

Maritime Security Problems in Southeast Asia and Construction of an Isthmus Canal in the Malay Peninsula¹

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Abstract

Geographical, ecological conditions of Southeast Asia and traditional living style that was related to the maritime environments have provided pirates with suitable bases for their activity in these areas. The pirate activity in the waters of Southeast Asia is a phenomenon that has been and is still happening since at least the fifth century A.D. One area that has been especially noted for this is the Malacca Strait that connects the South China Sea to the Indian Ocean, where the maritime security has been menaced for a long period of time.

The waters of Southeast Asia, especially the Malacca Strait, are very important in terms of trade and logistics of resource transportation to not only ASEAN countries but also South Korea, China, Japan, US, Canada, Australia, New Zealand, etc. There have been many academic discussions about the importance of the Malacca Strait's maritime security to trade and logistics in East Asia. This study analyzes how maritime security has been affected by piracy and maritime terrorism in the waters of Southeast Asia and examines various countermeasures. In view of the maritime security weaknesses in the Malay Strait, it is necessary to pay special attention to the plan of constructing a canal in the isthmus of the Malay Peninsula, the so-called Kra canal, which has aroused attention and discussion among Thai scholars and the Thai government.

Keywords: Maritime Security Problems, Southeast Asia, Isthmus Canal Construction, Malay Peninsula

Introduction

Southeast Asia, situated between the Pacific Ocean and the Indian Ocean, as well as between Northeast Asia and Southwest Asia, was used as a gateway to enter the region of Northeast Asia by Indians, Middle East Asians, and Europeans. It has also been a stepping stone to connect Northeast Asia to Southwest Asia. Because of this favorable geopolitical location, many people from various regions and countries came to and went from Southeast Asia. This has led to an influx of cultures and goods into Southeast Asia since more than 2,000 years ago.

Southeast Asia has about 25,000 islands in Indonesian, Malaysian, and Philippine waters. This region has very complex coastlines in the Gulf of Thailand, Malacca Strait, Karimata Strait, Java Sea, Sulawesi Sea, Sulu Sea, Banda Sea etc.³ Along with the complex coastlines, many of the Southeast Asian islands are uninhabited. The coasts are covered with well developed tropical rain forests like mangroves, marshes, and

¹ This research is supported by Center for International Exchange & Cooperation on Shipping, Port and International Logistics founded by Ministry of Land, Transport and Maritime Affairs, Republic of Korea.

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³ Catherine Zara Raymond. "Piracy in the Waters of Southeast Asia." Kwa Chong Guan and John K. Skogan. eds. *Maritime Security in Southeast Asia*. Abingdon: Routledge. 2007. p. 65.

creeks that extend to the shorelines.⁴

These geographical, ecological conditions of Southeast Asia and the traditional living style that was related to the maritime environments have provided pirates with suitable bases for their activity in these areas. The pirate activity in the waters of Southeast Asia is a phenomenon that has been and is still happening since at least the fifth century A.D. One area that has been especially noted for this is the Malacca Strait that connects the South China Sea to the Indian Ocean, where the maritime security has been menaced for a long period of time.

The waters of Southeast Asia, especially the Malacca Strait, are very important in terms of trade and transportation of resources to not only ASEAN countries but also South Korea, China, Japan, US, Canada, Australia, New Zealand, etc. There have been many academic discussions about the importance of the Malacca Strait's maritime security to East Asian logistics. This study analyzes how maritime security has been affected by piracy and maritime terrorism in Southeast Asian waters and examines various countermeasures. In view of the maritime security problem in the Malay Strait, this study will pay special attention to the plan of constructing a canal in the isthmus of the Malay Peninsula, whereby analyzing discussions of Thai scholars and opinions of the Thai government about the construction of the Kra canal of the Malay Peninsula.

Pirate problems in Southeast Asia

In many parts of Southeast Asia, to be a pirate has been not only tolerated and encouraged but even considered an honorable profession in which the rulers sometimes took a hand. It has been a common phenomenon since a long time ago. According to Stamford Raffles, a British pioneer of Singapore in the early nineteenth century, in the Malay Peninsula's coastal area the idea prevailed that "piracy is an honorable job and a suitable business for young royalties and nobles."⁵ Since ancient times, there has been wide spread pirate activity in the waters of Southeast Asia, but in the middle of the nineteenth century the colonial governments began to keep control over it. Thus, pirate threats in the Malacca Strait, where the piracy was traditionally most active in Southeast Asia, almost disappeared by the early twentieth century because of the sweeping efforts of the British and Dutch colonial authorities. However, pirate activities in the waters of Southeast Asia began to increase again in the middle of the twentieth century when colonial rule ended. Pirate attack has steadily increased in Southeast Asia particularly since the 1980s. There are several reasons why piracy has taken place so often in Southeast Asia.

