998, the road to the CFSP was fraught with necessary challenges. In the first place, the member states of the EU were conscious of the United States, and "cooperation on defence policy has always developed with one eye on the US reaction".[16] The UK, particularly, was not keen to establish a body which could rival or usurp NATO's role in Europe. But in the 1990s, a number of events occurred which were to eventually lead to the Blair-Chirac deal in St. Malo.

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[14] M. Cini, op. cit. Also J.4 of the Maastricht Treaty states that the CFSP "shall include all questions related to the security of the Union".

[15] B. White (1989), "Analysing Foreign Policy: Problems and Approaches" in M. Clarke & B. White, *Understanding Foreign Policy*. Cheltenham: Edward Elgar Publishing.

[16] M. Cini, op. cit., p. 242.

The first of these was the collapse of the Soviet Union in 1989 and the fall of the Berlin Wall. A united Germany was emerging[17] and the United States too, was indicating that Europe should learn to take care of itself, and there was thus a reduction in the number of US troops in Europe. In 1991, the United States forces, which had been transferred to the Gulf, did not return to Germany, where they had originally been stationed. This resulted in a reduction of "US troops in Europe from 350,000 in 1989 to 150,000 by 1994."[18]

When Yugoslavia, too, fell in 1991, the EU attempted to regain control of the situation by deploying an EC peace monitor to Croatia. However, this failed and the United Nations had to step in to establish a multinational peacekeeping force. The atrocities of Srebrenica were soon to follow, and Bill Clinton's reassertion of US leadership in the Balkans with the brokering of the Dayton Peace Agreement compounded French and British frustrations. This is particularly true when we consider that the Owen/Stoltenberg peace plan, which proposed the Union of the Republics of Bosnia and Herzegovina, and which had pre-dated Dayton, received no support from the United States.

The EU's inability to assemble during an emergency eventually forced Blair's hand, especially when weighed upon how dependent the EU was on US military resources through NATO.[19] Thus, in St. Malo, the agreement was for the Union to "have the capacity for autonomous action, backed up by credible military forces".[20] The European Security and Defence Policy (ESDP) was born under the umbrella of the CFSP, to focus specifically on matters relating to security and defence. The ESDP, in turn, prompted the creation of a European Rapid Reaction Force (ERRF), which came into being with the Helsinki Declaration of 1999.

The CFSP initially began with a mandate for the Petersberg tasks—that package which included humanitarian and rescue tasks, peacekeeping tasks, and tasks of combat forces in crisis management, including peacemaking. These tasks were first defined in 1992 and subsequently adopted by the Treaty of Amsterdam. However, the EU has

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[17] Greater cooperation was needed in Europe. See letter of Chancellor Helmut Kohl and President Francois Mitterrand to the Irish Presidency, 19 April 1990.

[18] W. Wallace, H. Wallace & M. Pollack, op. cit., p. 437.

[19] As Wallace remarked, "The unilateral style of US policy shifted opinion in London, The Hague, and Berlin further towards accepting the principle of a European pillar within the Atlantic Alliance". W. Wallace, H. Wallace & M. Pollack, op. cit., p. 444.

[20] Art. 2, St. Malo Declaration, 4 December 1998. Also Cologne European Council, 3–4 June 1999.

now expanded the CFSP (and ESDP) to include active defence and security matters. In 2003 alone, the EU was involved in three missions: the Police Mission in Bosnia and Herzegovina, Operation Concordia in Macedonia, and Operation Artemis in the Democratic Republic of Congo.

Thus, can we truly say that the development of the CFSP was 'limited'? It would be difficult indeed to answer in the affirmative. Beginning with the EPC, the CFSP witnessed the birth of both the ESDP and the ERRF. Both, in turn, have broadened the scope of the CFSP in several ways. First, the CFSP's scope was broadened in the military sense—what many would term the 'power' base for any organisation or state seeking to make an impact on the international stage. Fully cognisant that the military sphere remains a contentious issue for some states, the EU fixed in place a system of 'constructive abstention', as well as 'opt-outs' for member states in matters of defence and the military. Introduced under Article 23 of the Amsterdam Treaty, constructive abstention (positive abstention) allows a Member State to abstain on a vote in Council under CFSP, without blocking a unanimous decision. An 'opt-out', on the other hand, allows a Member State the option of not joining other EU states in decision—in this case, military decision – so as not to be beholden to the decision made. Countries which have opted out in terms of a common military policy are the neutral states of Ireland, Austria, Denmark, Sweden and Finland.

Second, in the foreign relations sphere, the EU has managed to make some headway in adopting common positions and strategies. The first Common Strategy was adopted concerning relations with Russia in 1999, and since then, the EU has formulated common positions on foreign policy on various issues, including against FRY in 2000 and condemnation of China at the UN Commission of Human Rights. This is in addition to the economic sanctions, such as the ones imposed against Zimbabwe, in pursuit of foreign policy objectives. However, under the European Initiative for Democracy and Human Rights, sanctions require unanimous support within the CFSP framework.

Third, in the rendering of aid and assistance to the outside world, the EU is currently the 5th largest aid donor in the world,[21] making it one of the most potent tools of EU foreign policy. Though not strictly within the EU's CFSP, aid is used also in the pursuit of foreign policy objectives and thus should be at least mentioned in this essay. Within the ambit of the CFSP are the two Special Representatives appointed to

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[21] M. Cini (2003), p. 233.

report to the High Representative—on human rights and weapons of mass destruction. From here, we witness the breadth of scope of the CFSP. Therefore, coupled with the three different types of CFSP decisions, as mentioned in the introduction, there can be no truth to the claim that the CFSP is 'limited'.

A sort of natural progression has taken place in the development of the common foreign and security policy, and one which necessarily needed to be taken step by step. It has been argued that despite an outward show of 'slowness and limitedness' of the CFSP, there was a strategy to the CFSP. First, by instituting gradual change, first as an economic power, this would set the stage for acceptance of the EU as a defence force and thereby avoid counter-coalitions being set up to rival the EU's power rise.[22] Also, there was a degree of fear of US reaction to EU power. When it was obvious that the United States was not only unmindful, but encouraged the EU to have their own stand, states were more willing to forge a common position.

Second, by concentrating on other aspects of integration before tackling military and defence cooperation, the EU—as an institution—was able to build upon the trust that member states had for one another. The supposed loss of authority in this core sovereign matter could only be achieved if states felt that they could trust other states to look after their interests as well, since there was convergence in the interests of member states. The EDC had, if nothing else, taught the EU that where defence was concerned, states could not be rushed into a commitment. It was the height of bitter irony that even though the EDC was proposed by France, it was the French Parliament itself which rejected the creation of the EDC and subsequently caused its death.

Third, competing claims of jurisdiction between foreign ministries and defence ministries were circumvented by negotiating the CFSP on the sidelines rather than in an open and very transparent manner. More importantly, perhaps, is the fact that the timing was right for the EU to establish its own common defence policy, especially with the tragedy of September 11, 2001 and the rise of terrorist activities on the global stage.

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[22] N. Winn & C. Lord (2001), *EU Foreign Policy Beyond the Nation-State.*

Despite the long process of the CFSP, however, as a pillar of the EU, the CFSP remains one of its weakest pillars. Three factors contribute to the CFSP's weakness:

i)   *Itts lack of* identity—As described above, foreign and security policy is not necessarily limited to only defence and security; other issues within Pillars 1 and 3 are also within the ambit of foreign policy;

ii) *The need for interest*—Very little is reported by the media on the CFSP. More is reported on the EU's external relations aspect; and

iii) *Preference convergence and the weakness of the institutions created by the CFSP*—This may be due to the small budget allocated to the CFSP, as compared to even EuropeAid and other foreign policy actions.

CONCLUSION

If there were some obstacle to the immediateness of the EPC and the CFSP, then the blame should be laid upon the viability of the project itself.[23] Member states doubted if there could be 'one voice' speaking for Europe. Even if this were possible, states were divided on who should be that voice. Events since its inception have shown that it *is* possible to have a common foreign and security policy, though not without some hiccups. But the EU has not always been consistent in its application of external policies (evident in the differing treatment of states which abuse human rights, i.e., China and Cambodia), which is a major flaw within the CFSP, and this is perhaps attributable to the intensely liberal intergovernmentalist position states adopt in their foreign policies.

Scholars have pointed to the intense wrangling between states in the formulation of a common foreign and security policy for the EU. This cannot be disputed, since most EU creations, whether in Pillar 1, 2 or 3, effectively start off with intergovernmental bargaining. But if we claim that the CFSP's slow and limited development was due to liberal intergovernmentalism, then we should also acknowledge that its rapid progress after St. Malo is testimony to the validity of liberal intergovernmentalism.

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[23] A. Menon (2004).

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The ASEAN Community and the ASEAN Charter: Toward a New ASEAN?

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INTRODUCTION

In recent years ASEAN has taken a number of landmark decisions. At the 9th ASEAN Summit in Bali in 2003, the ASEAN leaders signed the Declaration of ASEAN Concord II or the Bali Concord II[1] which envisaged the realisation of the ASEAN Community by 2020. Attention is now on developing an ASEAN Charter which is believed to be indispensable for the successful building of this ASEAN Community. The need for a Charter[2] was advanced by the Minister of Foreign Affairs of Malaysia, The Honourable Dato' Seri Syed Hamid Albar in a discussion paper entitled "Review of ASEAN Institutional Framework: Proposals for Change"[3] that was circulated at the ASEAN Foreign Ministers' Retreat on 4 March 2004 in Ha Long Bay, Vietnam. The paper argued that in order to successfully transform into the ASEAN Community, ASEAN would have to be prepared for profound changes including in its institutional

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[1] Much of the primary sources used in this paper are based on official ASEAN documents such as the Chairman's Press Statements of the ASEAN Summits, Joint Communiqués of the ASEAN Ministerial Meeting (AMM), Joint Press Statements of the ASEAN Economic Ministers, Press Releases of the ASEAN Economic Ministers, Treaties, Agreements, Declarations and other ASEAN documents including ASEAN statistical data. These documents can be accessed from the ASEAN website: http://www.aseansec.org

[2] The notion of an ASEAN Charter, however, is not new. It was articulated as early as at the 7th AMM in 1974. In earlier discussions it was generally held that an ASEAN Charter would run counter to the consensus principle and would likely introduce tension and rigidity into the ASEAN system. See the article by Muthiah Alagappa, "ASEAN Institutional Framework and Modus Operandi: Recommendations for Change" (Sopiee et al., eds., 1987), page 190.

[3] Karuppannan et al. (eds., 2005).

framework and working methods; the relationship among the members of ASEAN and their mode of interaction, and ASEAN's role within the region. This has raised the question as to whether the move towards creating an ASEAN Community and drawing up a Charter marks a defining moment or a new beginning for ASEAN.[4]

The objective of this study is three-fold. First, it aims to understand the factors that compelled ASEAN to move towards integrating itself into the ASEAN Community. Second, it intends to answer the question of whether the move towards becoming an ASEAN Community and the development of a Charter represent a new beginning for ASEAN. Third, it proposes some possible recommendations for the development of the ASEAN Charter.

WHY STUDY ASEAN?
There is no doubt that Southeast Asia and ASEAN are of great strategic and economic importance. One can get a quick idea of the relative importance of this region and ASEAN by conducting a search on the internet. A simple search using the search engine Google on 25 January 2006 revealed that the term "ASEAN" was indexed 7.8 million times. By contrast, Mercosur was indexed only 3.3 million times. Others organisations such as the Organisation of Islamic Conference (OIC) and the Organisation of American States (OAS) came far below with only 1.8 million times and 0.1 million times, respectively.

Geographically, Southeast Asia sits astride one of the most important maritime zones—the Straits of Malacca which serves as a primary conduit for the movement of cargo and people between the Indo-European region and the rest of Asia and Australia. It is the shortest East-West sea route compared to Indonesia's Macassar and Lombok Straits. Every year about US$ 1 trillion worth of goods and services pass through the region formed by the Straits of Malacca and other associated shipping routes. More than 50,000 vessels ply the Straits of Malacca annually.

