NTS ALERT

NTS Alert no. AL13-03, July 2013

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Porous borders in a changing world: What does this mean for security in Southeast Asia?

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Forces such as globalisation and regional community-building have rendered territorial boundaries practically meaningless. As such, we need to imagine new ways of addressing porous borders and the challenges they pose to our security and development.
Credit: DuEn_1 / flickr.

Introduction

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The issue of borders, their porosity and the security challenges they create amid a rapidly changing regional and global strategic environment is indeed a serious one for Southeast Asia. The criticality of this issue was vividly illustrated by the Sabah crisis in March 2013.

The tensions in Sabah began when supporters of the Sultan of Sulu, known as the Royal Army of Sulu, sailed from Tawi-Tawi in the southern Philippines to the Malaysian state of Sabah in a bid to press the sultanate's claim to the territory. The resulting clashes between the group and Malaysian security forces led to deaths on both sides.

As is typically the case in the ASEAN region, the countries involved have long been aware of the territorial dispute but had preferred sweeping it under the rug. Embarking on dispute settlement could, the belief goes, derail efforts to strengthen cooperation, stability and progress in a region that aspires to be the driving force of regionalism in Southeast and East Asia, if not the broader Asia-Pacific region.

The crisis is, in my view, a failure both of defence and diplomacy, a stark reminder of the primacy of national considerations some 365 years after the establishment – through the Peace of Westphalia in 1648 – of the contemporary international system based on nation states, with their national territorial borders, national independence and sovereignty, and juridical equality.

A changed and changing world

The international system based on nation states is increasingly being challenged by cross-border issues that require action from more than a single, or even a few, nation states. Consider the various forms of transnational organised crime. Money laundering and illegal trafficking – of drugs, small arms and light weapons (SALWs), and natural persons, particularly women and children – have been identified as significant issues today. Think also of global warming and climate change, and the attendant horrific consequences. The impacts of natural disasters, human-induced environmental destruction, and complex disasters such as the Fukushima nuclear power plant crisis also have cross-border ramifications. Added to these are the challenges posed by cyberspace, an entirely new terrain for a world used to thinking and acting on the basis of fixed, identifiable geographic areas (and borders).

These challenges require no less than a global, inclusive approach. Yet we remain embedded in a physical and mental framework more relevant to the world of Westphalia, and before the great technological revolutions in transportation, communication and information that now define and shape our world. This must change.

New conceptual and analytical lenses will be needed as the world transitions from one defined by national borders to one increasingly shaped by globalisation, integration, regional community-building and other forces that render territorial boundaries practically meaningless. We need to imagine new ways of addressing porous borders and the challenges they pose to our security and development. It may be that stronger controls – through laws and law enforcement for example – would only drive cross-border human activities underground, and fuel the formation of criminal networks to facilitate such activities. For example, the highly effective Japanese, South Korean, Australian and US immigration controls have had the unintended consequence of causing human smuggling groups to flourish in the Asia-Pacific region.

Areas requiring priority attention

The Asia-Pacific region is bounded by oceans used for international navigation both for commercial and non-commercial purposes. As such, sea lines of communication (SLOCs) must be given priority – particularly from the Indian Ocean through the Strait of Malacca, the South China Sea (West Philippine Sea), the Taiwan Strait and on to the North Pacific. Another priority area must be the maritime areas surrounding territories such as the Senkaku Islands and the Kuriles that are the subject of competing claims by key states in the region.

Economic integration and community-building in ASEAN suggests the need to also look at what is meant by national borders. The borders between the 10 member countries have traditionally been very porous. The peoples have inter-married and can speak each other's languages or dialects. Importantly, they were moving through their natural economic, cultural and social habitats even before the age of European and US colonisation that created artificial borders and physically separated their progenies from each other.

A third priority area is cyberspace. This is a domain that defies 'borders' as understood in our contemporary world of nation states. Today, cyber-attacks are taking place in sensitive domains such as government data systems, banking systems, airline systems and the like. Cyberspace truly challenges our notions of security, defence, governance systems and borders. In this regard, we can truly ask if cyberspace can be governed on a global scale.

Regional mechanisms for border control management

The number of regional mechanisms for border control management in the Asia-Pacific is far too many to list here. Let me then mention some of those that have been set up in ASEAN and its immediate neighbourhood.

Within ASEAN are numerous mechanisms whose purposes include: (1) combating transnational organised crime, generally speaking, and also terrorism, especially after 9/11; (2) combating the abuse of narcotic drugs and realising a drug-free ASEAN; (3) promoting mutual legal assistance in criminal matters; (4) promoting immigration cooperation including combating illegal human trafficking; (5) planning for a single ASEAN visa (similar to the Schengen Area) in addition to the 2006 framework agreement on visa exemption; and (6) joint border patrols.