First, this area is a suitable place for pirate activities because most pirate attacks happen in gulfs, canals, and islands. Southeast Asia has ideal geographical features for pirate activity. The narrowest point of the Malacca Strait is only 3km wide. There are thousands of islands, uncountable villages, jungles, rugged coast line, hidden bays, and tributaries of rivers that make perfect shelters for pirates. It is easy for them to escape from government power by running from one country to another between Thailand, Malaysia, Singapore, Indonesia,

⁴ Stefan Eklöf. *Pirates in Paradise: A Modern History of Southeast Asia's Maritime Marauders*. Copenhagen: NIAS Press. 2006. p. 5.

⁵ Maehiro Husa-aki. "Seidai chūgokuni okeru kaizo mondaito ryūkyū – dōajia kaiikisi kenkyūno itsusiten." The Preparatory Committee for Establishing of the Kyusyu National Museum. eds. *Dōajia kai-ikini okeru kōryūno shosō – kaizo · hyōryū · mitsuboeki*. Fukuoka: Kyusyu University. 2005. p. 36.

and the Philippine seas.⁶

The second, more important, reason is an economic motive. Pirate activities have been a means by which people live for a long time in Southeast Asia. People, especially in areas where subsistence was hard to sustain, often have become pirates when they came upon hard times with chronic shortage of food. It is a well-known fact that the most important cause of the huge increase in pirate activities beginning in 1980s was the overall economic stagnation in Southeast Asia. Because of the second oil shock that began in 1979, oil prices started rising all over the world. Indonesia and Malaysia, oil producing countries in Southeast Asia, temporarily made a profit, but eventually several years of economic stagnation throughout the world affected these two countries, too. Furthermore, oil prices fell from 1982 to 1985, which affected heavily Indonesian and Malaysian economy. Moreover, Southeast Asian countries had a crisis of foreign exchange liquidity, as the exchange rate dramatically decreased.⁷ It seems to have been the effect of the economic stagnation after the crisis of foreign exchange in East Asia at the end of the 1990s that many pirate activities have taken place in the waters of Southeast Asia from the end of the 1990s to the early 2000s.⁸

The third reason for the rise in piracy has been the increase in commercial maritime transportation through Southeast Asian waters. 30,000 ships pass alone through the Malacca Strait every year, and it would be 80,000 ships if we include ships that pass through the Singapore Strait and the Indonesian seas. In addition to this, the increased price of freight could be more profitable to pirates. Maritime trade has doubled every decade since 1945, and the tonnage of vessels produced around the world has also doubled since 1990. In particular, high economic growth and the development of the export industry have enlarged commercial activities of Southeast Asian countries since the 1990s, which means that the potential targets for piracy have substantially increased.⁹

The fourth reason is related to legal and institutional problems. It is suggested that the reason why pirate activities have not been eradicated and still continue to occur is the insufficiency or even the absence of institutions or laws to punish the pirates. Principally the piracy has to be kept under control and punished by the domestic regulation of the country in which it takes place. However, the countries where pirate activities occur mostly have insufficient maritime security power for controlling pirates. Moreover, corruption amongst government officials, local armies and police men contribute to the difficulty in eradicating pirate activities in Southeast Asian countries like Indonesia.¹⁰

Other legal and institutional problem related to regulation of pirates is that ship owners can register their vessels freely. This free open registration is called ‘flags of convenience.’ Nowadays many ship owners throughout the world register their vessel with flags of convenience. The reason why they prefer registering their vessels not in their own country, but in a foreign one, that usually has weak governance and loose maritime

⁶ Chun Kwang Ho. “Contemporary Piracy in Southeast Asia and Somalia: An Analysis of Causes, Effects, and Current Counter-Piracy Approaches.” *Dongnam Asia Yeongu*, 21(2), 2011: pp. 307-308.

⁷ Bak Beon-sun. “Dongnama gyeongje-ui baljeon yoin-gwa teukseong.” Yun Jin-pyo ed. *Dongnam-a-ui gyeongje seongjang-gwa baljeon jeonryak*. Seoul: Oreum. 2004: 45-46.