Economically, the Southeast Asian region is one of the fastest growing regions. ASEAN's population is almost 500 million. Its combined GDP is US$2.3 trillion or about two-thirds of Japan's GDP of US$3.6 trillion or one-third of China's GDP of US$6.6 trillion.[5] The region is also rich in primary resources such as oil and gas,

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[4] Acharya (2005).
[5] Keynote Address by Mr. Ong Keng Yong, Secretary General of ASEAN at the 2nd SIF-ASEAN Student Fellowship Alumni Conference, "The ASEAN Pulse—From Vision to Action", Singapore, 8 April 2005.

timber, food crops and fisheries. Together these make up for 23 per cent of the region's exports and 20 per cent of its GDP. Over the past three decades ASEAN has been able to leverage on these intrinsic strengths to increase productivity and competitiveness. This enabled ASEAN to double its share of exports to 5.4per cent of total global exports in 2003 from 2.7 per cent in 1975. Intra-ASEAN trade is today about 23 per cent of ASEAN's total trade amounting to US$170 billion in 2003. Total market capitalisation exceeds US$600 billion with more than 2300 listed companies across the region. There are more than 100 ASEAN companies that have a market capitalisation exceeding US$1 billion.

From the politico-historical context,[6] ASEAN provides a rich area of research for academics, researchers and foreign policy practitioners alike. In the 1960s the security and stability outlook of the region was indeed bleak. As most of the Southeast Asian states were newly independent, socio-economic and political cohesion amongst them was weak. Their immediate priority was to deal with the baggage left behind by the retreat of the colonial powers, such as questions of political legitimacy in certain countries, internal political strife among contending political forces, irredentist movements, economic problems and unresolved territorial disputes. In addition, the region was ideologically polarised as a result of the Cold War rivalry.

Despite such difficult beginnings, ASEAN not only survived but is today one of the most important regional organisations[7] after the EU. It has lived through major strategic shifts in the region. It will be celebrating its 40th birthday next year. Its most notable achievement has been its ability to maintain peace and stability in what has been an unstable region sometimes described as the "Balkans of the East", or a "region of dominoes".[8] ASEAN has also been the core and driving force for a number of key regional initiatives including the ASEAN+3 process, the ASEAN Regional Forum and the East Asia Summit. Through these fora ASEAN has provided participants with, at one time or another, an additional, albeit informal venue to meet and discuss various

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[6] The historical background of ASEAN is well documented both from the perspective of academic research as well as anecdotal history as recorded by statesmen who had been intimately involved in the formative years of ASEAN. A selective listing of references would include Broinowski (1982), Acharya (2001), Solidum (1982), Leifer (1989); Caballero-Anthony (2005) and Rajendran (1985).

[7] ASEAN has been loosely described as a regional organisation in this study. Strictly speaking, ASEAN is not a regional organisation but an association of sovereign states.

[8] This view is shared by most ASEAN scholars and experts. See, for example, Acharya (2001) and Alagappa (2003).

bilateral issues.[9] ASEAN has also been instrumental in the development of regional free trade agreements with its dialogue partners. That this region could achieve such an impressive track record despite the odds is indeed remarkable.

THE EVOLUTION OF ASEAN
For the purpose of this study, the evolution of ASEAN has been divided into four phases based on ASEAN's major focus during each phase.

1967–1976	1st Phase:	Identity building and establishment of ASEAN norms
1977–1989	2nd Phase:	Intra-regional cooperation and challenges to the 'ASEAN Way'
1990–1996	3rd Phase:	Towards ASEAN integration
1997–present	4th Phase:	Community building

1ST PHASE (1967–1976): IDENTITY BUILDING AND ESTABLISHMENT OF ASEAN NORMS
Given the milieu in which it was born, the first decade of ASEAN's existence was focused on creating a spirit of "togetherness".[10] This phase was more of a confidence-building period. The numerous meetings at all levels facilitated socialisation and improved understanding among the countries. Furthermore, ASEAN deliberately eschewed any form of institutionalisation in order to keep its working methods as flexible and informal as possible. The fact that ASEAN did not have a secretariat for most of this phase underscores the importance placed on informality and confidence building. During this period the ASEAN norms of inter-state relations also evolved and began to play a central role in the development of an ASEAN identity. ASEAN's norms were derived from organisations and movements such as the Charter of the United Nations and the 1955 Bandung Asian-African Conference as well as the region's own social, cultural and political practices. These norms were codified in four instruments,

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[9] Former Secretary of State Colin Powell and the Foreign Minister of North Korea had informal bilateral discussions on the margins of the 9th ARF Ministerial Meeting in Brunei Darussalam in July 2002; see http://www.state.gov/secretary/former/powell/remarks/2002/12410.htm. Similarly, the ASEAN+3 meetings provided China, Japan and the ROK the opportunity to conduct informal trilateral consultations among themselves.
[10] Shafie (2000).

namely, the Bangkok Declaration (1967), the Kuala Lumpur Declaration on the Zone of Peace, Freedom and Neutrality (1971), the Treaty of Amity and Cooperation in Southeast Asia (1976) and the Treaty of the Southeast Asia Nuclear Weapons-Free Zone (1995). Collectively, the observance of these norms and ASEAN's working methods gave rise to the term the 'ASEAN Way'.[11]

Clearly, economic integration was not on ASEAN's agenda[12] during this phase although the Bangkok Declaration gave the impression that ASEAN's primary focus was economic cooperation. However, the fact that the Bangkok Declaration placed the Foreign Ministers Meeting at the apex of the ASEAN structure gave away the fact that ASEAN's focus was in fact profoundly political in nature. The first oil crisis of 1973 shocked the ASEAN countries into realisation that some of their problems could no longer be solved by individual nations acting alone. Apart from the oil crisis, the security challenges posed by the Fall of Saigon which ended the Vietnam war also accelerated ASEAN's shift to collective action.

Interestingly, at the 7th ASEAN Ministerial Meeting (AMM) in 1974, the ministers agreed that "ASEAN, having completed its first and presently entering its second stage of cooperation, should now embark on a more substantial and meaningful economic collaboration". In this regard the ministers proposed three approaches, namely, trade liberalisation, complementary agreements and package deal arrangements. Acting on this decision, the 8th AMM in Kuala Lumpur in 1975 agreed to establish an ASEAN Trade Negotiation Body to set up an ASEAN system of trade preferences and adopted the guidelines for ASEAN industrial complementation.

Convinced that ASEAN would need a clear direction in order to better respond to the changing geo-political and geo-economic environment, the 1st ASEAN Summit was convened in Bali in 1976. The Declaration of ASEAN Concord and the Treaty of

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[11] Although the origin of the term is unclear, the 'ASEAN Way' is generally described as a decision-making process based on extensive consultation and consensus. This approach is marked by discreetness, informality, non-confrontation and consensus-building and a high premium has often placed on the need to allow for face saving. Some authors have described it as the ability to disagree without being disagreeable, always striving to arrive at a consensus through deliberately avoiding open conflict or confrontation, and giving as much importance to process as to outcome.

[12] In his opening address at the 15th AMM on 13–14 April 1972, then Prime Minister Lee Kuan Yew mentioned "observing from the records of ASEAN proceedings, he gained the impression that ASEAN did not for the present aim at integrating a regional economy; It would therefore be, unrealistic for ASEAN to propose programmes and projects which did not fit into and assist in the consolidation of the respective economic development plans of the five countries".

Amity and Cooperation in Southeast Asia were signed at this summit. The Summit also mandated the creation of an ASEAN Secretariat in Jakarta. In order to pursue economic cooperation in a coordinated manner the Summit approved the creation of the ASEAN Economic Ministers Meeting (AEM). The Summit also gave its support for the role of the other sectors of the society in ASEAN affairs.

During this phase the ASEAN norms of non-interference, respect for sovereignty, independence and territorial integrity were ingrained in ASEAN's practices. These norms played a central role in moulding a regional identity and a sense of togetherness. As observed by the former Deputy Prime Minister of Malaysia Tan Sri Musa Hitam, "the ASEAN process has resulted in the creation of an ASEAN sense of community, of family feeling, not a negative attitude of "we versus others" but a positive sense of our own interests and our own togetherness."[13]

2ND PHASE (1977–1989): INTRA-REGIONAL COOPERATION AND CHALLENGES TO THE 'ASEAN WAY'

Having set the basic policy as well as institutional framework for increased ASEAN economic cooperation, a major initiative taken at the 2nd ASEAN Summit in Kuala Lumpur in 1977 was the signing of the ASEAN Preferential Trading Arrangement (PTA). The PTA (regarded as the lowest form of economic integration) was aimed at providing fresh impetus to economic cooperation by liberalising and increasing intra-ASEAN trade. The Summit also agreed that ASEAN's economic cooperation with its dialogue partners be further intensified. During this phase ASEAN introduced an array of initiatives to expand economic cooperation including expansion of PTA, tariff reductions, signing of the Basic Agreement on ASEAN Industrial Complementation (AIC) and the Basic Agreement on the ASEAN Industrial Joint Ventures (BAIJV) and the ASEAN Swap Arrangement.

To ensure that the economic measures also translated into the consolidation of ASEAN as a strong, viable and cohesive regional organisation, the 2nd ASEAN Summit emphasised ASEAN's desire to develop peaceful and mutually beneficial relations with all countries in the region including the Indochinese countries. However, the invasion of Cambodia by Vietnam in 1978 became a key test of ASEAN's resolve and ability to seek a political settlement to the conflict within a regional framework while upholding its norms. Conditioned by its norms, ASEAN initially took an uncompromising stance

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[13] Musa Hitam's article "ASEAN and the Pacific Basin" in Martin (1987).

against Vietnam's occupation of Cambodia and kept up pressure for the withdrawal of the Vietnamese troops and support for Cambodia's right to self-determination. However, as the crisis progressed, it proved difficult to maintain this position due to the differing perceptions of the problem among the ASEAN member states.[14] ASEAN's stance also underwent changes, from seeking complete withdrawal of foreign forces to finding a political solution to the problem even if it meant going against its own norms. ASEAN therefore resorted to the internationalisation of the conflict by convening the International Conference on Kampuchea in 1981 though this strategy was tantamount to inviting external influence in regional issues. At a later stage ASEAN's support for China's actions to dislodge Vietnam ensured a disproportionate influence for China in the search for a solution to the Cambodian conflict. In addition Thailand's precarious position as a frontline state was used as justification by some ASEAN member countries to provide military assistance to Thailand[15] and the non-communist Khmer forces.[16] Although this form of assistance appears to go against ASEAN's norm, it should be borne in mind that the decisions were considered as bilateral decisions rather than an ASEAN collective decision.

As the crisis prolonged, the region once again entered into a period of severe recession of 1985–1986. The ASEAN countries were faced with the collapse of commodity prices, a massive increase in debt burdens following the revaluing of the Yen under the Plaza Accord and a bleak international economic environment due to the protectionist mood in the developed countries. Collectively these developments led to a serious erosion of confidence in ASEAN.

Against this background the 3rd ASEAN Summit was convened in Manila in 1987. Affirming the importance of economic cooperation in fostering peace and stability, the Summit endorsed several specific and detailed economic cooperation initiatives including expansion of the PTA, facilitation of ASEAN Industrial Joint Ventures (AIJVs), finance and banking measures, and expansion of physical connectivity through road, rail, shipping and air transport as well as communications systems. The Summit also created a new coordination mechanism known as the Joint Ministerial Meeting (JMM) comprising foreign and economic ministers to facilitate coordination among political and economic initiatives. However, of late this mechanism has not been used much.

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[14] Alagappa's article, op.cit. (1988).
[15] Acharya's article "Constructing a Security Community in Southeast Asia—ASEAN and the Problem of Regional Order" (2001), page 89.
[16] Caballero-Anthony, op. cit. (2005).