Other relevant mechanisms in the Asia-Pacific include the Pacific Islands Forum (PIF) through their members' Transnational Crime Units (TCUs); the South Asian Association for Regional Cooperation (SAARC), which negotiated the first anti-trafficking treaty in Asia; the Bali Process, which was set up in 2002 to combat smuggling, trafficking in persons, and related transnational crimes; and ASEAN Plus Three (which includes China, Japan and South Korea), which endorsed the 2004 ASEAN Declaration against Trafficking in Persons Particularly Women and Children and affirmed the UN Convention against Transnational Organized Crime as necessary to the development of interoperable legal systems to combat trafficking.

The Sabah crisis

Malaysia and the Philippines have at least a dozen agreements on border issues, including on anti-piracy, border patrol and border

crossing, and environmental protection. In spite of these agreements, and even though the two countries are original member countries of ASEAN, the crisis in Sabah flared up, causing the international embarrassment of the governments in both Manila and Kuala Lumpur, as well as of ASEAN itself.

The fiasco is a failure of border defence, the cause of which can be found in the following realities: (1) the movement of people between Sabah (a disputed territory claimed by Malaysia and the Philippines respectively) and its neighbouring islands (now part of the Philippines) pre-date the construction of their modern state systems and borders and the earlier era of European colonisation; and (2) the use of traditional means of crossing the waters separating present-day Sabah and Tawi-Tawi often sails below the radar screens of the two countries' security forces.

The territorial dispute was allegedly recognised by both Indonesia (under Soekarno) and Malaysia (under Tunku Abdul Rahman) shortly after the Sultanate of Sulu gave the Philippine government the right to claim Sabah on its behalf in the early 1960s, but there was little effort to pursue the matter. The present crisis could thus be seen also as a failure of diplomacy. Many more Filipinos are now aware of the issue (where in the past only a few in the foreign and defence communities had known of it) and this could just make it more difficult to achieve a sustainable resolution.

Border control and confidence-building

In an increasingly interconnected and globalised world, initiatives related to border control and confidence-building among state institutions responsible for security of borders can no longer exclude those that live along state boundaries. During natural disasters such as floods, the first responders are those at the grassroots or local community level. Also, people at that level are usually the ones with personal experience of the cross-border activities of state actors. Thus, if there are legitimate stakeholders in any discussion about borders at all, they are the peoples living and working at that level. Effective action relies on a truly inclusive process. How that is to be achieved, however, is a challenge for all stakeholders, including governments, intergovernmental organisations and the other usual actors recognised by the Westphalian system.

Incidentally, it is at the local community level that confidence and trust already exist. At the level of states, that remains to be built. States would do well to remember that more credible than any diplomatic rhetoric or image-building stunt is the consistency of actual behaviour with such rhetoric or publicity. Also important is the recognition that it takes a long time to develop trust among state actors – but very little to lose that precious commodity.

Contemporary geopolitics of the Asia Pacific: Strategic dilemmas

Two strategic dilemmas stand out in the present geopolitics of the Asia-Pacific. The first is the asymmetry in the defence and diplomatic capacity of different states to handle issues that arise out of the porous borders in this region. Since the state system will remain within the foreseeable future, capacity-building in the defence and diplomatic dimensions of the state's arsenal of foreign and security policy instruments is of utmost importance. In this regard, it is imperative for every state to acquire as accurate a reading of the strategic environment as it can muster. Such a reading can help states recalibrate their defence (and diplomatic) responses to the shift of power and influence from North America and Europe to Pacific Asia. A redefinition of a state's friends and opponents is a logical consequence of that.

The second dilemma is not new, but a characteristic outcome of the international system of nation states produced by the Peace of Westphalia. This is the persistence of a lack of trust among states, and such issues can be seen even among those belonging to the various mechanisms that form the regional security architecture – ASEAN, its dialogue relationships, ASEAN Plus Three, the Shanghai Cooperation Organisation (SCO), the PIF, the SAARC, the ASEAN Regional Forum (ARF), the East Asia Summit (EAS), among others.

In the final analysis, no matter how much we may wish for habits of cooperation, economic interdependence and self-inhibition among state actors to be formed and institutionalised, and for values and norms to be shifted, the nature of the international system of nation states is likely to continue to shape the defence and diplomacy options of state actors. The inherent primacy given by state actors to national considerations in foreign and security policy will persist. And that is why a creative redefinition of national sovereignty to reflect the shifts, transformation and never-ending changes in the world is of utmost importance in our time.