⁸ Kari Huus. “Resurgence of Piracy Highlights Terror Risk: Southeast Asia Struggles to Protect Vulnerable Waterway.” <http://www.msnbc.msn.com/id/8487337> (14/08/2010); Yi Seo-Hang. “Haejeok munje-ui gukje jeongchi – somalia haejeok-ui gukjejeok yeonghyang-gwa dae-eung donghyang.” *Juyo Gukjemunje Bunseok*, 2009-10. Korea National Diplomatic Academy. 2009: 3-4.

⁹ Catherine Zara Raymond. op.cit. p. 71.

¹⁰ Xu Ke. *Dangdai dongnanya haidao yanjiu*. Xiamen: Xiamen University Press. 2009. p. 75.

regulation, is obvious. It is because they expect in this way to get more benefit from maritime activities without being controlled by judicial regulations of their own country. This method could also be used to hide ship owner's real identity so that they are able to involve themselves in more criminal activities. This is a great obstacle to getting rid of maritime crimes. Terrorist groups, pirates, or other criminal organizations could hide their nationality and identity in conducting criminal activities, if they register their ships with flags of convenience.¹¹

Maritime security problems of the Malacca Strait

There are three sailing routes in Southeast Asia that connect the Indian Ocean to the South China Sea. These are the Malacca Strait, the Sunda Strait, and the Lombok Strait. The most important one of these three marine routes is the Malacca Strait. The Malacca Strait, located between Sumatra, the Malay Peninsula, and Singapore, is 900km in length. It is the longest strait in the world but the shortest route connecting the Andaman Sea of the Indian Ocean to the South China Sea. Only 3km is the narrowest point of the Singapore Strait and the Philip Channel that connects the Malacca Strait with the South China Sea. This means that vessels would find it difficult to hide themselves from pirates and terrorist attacks.

The Malacca Strait is one of the busiest straits of all the major straits. A total of 70,718 vessels passed through the Malacca Strait in 2007, including 23,736 container ships, 14,931 oil carriers, 9,648 bulk carriers, and 8,467 cargo ships.¹² The number of ships using the Malacca Strait in a single year is twice that of the Suez Canal and almost three times that of the Panama Canal.¹³ The Malacca Strait, through which 25% of the world's yearly products and 50% of the world's crude petroleum passed in 2004, is the strategic point of marine logistics, thus called the "maritime energy silk road."¹⁴ Because Asian countries', especially Chinese, demand for energy steadily grows, oil demand in Asia will increase from about 15.1 million barrels a day in 2000 to about 33.6 million barrels a day in 2025. This additional supply of oil will also pass through the Malacca Strait.¹⁵

Everyday 10 million barrels of crude petroleum from the Persian Bay (Middle East) pass through the Malacca Strait towards China, Korea and Japan.¹⁶ Almost 80% of the petroleum imported by Japan pass through this strait. Ninety-nine percent of crude petroleum imported from the Middle East to Korea, and 35% of the cargo exported from Korea to the Middle East is being transported through these waters in Southeast Asia. The Malaysian Marine Transportation Bureau calculated that one third of the about 60,000 ships of more than 300 tons passing through the Malacca Strait, are ships carrying energy-related cargo like crude petroleum and natural gas. If the Malacca Strait becomes blocked due to terror, sea contamination, or other accidents, cargo ships will have to use the Sunda or Lombok Strait, making a detour of 1,500km, which could lead to the

¹¹ Gunnar Stølsvik. "Flags of Convenience as a Complicating Factor in Combating Crime at Sea." Kwa Chong Guan and John K. Skogan. eds. *Maritime Security in Southeast Asia*. Abingdon: Routledge. 2007. pp. 162-163.

¹² Rajesh B. Thapa et al. "Sea Navigation, Challenges and Potentials in South East Asia: An Assessment of Suitable Sites for a Shipping Canal in the South Thai Isthmus." *GeoJournal* 70, 2007. p. 163 table 1.

¹³ Sudha Ramachandran. "Divisions over Terror Threat in Malacca Straits." *Atimes* 16.6.2004. <http://www.atimes.com> (2004/06/18).

¹⁴ Hwang Jae-Hun. "Mallaka haehyeop haejeok sotang sanguk hapdongjakjeon gaesi." *Yeonhap News*, July 21, 2004; Michiro Kusanagi et al. "Potential Future Transportation Infrastructure in South East Asia." <http://www.gisdevelopment.net/application/utility/transport/ma05150pf.htm> (14/08/2010). pp. 1-4.