Although ASEAN did not resolve the Cambodian conflict and in fact earned criticism about its ineffectiveness, ASEAN's role in the search for a solution defined ASEAN and what it stood for. Despite the inherent weakness of the 'ASEAN Way', it enabled ASEAN to explore collective action. The experience gained by ASEAN during this phase also emphasised the need for ASEAN to refine its institutional framework and working methods and structure and to deepen integration in order to enable it to deal with future challenges.

Hence it can be concluded that ASEAN's role in the Cambodian crisis had had a paradoxical effect on ASEAN's norms and identity.[17] While on the one hand it propelled ASEAN into the limelight and thus had a positive effect on its identity and international stature, on the other, it also threatened to compromise its own norms. It also exposed the limits of the ASEAN Way since the search for consensus was not easy especially when the differing perceptions of member countries made the search for consensus impossible.

This second phase was essentially a learning experience for ASEAN. First, ASEAN realised that the 'ASEAN Way' could not be satisfactorily applied in dealing with new and emerging challenges. Indeed, the Cambodian conflict proved that ASEAN must enrich its working methods by employing flexibility. Second, it proved that ASEAN's development as a regional grouping depended to a great extent on the vagaries of the external environment and the direct link between its collective prosperity and its ability to project its influence within the regional theatre. Third, ASEAN learned that as long as any Southeast Asian state remained outside the ASEAN fold it would invite external interference and disrupt regional peace and stability.

3ʳᵈ PHASE (1990–1997): TOWARD ASEAN INTEGRATION

The 23rd AMM in 1990 agreed that it was timely for ASEAN to take concrete steps towards a more effective intra-ASEAN economic cooperation. In this regard, a paradigm shift occurred at the 4th ASEAN Summit in Singapore in 1992, as member countries agreed to create the ASEAN Free Trade Area (AFTA) using the Common Effective Preferential Tariff (CEPT) (a step higher than PTA) within 15 years beginning 1 January 1993. The Summit recognised the importance of strengthening and/or establishing cooperation with other countries, regional/multilateral economic organisations. The Summit also recognised the importance of close consultation with the East Asian economies in contributing to closer cooperation between the region's economies.

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[17] Acharya, op. cit. (2001), page 96.

The Summit also introduced major changes in the institutional framework of ASEAN on the basis of the recommendations of the Eminent Persons Group established in 1990 and headed by Tan Sri Ghazali Shafie. The ASEAN Summit was institutionalised as a regular part of the ASEAN framework. It was to be convened every three years with informal summits in between. An open recruitment system for professionals in the ASEAN Secretariat was introduced and the Secretary General was given ministerial rank and accorded an expanded mandate to initiate, advise, coordinate and implement ASEAN activities. Further, the institutional framework of ASEAN was streamlined by dissolving the five Economic Committees and replacing them with the Senior Economic Officials' Meeting (SEOM).

The 4th ASEAN Summit was also significant in that it introduced security cooperation under ASEAN. A momentous milestone was achieved with the establishment of the ASEAN Regional Forum which met for the first time on 25 July 1994. The Summit also agreed that ASEAN should pursue community and identity building initiatives by involving universities, the youth and women. The ASEAN Flag and ASEAN logo were adopted as symbols of a common identity.

While ASEAN clearly stood its ground where its norms were concerned, it also exhibited sensitivity toward opinions of the international community. Following the international consensus on human rights achieved during the World Conference on Human rights in Vienna in 1993, the 26th AMM in 1993 agreed that ASEAN should also consider the establishment of an appropriate regional mechanism on human rights.

The 5th Summit in Thailand in 1995 adopted the Agenda for Greater Economic Integration to bring forward the date of realisation of AFTA. Apart from agreeing to remove quantitative restrictions and non-tariff barriers, introducing greater transparency in standards and conformance, harmonising tariff codes and promoting freer trade in services, the Summit also agreed that all decisions on economic cooperation would be made by flexible consensus. This was done to allow member countries to proceed on economic initiatives while those who were not ready could do so at a later date. Additionally, it was agreed that ASEAN should adopt a General Dispute Settlement Mechanism to apply to all disputes arising from ASEAN economic initiatives.

This phase also saw the expansion of ASEAN to achieve what its founding fathers considered to be its manifest destiny—the completion[18] of ASEAN 10. The 5th ASEAN Summit in Bangkok on 14–15 December 1995 committed ASEAN to speedily realise ASEAN 10 and to further strengthen the ASEAN identity, spirit and sense of community through wider participation of ASEAN citizens.

It took two decades for ASEAN to embark on real integration through expansion and AFTA. For the first time too ASEAN had formally agreed to go beyond the 'ASEAN Way' albeit in the economic field by adopting flexible consensus and to introduce a dispute settlement mechanism. A deeper analysis reveals complex and various subtle motives for these developments.

On the one hand, it reflected ASEAN's desire to shield the region from external interference. Toward this end it was crucial to bring in the Indochinese countries into the ASEAN fold. Politically, it was believed that bringing Cambodia, Laos, Myanmar and Vietnam (known as the CLMV countries) into the ASEAN fold would remove grounds for antagonism and suspicion and therefore the potential for external interference. On the other hand, economic integration was an imperative for further economic progress. Furthermore, economic integration could also serve to strengthen the ASEAN identity. The process of ASEAN enlargement appears to have economic underpinnings as well. A number of ASEAN countries were competing to gain an economic foothold in Indochina. Enlargement was therefore, in some ways, a reflection of intra-ASEAN competition for trade.

Enlargement required in turn that ASEAN reexamine the application of its own norms. The inclusion of Myanmar in particular was a test for ASEAN. Modalities such as "constructive engagement" were a means to get around the stricture imposed by its norm of non-interference. However, the limits of this argument were quickly established when the notion of "constructive intervention"[19] proposed by former Malaysian Deputy Prime Minister Anwar Ibrahim in 1997 and "flexible engagement"[20] proposed by former Thai Foreign Minister Surin Pitsuwan were roundly rejected by the other ASEAN members.

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[18] The period 1990–1999 is designated as the phase during which ASEAN 10 was achieved although Cambodia was only admitted in 1999. If not for the internal political turmoil Cambodia would have been admitted into ASEAN in 1997 together with Laos and Myanmar.

[19] http//: www.asiaweek.com/asiaweek/97/0801/ed1/html

[20] http//:www.asiaweek.com/asiaweek/98/0918/nat6/html

In the economic area, however, variations such as flexible consensus had become acceptable, suggesting greater confidence among its members. Hence, by the end of the third phase it was with a renewed sense of self-confidence that ASEAN was poised to forge ahead with deeper integration in the economic field.

Although the pursuit of ASEAN 10 was a political imperative, the greater degree of heterogeneity introduced by the inclusion of the new members brought with it new challenges and implications.[21] Consequently, initiatives were taken to reduce the gap in the level of development among member countries. It is these integration initiatives that brought ASEAN to the 4th and current phase of its evolution.

4TH PHASE (1997–PRESENT): COMMUNITY BUILDING

ASEAN entered the current phase at the peak of self-confidence. However, ironically ASEAN's 30th anniversary brought with it the greatest challenge the organisation had ever known. The Asian financial crisis brought in its wake unprecedented political and social turmoil. The crisis in effect revealed the ineffectiveness of previous ASEAN attempts at "soft regionalism". Even mechanisms such as the Swap Arrangement proved to be ineffective. Without an effective regional mechanism to deal with the crisis, each country was forced to take its own initiatives to protect its economy. Without a show of unity it was feared that domestic troubles in certain parts of the region could eventually affect intra-ASEAN relations adversely and threaten ASEAN's survival. The former Secretary General of ASEAN described the stark choice facing ASEAN at that point:
"The financial crisis has thus brought to the fore an emerging irony in ASEAN: The very integration envisioned and long regarded as a source of strength can be a point of weakness….ASEAN can address this irony in two ways. One is to hesitate and slow down or pause, if not to retreat or reverse course, on the road to further economic integration….The other way is to proceed and, indeed , advance faster on the road of integration and cooperation, while ensuring that closer and faster integration is further developed as a source of strength and its potential as a point of weakness diminished. …..The ASEAN countries, at the highest levels, early on firmly rejected this (second) option."[22]

The Asian financial crisis and its aftermath was also evidence that ASEAN regional cooperation worked well only during favourable economic conditions but broke down in adverse conditions. Hence, the subsequent focus of ASEAN was to promote more

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[21] Than, Mya and Carolyn L. Gates (eds., 2001), "ASEAN Enlargement—Impacts and Implications".
[22] See the speech by Severino (2000), pages 315–16.

meaningful integration through the development of a comprehensive development agenda, including, enhancing ASEAN economic integration, involvement of the people as well as advancing the realisation of Vision 2020 by building a 'community of peace'.

The 2nd ASEAN Informal Summit in Kuala Lumpur in 1997 marked a watershed development as the member countries adopted the ASEAN Vision 2020 which envisages transforming ASEAN into a "concert of Southeast Asian nations, outward looking, living in peace, stability and prosperity, bonded together in partnership in dynamic development and in a community of caring societies."

The role of the civil society in community building was further enhanced with the establishment of the ASEAN Foundation to promote greater awareness of ASEAN through greater interaction among the peoples of ASEAN as well as their wider participation in ASEAN's activities. The 2nd Informal Summit also ushered in the ASEAN+3 process with the convening of the first ASEAN+3 Summit. The initial aim was to engage the East Asian countries to provide external support for ASEAN's economic recovery. Subsequently, this cooperation was extended to cover practically all areas.[23]

The following year, at the 6th ASEAN Summit in Hanoi in 1998, ASEAN agreed to bring forward the realisation of AFTA to 2002. A raft of initiatives was also launched to promote economic competitiveness and attract FDI. These included the Statement on Bold Measures, Short Term Measures to Enhance ASEAN Investment Climate, ASEAN Framework Agreement on the Facilitation of Goods in Transit and ASEAN Framework Agreement on Mutual Recognition Arrangements. The Summit also adopted the Hanoi Plan of Action as the first action plan to realise the ASEAN Vision 2020. In addition, an ASEAN Eminent Persons Group on Vision 2020 led by Prof. Chin Tet Yung of Singapore was also mandated to tap the expertise from the private sector and the academics for fresh insights to realise the ASEAN Vision 2020.

In line with Vision 2020, the 7th ASEAN Summit in 2000 agreed on the need for a Roadmap for Integration of ASEAN (RIA) to chart specific steps and timetables to achieve integration. The Summit also agreed to commission an ASEAN Competitiveness Study which would become part of the RIA. Further steps towards integration came about with the launching of the Initiative for ASEAN Integration

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[23] As of July 2005, the ASEAN+3 process covers about 17 areas involving 49 meetings from the summit level to working group/expert level.

(IAI). This period also saw the creation of various sub-regional cooperation groupings such as the Greater Mekong Sub-Region Cooperation (GMS), Brunei-Indonesia-Malaysia-Philippines East ASEAN Growth Area (BIMP-EAGA), Indonesia-Malaysia-Thailand Growth Triangle (IMT-GT), ASEAN Mekong Basin Development Cooperation (AMBDC) and the West-East Corridor.

As recommended by the ASEAN Competitiveness Study, which suggested that economic integration could boost competitiveness, the 8th ASEAN Summit in 2002 adopted an Agenda towards a Community of Southeast Asian Nations which included the idea of an ASEAN Economic Community as the end goal for the Roadmap for Integration in ASEAN (RIA) and the ASEAN Vision 2020. But the following year the 9th ASEAN Summit agreed to broaden the notion of community to include political and socio-cultural areas. This was achieved through the Declaration of ASEAN Concord II or Bali Concord II which envisaged an ASEAN Community supported by three pillars, namely, the ASEAN Security Community, ASEAN Economic Community and the ASEAN Socio-Cultural Community. Each of the pillars has its own Plan of Action. As ASEAN had embarked on economic integration much earlier, naturally the economic dimension is most advanced in terms of integration attributes. The ASEAN Economic Community is envisaged as an "AFTA-plus and Customs Union-minus". There is also an Enhanced Mechanism for Dispute Settlement.

The vision of the ASEAN Community is therefore a composite view of the various approaches towards integration and community building enunciated under the ASEAN Vision 2020, Roadmap for Integration in ASEAN, Hanoi Plan of Action and the Initiative for ASEAN Integration.

With the foundation for the ASEAN Community in place, ASEAN focused on the institutional structure that would be needed to guide the building of this Community. The Malaysian paper circulated at the ASEAN Foreign Ministers' Retreat in 2004, highlighted the following:

- That the ASEAN Community is a monumental task and one that would have structural and normative implications for ASEAN. As such the present ASEAN institutional framework would have to be re-configured and its working methods and rules revised or replaced;
- The importance of engaging all sectors of the society in building this Community in order to ensure its durability;
- That ASEAN would have to place importance on 'community values' which goes beyond pure national interests;

■   That ASEAN would have to be cognisant of emerging problems and issues
    that can only be addressed at the 'community' level;

■   The importance of enhancing predictability, transparency and enforcement of
    ASEAN's initiatives and the need to overcome the perennial problem of
    coordination and proliferation of structures that have plagued ASEAN.

■   At the 11th ASEAN Summit in Kuala Lumpur in 2005, ASEAN leaders
    mandated the creation of an Eminent Persons Group (EPG) to provide input
    on the drafting of the ASEAN Charter. It is envisaged that following the EPG's
    report to the Summit, the actual drafting of the Charter would commence. As
    it stands now there is no deadline for the completion of the ASEAN Charter.
    Additional clues as to ASEAN's thinking on the ASEAN Community and the
    Charter have been advanced by Malaysia[24] and Singapore.[25],[26]

FUTURE TRENDS AND PERSPECTIVES

From the preceding narrative, it is clear that ASEAN has undergone dramatic changes.
From a cautious beginning as an association of countries, jealous of their sovereignty,
the ASEAN countries are slowly moving towards deeper integration[27] to becoming a
'community' with a capital 'c'.[28] Why is ASEAN prepared to undergo such a
transformation? The analysis of ASEAN's focus in the four phases of its development
offers important clues.

In a hierarchical ordering of ASEAN's interests, clearly its overriding core interest
has been to maintain peace and stability in the region. It has sought to do this by
preventing the Southeast Asian region from becoming a theatre for major power
competition and interference by external powers. It has therefore been imperative for
ASEAN to prove its capability and willingness to manage intra-regional affairs while
demonstrating sensitivity to perceptions and concerns of the international community
on issues such as human rights, environmental protection and today, terrorism. This
has been at the heart of ASEAN's logic in promoting ZOPFAN, SEANWFZ, and its
efforts to deal with regional issues such as the Cambodian conflict, the haze problem
and the overlapping claims in the South China Sea (through the Declaration of the
Conduct of Parties in the South China Sea), as well as its desire to realise ASEAN 10,
the creation of the ASEAN Regional Forum (ARF), the ASEAN+3 process and the East

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[24] Karuppannan et al. (2005).

[25] See "Towards Realising an ASEAN Community" (2000).

[26] See "Framing the ASEAN Charter" (2005).

[27] Vandoren (2005), "Regional Economic Integration in Southeast Asia".

[28] Ibid.

Asia Summit. The same logic was also behind ASEAN's decision to promote an ASEAN mechanism of Human Rights and the conclusion of the various Declarations to combat terrorism with its dialogue partners.

Second, ASEAN has also sought to promote peace and stability through promoting the feeling of "togetherness" or the "we feeling". ASEAN has therefore always given importance to identity building through this feeling of "togetherness" among its members. ASEAN chose to do so by developing an appropriate normative and structural framework. The norms were supposed to act as "rules of behaviour". The ASEAN structure was deliberately kept flexible and informal to allow for greater socialisation among members to further develop this "we feeling". Hence the 'ASEAN Way' was central to the process of identity building and identity projection. ASEAN's constructive engagement with Myanmar and its on-going discussions on Myanmar are aimed at nudging Myanmar towards an "acceptable standard of behaviour". The importance accorded to socialisation as a means of creating the "we feeling" also explains why ASEAN has generally been loath to undertake a radical restructuring of ASEAN. For ASEAN, its identity has always been a unique and defining feature. ASEAN has also sought to define its identity more explicitly through symbols such as the ASEAN Flag, the ASEAN Logo, adoption of the ASEAN Day and the creation of AFTA. Similarly, the ASEAN Community is also an exercise in identity building. Therefore, one rationale for the move toward the ASEAN Community is to foster identity building.

Third, it has been important for ASEAN to maintain a flexible institutional form and adopt an outward-looking stance. This flexibility has allowed ASEAN to adapt itself to a constantly changing environment without giving rise to undue stress and strain within itself. Therefore, ASEAN had always eschewed fixed ideas, constructs or theories and instead adapted them to suit its own needs, which explains the relative ease with which ASEAN had re-looked at its own 'ASEAN Way', though it had served it well during its formative years. ASEAN's track record shows that the principle of non-interference has also not been treated as an absolute or inelastic norm. Even the norm of consensus is being re-examined albeit in the economic field with the introduction of the concepts of "flexible consensus", "ASEAN Minus X", "2 Plus X". Similarly, ASEAN has showed preparedness to experiment with "two-speed" ASEAN by allowing more time for the CLMV countries to meet the AFTA requirements.

Therefore, in order to ensure for ASEAN to promote and project its core interests, the proposed ASEAN Charter should incorporate the following aspects:

IDENTITY BUILDING AND CREATING THE "WE FEELING"

The Charter should clearly define the ASEAN Community, its attributes, competencies, as well as the various symbolic representations of the Community. In Prime Minister Dato' Seri Abdullah Haji Ahmad Badawi's speech,[29] symbols such as the Flag, Anthem, Logo, common identity and travel documents and common time were mentioned. The Charter could also enable ASEAN to assume a legal personality or be represented in the United Nations. Such symbolic representations would certainly strengthen identity. Though socialisation would continue to contribute towards the development of the "we feeling", the Charter should also define an "acceptable standard of behaviour or comportment". In other words, the Charter should allow for the development of appropriate norms to support community building. Non-interference should no longer be used to justify "unacceptable behaviour". It must also define the "costs" or "penalty" for breaching or not conforming to such standards. An appropriate mechanism should be created and empowered to review a member country's performance should the need arise. Similarly allowance should be given for new approaches to decision making procedures in addition to the principle of consensus.

MAINTAINING ASEAN'S ROLE AS A MANAGER OF REGIONAL ISSUES

In order for ASEAN to manage regional issues, the ASEAN Charter should allow ASEAN to maintain its centrality in the various forums that make up the regional architecture. The Charter should clearly define rules for dealing with issues that are "community type" or "regional" in nature. In the face of the emergence of complex and transnational challenges, ASEAN also needs to re-examine some of its norms. The avoidance of military alliance is one such norm. Since the end of the Cold war ASEAN member countries have de-emphasised defense capabilities revolving around armed insurgencies and separatist movements and focused on external security concerns instead. Therefore in the last decade or so, defense modernisations have been aimed at conventional military posture and force structures.[30],[31] Although the ASEAN countries

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[29] Keynote address by Prime Minister Abdullah Haji Ahmad Badawi. 8 August, 2004. Towards an ASEAN community. Shah Alam: National Colloquium on ASEAN.
[30] Da Cunha, (ed., 2000), "Southeast Asian Perspectives on Security", page 29.
[31] Fook (2005), "Transforming the Strategic Landscape of Southeast Asia", pages 388–405.

do not envisage going to war against each other,[32] defence cooperation is clearly a necessity, especially to prevent this process of force modernisation from becoming a source of instability. Similarly the ASEAN Charter should provide clear instructions on dealing with some of the other contentious "community type" issues such as the haze and environmental concerns, epidemics and transnational crime including terrorism.

MAINTAINING A FLEXIBLE, OPEN AND OUTWARD-LOOKING ASEAN

Flexibility is key to enabling ASEAN to withstand the stresses and strains of community building. Hence ASEAN may have to allow for different norms to evolve such as alternative decision making procedures and temporary allowance for "multi-speed" ASEAN. The Charter should also provide space for civil society to provide input to community building. This would not only send the message that the ASEAN governments are serious about making the ASEAN Community an irreversible certainty but it would also ensure a greater degree of acceptance at the societal level. Pooling of some degrees of sovereignty in ensuring follow-up or resolution of disputes may be necessary for ASEAN to achieve deep integration. The Charter should also provide room for a clear and transparent manner of settlement of disputes. It also goes to suggest that strict deadlines for community building must be avoided. In this sense the Charter should provide flexibility for the development of the final form of the ASEAN Community.

Other factors that also need to be addressed include strengthening the role of the ASEAN Secretariat to play a more independent role. The funding of ASEAN activities is also a very important issue. The present funding mechanism which largely depends on contributions from member countries and funding from dialogue partners for specific projects puts a limit on ASEAN's ability to play a greater role. ASEAN would have to devise new ways to raise funds to resolve this issue.

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[32] Conflicts and tensions between ASEAN member countries have not degenerated into war. Recent examples are the exchange of artillery fire by Myanmar and Thailand military forces in 2001 following the spillover of Myanmar's civil conflict over the Thai border, the 2003 conflict between Cambodia and Thailand over rumours of a slur by a Thai artist, the standoff between Malaysia and Indonesia over the territorial dispute over Ambalat in 2005, and the escalation of the Malaysia-Singapore water issue in 2003. In all these instances, the ASEAN countries concerned resorted to using bilateral diplomatic approaches to resolve their problems.

CONCLUSION

This study began by asking the question of whether ASEAN's decision to move towards becoming an ASEAN Community and the efforts to draft the ASEAN Charter represents a new beginning for ASEAN. As this study has argued, deeper integration in a real sense with some attributes of supra-nationalism is an imperative. Therefore the answer to the question would be a yes. A new ASEAN is in the making.

After almost four decades of incremental approach it appears that ASEAN has realised the limits of remaining as an association of nations. ASEAN has found it difficult, if not impossible, to protect and project its collective interests while remaining in its old form as a mere association of sovereign states.

From the economic angle, periodically suffering one economic downturn after another in roughly 10 year cycles had proved that attempts to limit economic cooperation to merely tariff reduction and trade liberalisation would only leave the ASEAN economies vulnerable. The region would remain exposed to external perturbations so long as the economies remain un-integrated. The fact that the ASEAN Economic Community is envisaged as an "AFTA-Plus and Customs Union Minus" entity reveals ASEAN's split interest in this issue as some ASEAN countries are anxious to move ahead with closer economic integration, while some others are still jealously defending their sovereignty. Whether this hybrid entity would work is anyone's guess. However it should not come as a surprise if a Customs Union eventually emerges as an outcome of ASEAN integration.

Similarly, from the socio-political angle too, ASEAN's experience shows that its present structure and working methods are increasingly becoming ineffective in dealing with emerging problems that require a "community type" response. There is also greater expectation on the part of the international community for ASEAN to stand up to international scrutiny over the behaviour of its members over issues such as good governance, human rights and democracy. ASEAN needs to evolve a new normative framework that re-interprets the notion of sovereignty and non-interference. Regulatory mechanisms may have to be devised. In any case, the evolution of such a new normative framework that is more tolerant of interference and introspection would require greater political cohesion.

Notes

Views expressed in this paper are the author's own and do not necessarily represent the views of the Government of Malaysia.

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Maritime Disputes and Cyber Warfare: Issues and Options for Malaysia

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ABSTRACT

Malaysia has a number of unresolved maritime and territorial disputes with its neighbours. Usually these disputes do not disturb the daily life of Malaysians. However, the extensive utilisation of information technology and the internet has produced a new security threat to Malaysia connected to such disputes—the cyber attack. The potential seriousness of such an attack was evident during Malaysia's recent dispute with Indonesia regarding the maritime boundary in the Sulawesi Sea when Indonesian citizens defaced Malaysian government websites. Clearly the internet can be used by citizens of disputant countries to attack Malaysia's information infrastructure and its citizens' daily activities. This is because Malaysia's economy and public services such as banking and finance, electricity, water and public transportation systems are heavily dependant on information infrastructure.

This article analyses the possibility that Malaysia may experience more cyber attacks in relation to its many unresolved maritime disputes. It then delineates three policy options for the government and their implications: do nothing, launch pre-emptive cyber attacks, and/or take action to prevent cyber attacks. Each of these options has advantages and disadvantages. It is likely that there will be more cyber attacks when maritime disputes create political tension. Malaysia should thus delineate policy options for dealing with them.

Keywords: Malaysia, maritime and territorial disputes, information infrastructure, cyber attacks, policy options.

INTRODUCTION

The advancement of information technology and an exponential growth in the use and size of the internet have produced a new security threat—the cyber attack. All countries that depend heavily on information infrastructure and computer networks to operate critical infrastructure, such as banking and finance, electric power, information and communications, oil and gas production, transportation, water supply, emergency services, and the continuity of government services, face this threat. To a nation-state, the potential impacts are serious, from aggravating ordinary citizens to undermining the sovereignty of the state, and from significant economic loss to human casualties. Indeed, dependence on information infrastructure has made it an element of a country's sovereignty and cyber attacks have become the weapon of choice to diminish this sovereignty.

Cyber warfare refers to operations that involve digital non-physical attacks on information, information systems, and information infrastructure in globally networked cyberspace by exploiting knowable holes in the systems' security structure.[1] The objectives of cyber attacks differ from one attacker to another but they fall into one of four categories: exploitation, deception, destruction, and disruption or denial of service. In *exploitation*, an attacker's main objective is to extract information or intelligence from the target or resources connected to the target, for example, trusted paths. In *deception*, an attacker allows the target to continue to operate but manipulates the information the target collects, generates, carries, or analyzes. In *destruction* the attacker renders the target inoperable by destroying either the target itself or the support systems it requires to function. Finally, *disruption* or *denial of service* is when an attacker does not destroy the target but puts it out of operation or makes it unreliable for some period of time, denying legitimate users service and access to information resources. These attacks have the effect of destroying data and disrupting operations.[2]

Malaysia's most significant sector at risk to cyber attack is its economy. According to the International Data Corporation (IDC), Malaysia's e-commerce has grown dramatically. Revenues of B2B (Business-to-Business) alone in 2005 were projected to reach RM14.8 billion (US$3.9 billion).[3] And the total e-commerce revenue in 2005 is expected to reach US$9.4 billion, a significant increase from US$384 million in the

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[1] See my master's thesis entitled "Malaysia's Civilian Information Warfare Defence Capability." Master's thesis, Department of Strategic and International Studies, University Malaya, 2004.
[2] *Center for Strategic and International Studies Task Force Report.* 1998. Cybercrime, cyberterrorism, cyberwarfare: Averting an electronic Waterloo. Washington D.C: CSIS, pages 9–11.
[3] Malaysia External Trade Development Corporation, *E-Commerce Updates*.
<http://www.matrade.gov.my/ecommerce/news-archive/ecom-7.htm> (accessed on 18 July 2005)

year 2000 (Nordin, 2002). E-commerce is fast becoming an important activity that generates major revenue for Malaysia. Besides e-commerce, online government services are another sector that Malaysia needs to protect. The government has invested billions to establish e-government applications such as the Project Monitoring System (PMS), the e-Procurement, the Generic Office Environment (GOE), the Human Resource Management Information System (HRMIS), the Electronic Labour Exchange System (ELX) and the E-Syariah. Therefore it is crucial for Malaysia to provide a conducive and safe electronic environment to encourage and ensure the continuity and growth of its many critical economic and security activities.

Recently, maritime disputes have become intertwined with the cyber sphere. High profile web sites in Malaysia, private and government, were hacked and defaced with political messages during the height of the diplomatic spat between Malaysia and Indonesia regarding the maritime boundary in the Sulawesi Sea (the 'Ambalat dispute'). Luckily, there was no report of disruption of financial transactions or the stock exchange, or of electricity and water supply. However the hacking incidents proved that cyber war has the potential to be a major concern. Given the many unresolved maritime boundary and territorial claims that involve Malaysia, there is a distinct possibility that Malaysia will face future cyber attacks in relation to these disputes. Therefore, it is crucial to understand the conditions that could lead to cyber attacks. This paper will assess the possibility that Malaysia may experience similar cyber attacks in the future. It will also delineate the options for Malaysia in addressing such issues as well as their advantages and disadvantages.

THE MALAYSIA-INDONESIA CYBER CONFLICT

Malaysia has learned lessons from the aforementioned cyber conflict that erupted in conjunction with its maritime boundary dispute with Indonesia in the Sulawesi Sea. The Malaysia/Indonesia dispute began in February 2005 when Petronas, Malaysia's national oil company, awarded a production-sharing contract to Royal Dutch/Shell and Petronas Carigali for oil exploration and production in two blocks in the Sulawesi Sea off the east coast of Malaysia's Sabah state. The oil concession blocks, which Malaysia calls ND6 and ND7, are situated partially in Indonesia's claimed area, which is referred to by Jakarta as Ambalat and East Ambalat. The award infuriated Indonesia because Jakarta claims that the Ambalat and East Ambalat Blocks to the east of Kalimantan have long been under the Republic's administration, and contracts for the development of the Ambalat Block and East Ambalat Block had already been awarded to the Italian oil company ENI and the US oil firm Unocal. Malaysia claims that the disputed areas are part of its territory based on the Territorial Waters and the Continental Shelf Boundaries of its 1979 Peta Baru. To uphold its sovereignty over the disputed area,

Jakarta sent seven warships and four F-16 fighter jets to the area, and Indonesian President Susilo Bambang Yudhoyono visited troops sent to the area. Malaysia, meanwhile, continued to patrol the area to protect its sovereignty and its perceived petroleum. According to Malaysia's military chief, General Zahidi Zainuddin, it is the duty of the military to ensure the safety and security of the oil exploration work being carried out by Petronas (Witular, 2005).

In the weeks of tension between the two countries, there were cyber attacks on websites in both countries. According to Indonesia's Computer Emergency Response Team, at least 36 Indonesian and 48 Malaysian websites were hacked and defaced. In Malaysia, the director of the National ICT Security and Emergency Response Centre (NISER) said on March 9 2005 that there had been an increase in such attacks since March 3, particularly on government-related websites. Among the hacked high-profile Malaysian websites were those of the Malaysian Communications and Multimedia Commission (MCMC) and Universiti Sains Malaysia (USM). Both were defaced with political messages on the Ambalat issue. At the height of the cyberwar in March 2005, both the Malaysian and Indonesian authorities ordered their computer administrators to seal loopholes and reinforce online security because they feared an attack on and disruption of computers that control critical infrastructure. The cyberwar between these two countries was probably waged by hacktivists, i.e., a convergence of hackers and activists where they act on their own without government support.

It is difficult to determine who launched the first strike, or even whether these were carried out by Indonesian or Malaysian citizens. There is also a possibility that a first attack could be provoked by a third party, playing the role of an *agent provocateur*. Nevertheless, the first attack prompts the other side to retaliate. The hacktivists attacked and hacked any websites that originated from Malaysia as long as they could breach the security perimeter and regardless of whether their action had any significant political impact on Malaysia. Their only objective was to unleash their anger towards Malaysia. That is why many websites that were not related or associated with the Malaysian government were also attacked. Lacking a coordinated and organised effort with unsophisticated attack tools and methods, the Indonesian hackers failed to damage websites that symbolise Malaysia's sovereignty, such as the Prime's Department or other government institutions such as the Foreign Ministry, the Armed Forces, the Finance Ministry or even the Petronas website.

MALAYSIA'S MARITIME DISPUTES AND THREATS OF CYBERWAR

There is a distinct possibility that Malaysia will face more cyber attacks in relation to maritime disputes. This is because of the many unresolved maritime boundaries between Malaysia and its neighbours in the South China Sea and the Sulawesi Sea and because of the cyber capabilities of some of the potential disputants. Disputes over maritime boundaries arose when Malaysia published its 1979 map. The map was strongly protested by Indonesia, the Phillipines, Vietnam, Thailand, Singapore and China. Some of the disputes were resolved through joint development initiatives like the Malaysia-Thailand JDA (Joint Development Area) and the Malaysia-Vietnam JDA in the South China Sea. But many disputes have been dormant without any significant progress or solution.

Apart from disputes over maritime boundaries, Malaysia is also involved in disputes regarding the ownership of islands. These unresolved maritime disputes can be the source of cyber conflicts especially since there exists some urgency to explore for and extract any petroleum resources from the seabed in the disputed areas. Among the disputant countries, China, Singapore, Indonesia and the Philippines have the potential to trigger cyber conflicts with Malaysia.

CHINA: MARITIME DISPUTE AND CYBER THREAT

The focus of the maritime dispute between Malaysia and China is the South China Sea and Malaysia's territorial continental shelf and Exclusive Economic Zone claims in the Spratlys Islands. China claims most of the South China Sea based on historical events. China is very serious in asserting its sovereignty over the Nansha Islands (Chinese name for the Spratlys) that are said to be rich in natural resources such as oil and natural gas. In 1976, China invaded and captured the Paracel Islands from Vietnam. China's aggressive action did not stop there. In 1988, a dispute over the sovereignty of the Spratlys Islands between China and Vietnam erupted into an unprecedented exchange of hostilities in which their navies clashed at Johnson Reef resulting in several Vietnamese boats sunk and over 70 Vietnamese sailors killed. Even though China's ambition in the South China Sea is now checked by the Declaration on the Conduct of Parties in the South China Sea initiated by Southeast Asian countries, it is still active in oil exploration there. Therefore, the possibility still exists that the dispute may resurface triggered by exploration for oil by Chinese companies in Malaysia's claimed area. Even though the threat of cyber attacks arising from maritime disputes is not imminent, the possibility for this happening does exist although the probability may be small. Thus, although Malaysia has never experienced a cyber attack from Chinese hacktivists, among all hacktivists in the region, they can be considered to be the biggest threat to Malaysia. Chinese hacktivists' prowess has been proven during

previous cyber exchanges between China and Taiwan in 1999, The United States in 2001 and Japan in 2005. Although the attacks were not a direct result of maritime disputes, the emphasis here is on the fact that the Chinese hacktivists were determined and able to unleash cyber attacks. Chinese hacktivists were able to execute sophisticated attacks on their opponents' computer systems that wrought devastating damage. Further, the attacks were coordinated, persistent and bold.

The hacktivists were well organised into groups such as the Honkers Union of China, the China Eagle, the Red Hacker Alliance and the Green Army Corps and these groups claimed to have tens of thousands of hackers as members. The Honkers Union of China, for example, was the earliest and largest hacker group in China and ranked number five in the world with as many as 80,000 members before it was dissolved in February 2005.[4] During the height of cyber war between Chinese and US hacktivists in 2001, the Chinese hacktivists were suspected of releasing the Code Red worm that infected about 360,000 servers and caused $1.2 billion dollars in damage to networks worldwide.[5] According to a computer expert, the worm was indigenously created by students from Foshan University in Guangdong and was released on 13 July 2001 as an act of retaliation against The United States.[6] The lion worm, which apparently originated in China, was also released during the cyber war.

The Chinese government may have even played an active role in the cyber attacks. Fred Cohen, a security researcher at the Sandia National Laboratories suggested that during the US-China cyber war, the Chinese government condoned, if not actively organised the Chinese cyber attack. This is because hacking is a capital offence in China and therefore approval from the government is needed for the hacktivists groups to carry out attacks. According to Cohen, the cyber war campaign was partly a demonstration by the Chinese government that China is capable of waging cyber war in a controlled fashion.[7]

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[4] *Xinhua Online*, "Largest hacker group in China dissolves," February 21, 2005.
<http://news.xinhuanet.com/english/2005-02/21/content_2599765.htm> (accessed on 8 June 2005)
[5] *USA Today*, "The cost of 'Code Red': $1.2 billion". August 1, 2001. <http://www.usatoday.com/tech/news/2001-08-01-code-red-costs.htm> (accesed on 17 May 2005)
[6] Robert Vamosi. August 1, 2001. Was the Code Red worm really a form of retaliation?. *ZDNet*. <http://reviews-zdnet.com.com/4520-6033_16-4206243.html> (accessed on 11 September 2005)
[7] Robert Lemos. April 30, 2001. Defacement rise in China hacker war. *CNET News.com*. <http://news.com.com/2100-1001-256732.html> (accessed on 15 June 2005)

The Ministry of Public Security was identified by computer experts as the perpetrator responsible for attacking and crashing foreign Falun Gong websites in several countries. In 1999, twenty Taiwanese government websites were attacked after the then Taiwanese President Lee Teng-hui announced that Taipei should deal with Beijing on a "state-to-state" basis. Taiwanese military analysts claimed the hackers were both Chinese civilians and People's Liberation Army specialists.[8]

With more than 100 million internet users[9] currently, China-watchers have warned that China's information warfare strategy resembles the Maoist notion of a People's War. Millions of citizens with PCs and internet connections can be used by the government as an 'army' to wage cyber attacks on opponent's information infrastructure. Further, this 'army' can be used by the Chinese government to provide defensive operations or prevent hacking attacks from foreign countries. The Chinese government is apparently preparing for cyberwar. According to Zhang Zhaozhong, Director of the Military and Equipment Teaching and Research Centre of the National Defense University, the Chinese Government is trying to recruit computer hackers as part of its information warfare operations. He said that the skills of Chinese hackers can be used to enhance China's information security levels.[10]

INDONESIA: MARITIME DISPUTE AND CYBER THREAT

In addition to Ambalat, Malaysia has unresolved boundaries with Indonesia north of Tanjung Datu and in the Malacca Strait. A potential conflict could also arise over the ownership of islands that border both countries; Rondo Island in Naggroe Aceh, and the Nipah and Sekatung Islands in Riau.[11] History shows that Malaysia's maritime disputes with Indonesia are always tense. At the height of the Sipadan and Ligitan Islands dispute, both countries' navies were sent to waters around the islands to defend their sovereignty and territorial integrity. Indonesia even made a number of military landings to demonstrate their military presence and to intimidate Malaysia (Tan, 2004). During the Sulawesi Sea dispute, Indonesia dispatched seven warships and F-16 fighter jets and even readied their Special Forces to be deployed to the area. Cyber conflict between Malaysia and Indonesia may thus happen in the future if these maritime disputes cannot be solved peacefully through negotiations. This is because the Indonesian military

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[8] Nina Hachigian. March/April 2001. China's cyber strategy: Dangerous liaison. *Foreign Affairs*.

[9] *Internet World Stats: Usage and Population Statistic*. China—Internet Usage Stats and Telecommunications Market Report. <http://www.internetworldstats.com/asia/cn.htm> (accessed on 26 September 2005)

[10] Jonathan Napack. March 2001. Cyberthreats rising in the East. In *Wired Magazine*.

[11] Agus Supriyanto. N.d. Potential for lawsuits over a dozen outer islands. *Tempo Interactive*. <http://www.mima.gov.my/mima/htmls/mimarc/news/newsflash_files/news-cut/apr05.htm> (accessed on 8 October 2005)

and political elites will likely make provocative statements which will then be publicised by local media that could arouse citizen's emotions. Moreover, the Indonesian government has difficulty controlling cyber warfare because many segments of the population insist on total freedom of speech after the resignation of Suharto.

Even though Indonesia's internet penetration rate is low, at only about 7 per cent of its total population or 15,300,000 users[12] with only about 739,571 subscribers,[13] the threat of cyber attack from Indonesian hacktivists is still significant. The number of internet user in Indonesia is higher than in Malaysia, about 10.04 million.[14] And the number of hacktivist in Indonesia may well be higher than in Malaysia. Indonesian hacking of foreign websites is actually not new a phenomenon. In fact in 1999 there was government involvement in a highly-organised attack on computers in Ireland that hosted the East Timor virtual country domain in 1999. The Irish Internet Service Provider, Connect-Island, lodged a formal protest with the Indonesian Embassy in London after its system was forced to shut down as a result of 18 simultaneous automated attacks that appeared to originate in The United States, Japan, Canada, Australia and the Pacific Island of Nauru. The high-level attack was well planned and coordinated to bring down the servers that hosted the East Timorese Internet domain. A statement from Connect-Ireland said at the time that the Indonesian government was known to be extremely antagonistic towards the display on the internet of East Timor's virtual sovereignty. The hackers had been testing the servers' defences for nine months before launching the simultaneous attacks (Nuttal, 1999). An Indonesian Embassy spokeswoman denied the accusation, saying that it was impossible for the government to coordinate such attacks (Ingram, 1999).

Nevertheless, Indonesian based hackers were also said to be responsible for a number of attacks on South Korea, Australia, China, Taiwan and Japan computer systems especially after the Bali bombing in October 2002. The attacks, which escalated in October, cost Japan USD$20 million, Australia USD$67 million and Taiwan USD$23 million in damage. Malaysian based hackers were believed to have collaborated with the Indonesian hackers in launching the attacks.[15]

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[12] *Internet Usage and Population in Asia*. Indonesia, internet world stats.
<http://www.internetworldstats.com/stats3.htm#top> (accessed on 18 September 2005)
[13] i *PT Insan Komunikasi*. Internet subscribers in Indonesia.
<http://www.insan.co.id/internet-stats.html> (accessed on 13 November 2005)
[14] *Internet Usage and Population in Asia*. Indonesia, internet world stats.
<http://www.internetworldstats.com/stats3.htm#top> (accessed on 18 September 2005)
[15] *BBC News Online: World Edition*. November 7, 2005. Hack attacks on rise in Asia.
<http://news.bbc.co.uk/1/hi/technology/2415795.stm> (accessed on 11 June 2005)

THE PHILIPPINES: MARITIME DISPUTE AND CYBER THREAT

So far, there has not been any cyber conflict incident recorded between Malaysia and the Philippines. But the potential for this exists. The main issue that could trigger cyber conflict is the dispute over the state of Sabah. The Philippines has never dropped its claim to this resource-rich eastern-most state of Malaysia. Indeed, this persistent claim has troubled its relationship with Malaysia. The dispute involves strong nationalist sentiments on both sides. In 1977 the late President Marcos promised to drop the claim but failed to do so because of the opposition from the Philippine Congress. In 1987, President Aquino also tried to resolve the issue but the Congress once again became the stumbling block (Tan, 2004: 233). Even though some Philippine officials may wish to abandon the claim to Sabah, this cannot be said of the President, who will be unlikely to give up the claim (Aning, 2004). The Spratly Islands dispute is another issue that could potentially set off cyberwar between Malaysia and the Philippines.

The capability of Philippine hackers to unleash dangerous cyber attacks on Malaysia's infostructure is not known but some facts about illegal cyber activities in the Philippines give some idea. In 2000, one Onel de Guzman, a hacker, released a virus that was designed to obtain Windows passwords on the victims' computers. When activated by users, the virus destroyed files, replicated itself, accessed a program that searched for login names and passwords, and then mailed the information back to the author of the virus. The infamous "ILOVEYOU" virus devastated email programmes around the world and caused an estimated USD$7 to $10 billion worth of damage to corporations, governments and individual computers worldwide. The "Love Bug" spread around the world at a very fast pace and millions of users became its victims (Ressa, 2000). The virus forced computer systems around the world to shut down, including at the Pentagon and the British Parliament.

Hackers in the Philippines are also grouped together to form teams and hack various computer systems. One particular group, which called themselves Team Asian Pride, launched a series of attacks on several local websites including the websites of three Philippine senators, a government office, and a corporate website of a local internet service provider (ISP). The Team, which claimed to be composed of Filipino freelance security enthusiasts and which was based outside the Philippines, announced that they wanted to teach local ISPs a lesson in internet security. The Team hacked into servers and systems to test vulnerabilities.[16]

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[16] *Hack in the Box*. November 20, 2001. Hackers launch attacks to 'teach' RP a lesson. <http://www.hackinthebox.org/modules.php?op=modload&name=News&file=article&sid=4426> (accessed on 8 August 2005)

The Philippine government regards hackers in the country as a threat to national security and economy just as much as rebel separatists who have kidnapped foreign nationals and aid workers. In response to the arrest of three hackers that broke into the Philippine Long Distance Telephone computer systems, President Macapagal-Arroyo said that she would inform the (foreign) investors that they should now feel safe not only from kidnappers but also from computer hackers.[17] But the government's tone could change if disputes with Malaysia resurface and intensify. Realising their physical incapacity to intimidate Malaysia, the Philippines could resort to cyberwar as a cheap and effective means to pursue the dispute. Indeed, cyber attacks can be used by the Philippines as a force multiplier to strengthen its resistance against Malaysia's claim. The cyber conflict could be complicated for Malaysia if the Philippine government hires or uses hackers to create damage to Malaysia's infostructure.

SINGAPORE: MARITIME DISPUTE AND CYBER THREAT

Though the land reclamation dispute in the narrow Johor Strait has been resolved through an agreement signed by both countries,[18] the dispute over the ownership of a rocky island in the South China Sea has not yet been resolved. The island, known as Pulau Batu Puteh in Malaysia or Pedra Branca in Singapore, is a point of contention between the two countries. Indeed, at one time the bickering over the ownership of the island was so tense that *The Economist Foreign Report* said that both countries had put their armed forces on alert over the issue.[19] Both countries, however, have agreed to settle the dispute amicably through the judgment of the International Court of Justice (ICJ). In February 2004, both Malaysia and Singapore signed an accord to allow the ICJ to arbitrate the dispute. The threat of Malaysia-Singapore cyberwar as a result of maritime disputes now seems low as the relationship between the current Malaysian leadership under Abdullah Badawi and Singapore's premiership Lee Hsien Loong is good. According to Malaysia's High Commissioner to Singapore, Abdullah is sincere in wanting a good relationship between the countries and is thus determined to solve the bilateral issues that have been hampering better relations.[20]

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[17] Lawrence M. Walsh. Philippines now "safe" from hackers. In *Information Security*.
<http://infosecuritymag.techtarget.com/2002/oct/otls.shtml> (accessed on 10 August 2005)
[18] *China Daily*. April 26, 2005. Singapore, Malaysia end sea dredging dispute.
<http://www.chinadaily.com.cn/english/doc/2005-04/26/content_437666.htm> (accessed 13 October 2005)
[19] *The Economist Foreign Report*. September 24, 1991. Malaysia's row with Singapore, page 6.
[20] *Bernama*, "Masa Terbaik Bagi Isu Singapura-Malaysia Diselesai," December 7, 2005.
<http://cyberita.asia1.com.sg/luarnegara/story/0,3617,65331,00.html> (accessed on 25 December 2005)

Among the ASEAN countries, Singapore has the highest internet penetration level which is 68.3 per cent of the population or 2,421,800 internet users. Despite its stringent internet law, Singapore is, however, a breeding ground for hacking activity. Hacking attacks in the Asia Pacific region that originate from Singapore are the highest among Southeast Asian countries and just behind Northeast Asian countries (China, Hong Kong, Taiwan) and The United States. The information security services provider e-Cop.net, gathers attack statistics and has announced that, for the first six months of 2003, out of 76 million cyber attack incidents in the Asia Pacific, Singapore-based hackers were responsible for 9 per cent. This is huge in this small population of 4.3 million. Northeast Asia accounted for 26 per cent of activity and America accounted for 25 per cent. In all of 2002, hacking activities that originated from Singapore stood at 12.5 per cent.[21] Only two people were arrested in the first half of 2003 by the Singapore police under the Computer Misuse Act despite 24 cases of hacking attacks reported to the authorities.[22]

Singapore is thus increasingly concerned about cyber security. It is a highly wired city-state where eight in ten households own personal computers. The country has very severe penalties for computer-related offenses. Hackers can be jailed for up to three years or fined up to 10,000 Singapore dollars under Singapore's Computer Misuse Act. However, the Singapore government is more concerned with attacks on computers in the Republic. That is why millions of hacking attacks on computers in the Asia Pacific region that originated from Singapore went unpunished.

The Singapore government is very protective of its computer networks and information systems that control and facilitate critical infrastructure of the country. The government has even acknowledged that the dependence on computer networks is so profound that cyber attack could severely disrupt the economy and threaten its national security.[23] To alleviate the threat, the Singapore government announced in 2005 the establishment of the Infocomm Security Masterplan. The objective of the Masterplan is to provide a secure information communication environment for

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[21] Amit Roy Choudhury. August 2, 2003. Singapore a hotbed of hacking activity. In *Business Times (Asia)*, August 2, 2003.

[22] Second Reading Speech for the Computer Misuse (Amendment) Bill—Speech by Associate Professor Ho Peng Kee, Senior Minister of State for Law and Home Affairs. 10 November, 2003.
<http://www2.mha.gov.sg/mha/detailed.jsp?artid=910&type=4&root=0&parent=0&cat=0&mode=arc> (accessed on 24 October 2005)

[23] Opening Address by Singapore's Deputy Prime Minister Tony Tan at the Infocomm Security Seminar. 22 February, 2005.
<http://www.ida.gov.sg/idaweb/media/infopage.jsp?infopagecategory=general.speeches:media&versionid=1 &infopageid=I3277> (accessed on 4 September 2005)

government, businesses and individuals, and to defend Singapore's critical infrastructure from cyber attacks.[24] The Masterplan outlines six strategies to protect Singapore's infocom environment; to secure the people, the private sector, the public sectors, strategies to develop national capabilities, enhance security technology research and development, and improve the resilience of critical infocom infrastructure.[25] Under this Masterplan, a National Cyber-threat Monitoring Centre will be set up to maintain round-the-clock vigilance and analyse the threat information infrastructure to defend against cyber attacks.

Since the security of the information infrastructure is crucial to Singapore, the government is highly likely to interfere and suppress any cyber threat if there is an exchange of cyber attacks that involves Singaporean hacktivists and a foreign country's hacktivists. The government would definitely not risk exposing Singapore's information infrastructure to disruption by a hacktivist attack even if the attacks are only directed at the hacktivists' computers. If Malaysian hacktivists are involved in cyber conflict with Singaporean hacktivists, there is thus a possibility that the Singapore government will 'combat' or 'take action' against Malaysian hacktivists to prevent any spillover effect of cyber attack on the country's information highway.

OPTIONS FOR MALAYSIA

There is a distinct possibility that Malaysia's information infrastructure will experience cyber attacks in future as there are still many unresolved and politically sensitive maritime disputes between Malaysia and its neighbours. Maritime disputes are singled out here because the maritime realm is the final frontier for Malaysia and its neighbours. Acquiring a bigger maritime space means that the country's territory is larger and the country has the right to exploit the resources under the sea bed and in the water column. Therefore, maritime boundaries are a frequent point of contention as every country including Malaysia wants to enlarge its maritime boundary. In addressing the issue, there are several policy options that can be taken by the Malaysian government. In the first policy option, the government takes no proactive measures to prevent such attacks. The argument here is that Malaysia has never experienced a cyber attack that has compromised its economic or national security. Even at the height of the Indonesian cyber attacks, there was no disruption of financial

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[24] *Infocomm Development Authority of Singapore (IDA).* February 22, 2005. Singapore gears up for cyber security. <http://www.ida.gov.sg/idaweb/media/infopage.jsp?infopagecategory=infocommsecurity.mr:media&versioni d=3&infopageid=I3280
[25] Ibid.

transactions or stock exchange activities. No human casualties were recorded as the direct or indirect result of the attacks. The only real damage the attackers accomplished was the defacement of websites. This does not justify the need for government allocation of a great amount of money and resources to beef up cyber security. Furthermore, it is difficult to completely defend the complex information infrastructure from cyber attacks. There will always be loopholes the attackers can exploit to disrupt the information infrastructure. Moreover, the current information security level is adequate to protect the information infrastructure from massive damage. Therefore, there is no demonstrable reason why the government should take further action to address this issue.

The second policy option is to launch cyber attacks on suspected hacktivists *before* they attack the country's information infrastructure. This pre-emptive strike would disrupt or destroy the potential attackers' computer systems thus reducing 'incoming' attacks as their ability is crippled. It is possible that a planned cyber attack can be identified, through cybernetic and human intelligence, *before* it is launched by the enemy. However, it is not the scope of this paper to go into the technical details related to this. Suffice it to say that pre-empting a cyber attack will signal to the potential attackers that Malaysia is well prepared to defend its cyber sovereignty and can severely punish the attackers in the process. Furthermore, it must demonstrate that the government's decision regarding a maritime dispute will not be affected by cyber attacks.

Nonetheless, this option has more disadvantages than advantages. Before pre-empting a cyberwar, the government must erect sturdy security measures to defend the information infrastructure and critical computer systems from inevitable massive counter attacks. Enhancing cyber security involves considerable cost and other resources. Moreover, a counter attack might still cause severe disruption to Malaysia's economic activities and other critical operations that depend on information infrastructure. A pre-emptive attack would also jeopardise Malaysia's bilateral relationship with countries whose citizens it attacks. If the attacked country considers Malaysia's pre-emptive attack an act of war, the situation could get out of control. Retaliation would probably not only be in the form of cyber attack but also physical attack.

The third policy option is to be proactive to prevent cyberwar from happening. Maritime disputes should be solved through negotiations between senior officers or ministers without the knowledge of the media or with minimum media coverage. There was excessive media coverage on the Indonesian side during the dispute with Malaysia. The Malaysian government should impress upon the Indonesian government not to 'leak' information on their negotiations to the media. Furthermore, the Malaysian

government should request that the Indonesian government 'control' its own media so as not to make detailed coverage of their disputes. The Malaysia-Indonesia bilateral relationship was tense partly because of provocative media statements. Excessive media coverage on the negotiations could pressure both parties and the situation could be used by opportunists to manipulate it for their own objectives. The current negotiations conducted by Malaysian and Indonesian senior officers and ministers over the Sulawesi Sea dispute is a good example for how tensions can be reduced and the risk of cyber warfare minimised.

There will be situations, however, when a neighbouring country starts to restate or revive its claims. In such situations, the Malaysian government should formally request the country not to hype the dispute in the media, and appeal to the country's citizens to restrain demonstrations. Widespread demonstrations can trigger cyber attacks. The government should also initiate immediate negotiations between senior officers and/or ministers before the situation becomes out of control. The National Security Division should issue warnings to the computer administrators of all sectors of possible cyber attack while at the same time increase its cyber intelligence activities to detect 'abnormal' internet traffic and activities that can indicate hackers' preparations to launch attacks. The warning should be in the form of a directive to computer administrators to be on high alert and monitor consistently any sign of intrusion into their systems. The government should also restrain local politicians from making provocative statements and 'advise' the media not to publish controversial views. Provocative statements can cause general outrage among citizens who may then follow their own course of action such as organising demonstrations and launching cyber attacks.

If the Malaysian government decides to revive a claim which could create tension between Malaysia and the other claimants, the government should carefully coordinate the action between the Ministry of Foreign Affairs and the National Security Division. Before the Ministry of Foreign Affairs officially announces the revised claim the National Security Division should issue a warning of possible cyber attacks and enhance computer systems security especially for those that operate critical infrastructure. Cyber intelligence activities should be enhanced to monitor any offensive preparations by other claimants. The government should also increase its restoration capability to make sure that the national information infrastructure does not collapse and can be repaired and restored immediately if the country comes under cyber attacks. Once the Ministry of Foreign Affairs officially announces the claim, local politicians and the media should downplay the situation in order to create the perception that Malaysia is not an aggressor that always pursues its interest without taking into consideration other countries' sovereignty. The government then should

immediately initiate negotiations between senior officers and/or ministers of other claimant countries and try to 'cool' down the situation to avoid cyber attacks.

Based on the advantages and disadvantages of the three options available, the best option that can be adopted by the government is the last. By implementing this option, the government could reduce the exposure of the country's information infrastructure to cyber attacks. The best way to resolve any disputes is through negotiation, but at the same time the precursors to cyberwar, namely, provocative statements and widespread demonstrations, should be restrained. Following this option can maintain the friendly bilateral relationship between Malaysia and other claimant countries while resolving the dispute peacefully. Malaysia is already doing this; however, past damages have been incurred. The Malaysian government failed to subtly convince the Indonesian government not to let the Indonesian elites make provocative statements regarding the dispute and not to allow the Indonesian media to make excessive coverage over the issue. The lesson is that Malaysia should fast pursue or adopt this option in the event that another dispute resurfaces.

CONCLUSION

Over a decade ago, disputes between Malaysia and its neighbours over maritime territories and boundaries did not interfere with the country's daily activities. Citizens were not involved in state affairs and did not interfere in the disputes. When Malaysia published its Peta Baru in 1979, protests were made by governments in regional countries, but generally not by their citizens. And whatever small demonstrations were held against Malaysia's unilateral claims by citizens in neighbouring countries, they did not directly or indirectly disturb Malaysia's daily administration and economic activities.

Today the situation has changed. Ordinary citizens can interfere, pressure and try to influence the outcome of such government-to-government disputes through computer systems and the internet. Also, the utilisation of networked computerised systems in Malaysia in various critical infrastructure has made the country heavily dependant on computers for daily activities. Thus, the networked computerised system is Malaysia's Achilles' heel. In the case of the Sulawesi Sea dispute, there were massive computer hacking attacks by hacktivists trying to disrupt Malaysia's economic activities and denigrate its sovereignty. It was the first time Malaysia's information infrastructure was attacked as a direct consequence of a maritime dispute. But it will not be the last. In East Asia, there seems to be a trend for sensitive maritime disputes to be accompanied by cyber attacks. As Malaysia has many unresolved maritime disputes, it is believed that such attacks will occur again. Thus Malaysia has to prepare for the worst in confronting this threat and be proactive to prevent such attacks from happening.

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The New American Militarism: How Americans are Seduced by War

By Andrew J. Bacevich
Review by Shazatul Hafiza Azemi

The New American Militarism: How Americans are Seduced by War
Pages: 288 (hardcover)
ISBN: 0195173384

This latest offering by veteran writer Andrew J. Bacevich could not have come at a more appropriate time. As the world reels at how 'military-like' the United States has become, and how willing it is these days to throw its military might around, this book offers some insights into why America does the things it does. There is no doubt that the military complex itself is a multi-billion dollar industry. The arms race is less about ensuring peace and security than it is about capitalism—the race to market the latest in military technological advancement.

Within the academic world of international relations studies, Dr. Andrew J. Bacevich stands out as a man who has seen and done it all. A graduate of the prestigious West Point Academy, Bacevich served in the Vietnam War before obtaining his M.A. and Ph.D. from Princeton University in American History and American Diplomatic History, respectively. He is currently Professor of International Relations at Boston University. *The New American Militarism: How Americans are Seduced by War* is his 11th published book, two of which he co-edited. This is in addition to churning out more than 50 articles and opinion pieces, as well as a string of book reviews averaging five per year since 1989.

From the outset, Bacevich warns his readers that the "views expressed [in the book] cannot be detached from the author's personal background and outlook".[1] This is patently true. Bacevich's own experience as a military man shines through in most of his chapters, some of which expound in enthusiastic and almost-nostalgic detail military operations and the generals who played starring roles in those operations.

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[1] Andrew J. Bacevich (2005), *The New American Militarism*, Oxford: Oxford University Press. Preface.

The New American Militarism is not as off-putting as its title seems to suggest. This is no ordinary run-of-the-mill 'glory of combat' book. Instead, Bacevich interweaves the military aspect of the United States with both politics and sociology. He takes the time to introduce readers to the strategists behind each and every decision to send troops into war. Instead of focusing exclusively upon the vast American military, Bacevich attempts to provide an explanation of *why* the lure of the military is so great for the average American. He does this by tracing America's love-affair with all things military through the rise of the neoconservative movement before finally proclaiming that America's militaristic tendencies might well prove its own downfall.

The United States has not always had a particularly large military presence. Its military might has always been commensurate with the level of danger posed by threats to the country's security and well-being. At the end of World War II, for example, there were 8 million military men. By 1946, only 1.8 million were on active duty—a figure which was halved again in the following year. It was only with the Cold War that military personnel and spending began to increase in an upward trend.

The collapse of the Soviet Union, however, did not bring about a cut in defence spending, as was the pattern in the previous two World Wars. Instead, the Pentagon continued to receive more and more money from the federal budget every fiscal year. Most other military analysts would make the case that this failure to reduce spending was largely due to the generals ensuring that the military remained relevant in post-Cold War America. Bacevich, however, refuses to go down that particular route. He argues instead that it was the rise of neoconservative thinkers which fortified American military spending; thinkers such as Norman Podhoretz, William Kristol and Robert Kagan. Ronald Reagan's election as President only served to consolidate the stronghold that the 'neocons' had over American thinking.

Bacevich admits that, more and more, the United States has relied on the use of force in international relations. From Chapter One of the book, right up to the end, Bacevich maintains that America's entanglement with militarism could only come at a price. Madison's warning that armies require taxes and debts to sustain them,[2] America's increasing military interventions abroad,[3] the role of Protestant evangelicalism in promoting the just war tradition,[4] the Bush doctrine of preventive war[5] and the

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[2] Ibid., p. 7.
[3] Ibid., p. 19.
[4] Ibid., p. 123.
[5] Ibid., p. 147.

argument that America is only fuelling anti-Americanism abroad, in detriment to its own economic interests, are all covered by Bacevich in the book's eight chapters.

What makes this book different from those that have been written about America's military tendencies? Bacevich argues that, unlike the others, *The New American Militarism* does not heap blame on any particular president or group of presidential advisors; rather, it claims that militarism has "deep roots in the American past".[6] As such, political observers would do well to understand this Jacksonian school of thought[7] since it is not a fad which is likely to fade any time soon.

Interestingly enough, as a professional soldier, the author sees a decline in the number of civilian-soldiers. Children of wealth have better things to do with their life than to join the army, even though they believe in the honour of serving their country. This, as Bacevich bravely points out, has a lot to do with liberal America—if an individual has made a choice to turn away from military service, the individual should not be punished or made to pay in any way. Middle and wealthy Americans will cheer their troops on, but they have no overriding wish to *be* those troops.

One particularly disturbing notion put forth by Bacevich in this latest book is the idea of World War IV, first propagated by Norman Podhoretz in Commentary's "How to Win World IV". Bacevich first makes mention of World War IV in Chapter Seven ("Blood for Oil"), referring to the period 1980 to the present day. The problem with this is that the Cold War has been renamed World War III, while the September 11 attacks are relegated to a mere blip in the fabric of time.

However, in that very same chapter, Bacevich makes a good point by pointing out that oil is—and will continue to be—a primary consideration for America. This book points out the many similarities between Bush's 2006 State of the Union Address and Jimmy Carter's Crisis of Confidence speech delivered in 1979, the year before Carter lost the election to a more militarily-inclined Ronald Reagan. In fact, "as part of a larger campaign to bring the perpetrators of 9/11 to justice, Operation Iraqi Freedom made no sense at all and was probably counterproductive",[8] says Bacevich, summing up the reasoning behind President Bush's decision to go into Iraq.

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[6] Ibid., p.5.
[7] Walter Russell Mead (2002), *Special Providence: American Foreign Policy and How it Changed the World*. New York: Routledge.
[8] Bacevich, op. cit., p. 201.

In *American Empire,*[9] Bacevich argued that the Cold War ended not because the Americans had won, but because the Soviet Union itself had collapsed. This is reiterated in *The New American Militarism* after it gained ground in Joseph S. Nye's book *Soft Power,*[10] which contends that communism failed when the Soviets realised just how attractive American consumerism culture was.

The New American Militarism provides a good understanding of how military America came into being, and why it is here to stay. One of the best, and—to a certain degree—chilling chapters in this particular book occurs less than halfway through the book. Imaginatively titled "Left, Right, Left", Chapter Three looks at the power wielded by the 'neocons' on policy-making in Washington. If nothing else, this book is worth reading to get a glimpse into why Bush is adamant about keeping the boys in Iraq—nevermind the Weinberger or Powell doctrine about which Albright was so scathing.

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[9] Andrew J. Bacevich (2002), *American Empire: The Realities and Consequences of U.S. Diplomacy*. Massachusetts: Harvard University Press.
[10] Joseph S. Nye (2004), *Soft Power: The Means to Succeed in World Politics.*

The 21ˢᵗ Century Ambassador: Plenipotentiary to Chief Executive

By Kishan S. Rana
Review by Tengku Sirajuzzaman Tengku Mohd Ariffin

The 21ˢᵗ Century Ambassador: Plenipotentiary to Chief Executive
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Despite the 'glamorous world' of an ambassador plenipotentiary and extraordinary, there is a surprising dearth of books on the diplomatic system of any particular developing country. This shortage of written materials should not, however, be confused with the number of memoirs and personal experiences which litter the commercial bookshelves under the heading "International Relations". Of those, there are too numerous to mention, with envoys of developed countries leading the pack in publishing their own books. Among the Malaysian diplomatic service alone, there are at least five books worth reading, detailing the lives and times of particular figures in the Ministry of Foreign Affairs.

Whether by design or by accident, there are precious few manuals on what a diplomat should, and should not, do. Put simply, there are no mass-marketed "An Idiot's Guide to Diplomatic Life" or "How to Succeed as an Envoy" or "Success without Tears : Five Steps to Becoming an Ambassador". This is one of the reasons why Kishan S. Rana's *21ˢᵗ Century Ambassador: Plenipotentiary to Chief Executive* is a welcome addition to the field of diplomatic servitude.

Drawing from his own personal experiences in the Indian Foreign Ministry as well as comparisons made with the diplomatic services of other countries, Rana's book reads like a "How to" guide for ambassadors-to-be. The author also provides suggested directions for foreign ministries, fully comprehending that diplomacy as a living science has evolved and ministries would therefore need to adapt to remain relevant in today's fast-paced world.

In Chapter Two's *Ritual and Form*, Rana discusses the pros and cons of having a political appointee as an ambassador, pointing out that the United States is an exceptional case, with no less than 30 per cent of its ambassadors drawn from non-career diplomats. Other countries such as the United Kingdom and France have chosen to promote their diplomats to the exalted post rather than bring in public figures to fill the role. In some instances, this move from career diplomats to political appointees is entirely involuntary and the result of a major shake-up of the service itself. Japan, for example, "may have to accept a quota of envoys drawn from other ministries", following "foreign ministry reforms that were triggered by public scandal in 2001 over the misuse of special funds in the foreign ministry".[1]

Referring to the title of this particular book, Rana also points out that one major point of difference between an ambassador and a CEO of a company is that there can be no face-to-face handing over ceremony. Though diplomatic protocol does not expressly forbid such a practice, there cannot logically be two accredited ambassadors in the same country. Thus the departure of one has to necessarily precipitate the arrival of another. Because of this, the author judges the handing-over note as vital to the institutional memory of the embassy, and is the measure of the degree of ambassadors' professionalism.

The book itself is full of anecdotes and surprising facts. After all, how many diplomats today are even aware that the longest tour of duty of any envoy was a record-breaking 24 years, held by the Soviet Union's Anatoly Dobrynin, who was posted to Washington D.C. from 1962 to1986?

Addressing the current debate of generalists versus specialists within the foreign ministry in Chapter Three, Rana argues that since 9/11, multilateral diplomacy has been facing a downswing and that "interest among the rich [countries] in multilateral dialogue is low". Developing countries, Rana says, have been deceived into "viewing multilateral diplomacy as the most vital area of work of their foreign ministries", leading to an "overconcentration of talent".[2] The author's distaste for multilateralism is perhaps slanted towards his own experiences in the bilateral arena, and is especially evident in a previous book, *Bilateral Diplomacy*, published in 2002, where he proclaimed the renaissance of bilateral diplomacy. In the two years since *Bilateral Diplomacy*, Rana's view has most likely been fuelled and further reinforced by the unilateralist approach of the world's sole superpower.

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[1] Kishan S. Rana (2004), *The 21st Century Ambassador: Plenipotentiary to Chief Executive.* Malta: Diplo Foundation, p. 49.
[2] Ibid., p. 118.

Rana's view that the multilateral arena represents little more than a 'talk shop' is difficult to disagree with. Despite the intense negotiations and diplomatic wrangling that takes place at the multilateral level, it is often the case that once forged, these multilateral agreements are rarely adhered to, and even more rarely cast in stone. Negotiations go on for years on end without a concrete decision among the parties. The UNGA resolutions are a perfect case in point.

Rana concludes in Chapter Seven that "the era of the pure generalist, with no particular expertise of his own, is over…today's envoy is a hybrid, a kind of 'generalist-specialist', possessing broad-spectrum skills that cover most professional subjects, but also rooted in his individual base of language, regional and functional expertise".[3] With globalisation impacting strongly upon the world, the ambassador's role has changed from its traditional modus operandi. "Innovative thinking is a professional requirement for the ambassador, more than ever before", proclaims the author in this chapter, imaginatively titled 'Human Resources'. The 21st century ambassador, therefore, should master three sets of skills: "political diplomacy, economic diplomacy and media-image-public diplomacy".[4]

Rana's illuminating insight into the world of the diplomatic skills and the way forward for diplomats is not limited to serving ambassadors. Pages 186 to 189 of the book provide some illustrations as to what ambassadors might be qualified to do after retirement and the various options available to them.

The life of the envoy is invariably a lonely existence. Even surrounded by family and loved ones, the envoy will realise that he, and he alone, is responsible for 'doing the right thing' for the nation. He "quickly learns that he lives in a glass bowl".[5] Elmer Plischke (1979) once sagely remarked that the duty of the diplomat was to "cultivate friends, not intimates".[6] This is particularly true of most successful envoys.

The ambassador is the Ministry's 'man on the ground', and the person whose expertise on the host nation should guide the Ministry's decision. But sometimes this does not carry through in practice, and decision-makers are often influenced by others they perceive to be more astute on the situation. The Carter Administration learnt this lesson to its cost when it ignored its own ambassador's frantic warnings just before the 1979 overthrow of the Shah of Iran, finding itself caught unawares by unfolding events.

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[3] Ibid., p. 174.
[4] Ibid., p. 170.
[5] Ibid., p. 145.
[6] E. Plischke (1979), *Modern Diplomacy: The Art and the Artisans*. Washington, D.C.: American Enterprise Institute.

Practicalities of diplomatic life are also interspersed in this book, with the author touching on the role of the ambassador's spouse, and the roles different countries have designated for the spouse, as well as the remuneration packages accompanying those roles. Admittedly, Cuba has a much more integral problem, with a large number of husband and wife teams within its foreign service. Rana, however, refuses to be drawn into making a value judgement on the best practices of diplomatic life, and chooses—in this book at least—to describe 'what is', rather than 'what should be'. It is perhaps due to the author's own diligence in maintaining his impartiality that this book reads less like a serial condemnation of differing diplomatic practices and more like a manual of comparative standards.

The book in itself is presented in a sufficiently engaging manner to capture the attention of both the practitioner and the merely-curious reader. However, the book is not without its faults, though these are minor in comparison to the overall value it brings to its readers. On more than one occasion, Rana figures the membership of the United Nations to be 192 (it is actually 191), and in another, 'Anatoly Dobrynin' is mistakenly cited as 'Alexi Dobrynin'. These imperfections aside, Rana manages to cram a wealth of information and knowledge into 247 short yet riveting pages.

Speaking from the viewpoint of a career diplomat who was India's Ambassador to Algeria, Czechoslovakia and Germany; as well as High Commissioner to Kenya and Mauritius, Kishan is well poised to expound to others the intricacies involved in becoming a nation's premier envoy. This alone makes *The 21st Century Ambassador: Plenipotentiary to Chief Executive* worth reading.

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