¹⁵ Arabinda Acharya. "Maritime Terrorist Threat in Southeast Asia." Kwa Chong Guan and John K. Skogan. eds. *Maritime Security in Southeast Asia*. Abingdon: Routledge. 2007. p. 82.

¹⁶ Sudha Ramachandran. op.cit.

increased transportation costs and other fees, eventually affecting the price of petroleum related products.¹⁷ It is not surprising then that the Malacca Strait with a comparatively narrow width and shallow water depth that allows pirates using fast boats to quickly appear and relieve ship owners of approximately 450 million U.S. dollars every year is being sometimes called a “devil-ridden seaway.”¹⁸

Between 1991 and June 2010, 1,755 pirate incidents took place in seven of the ten ASEAN countries, Indonesia, Malaysia, Myanmar, Philippines, Cambodia, Thailand, and Vietnam, with 537 pirate incidents occurring in high seas or in international straits including the Malacca Strait, the South China Sea, the waters of Hong Kong, Luzon, and Hainan. Among Southeast Asian countries it was Indonesia that recorded the most pirate incidents, and among high seas or in international straits it was the Malacca Strait that saw the most incidents.¹⁹

The number of pirate incidents occurring in Indonesian waters at its height was more than five times as great as that of other Southeast Asian countries during the period from 1991 to 2010, and the country with the second greatest number of pirate incidents was Malaysia.²⁰ This fact shows that the Malacca Strait running along both coastlines of Malaysia and Indonesia can be the key area of pirate problems, as is obvious from the number of pirate incidents occurring in the Malacca Strait and the Singapore Strait from 2000 to 2007 was overwhelmingly more than that in any other waters.²¹

Countermeasures for maritime security in the Malacca strait

1. International regimes for maritime security in Asia

<Table 1> Pirate incidents occurring in important areas of the world, 2003-2008²²

Countries/Areas	2003	2004	2005	2006	2007	2008
Indonesia	121	94	79	50	43	28
Malacca Strait	28	38	12	11	7	2
Within other territories	21	26	11	22	20	24
A subtotal of Southeast Asia	170	158	102	83	70	54
The Far East Asian area (including Vietnam)	19	15	20	5	10	11
A total of the Indian Ocean	87	32	36	53	30	23
A total of Africa	93	73	80	61	120	139
American areas	72	45	25	29	21	14
Other areas	4	6	13	8	12	2
Total	445	329	276	239	263	293

¹⁷ Kim Suk-Soo. “Dongnama haehyeop-ui haejeok-gwa haeyang tereorijeum mit haeyang anbohyeopryeok-eul wihan gukje gwan-gye.” *Dongseo Yeongu*, 20(1), 2008. pp. 35-36.

¹⁸ Hwang Jae-Hun. op.cit.; Song Ui-dal. “Mallaka haehyeop haesang tereo mak-ara.” *Joseon Ilbo*, July 21, 2004.

¹⁹ Han Yong-sup et al. *Mayak · Jojik beomjoe · Haejeok deung dongnama-ui chogukka-jeok wihyeop-e daehan jiyekjeok hyeopryeok bang-an*. Korea Institute for International Economic Policy. 2010: pp. 96-98.

²⁰ ICC-IMB. *Piracy and Armed Robbery against Ships Annual Report (1992-2009)*; ICC-IMB. *Piracy and Armed Robbery against Ships Report (for Period of January 1 – June 30, 2010)*.

²¹ Ibid.

²² Yi Seo-Hang. op.cit. Reedited.

Asia is traditionally vulnerable to pirate threats because of its geographical characteristics with narrow waterways and numerous small islands. According to the ‘Reports on Acts of Piracy and Armed Robbery Against Ships’ of the International Maritime Organization (IMO) published in 2006, Asia is the region where about 63% of the world’s pirate incidents have occurred.²³ The pirate incidents that have taken place in Southeast Asia, Northeast Asia, and in the Indian Ocean from 2003 to 2006 were on average 60% of pirate incidents in the world, as reported by the International Maritime Bureau (IMB) in 2008 and shown in <Table 1>. 39.5% of the world’s pirate incidents happened exclusively in the waters of Southeast Asia including Indonesian waters and the Malacca Strait.²⁴

Regulations and processes of maritime security are based on UNCLOS (United Nations Convention on the Law of the Sea) that was signed in 1982 and entered into force in 1994. This agreement prescribes the rights and duties of a state regarding the various uses of the oceans. It also sets out “the regime of maritime zones that establish the nature of state sovereignty and sovereign rights over ocean space resources.” In addition, UNCLOS provides “the principles and norms for navigational rights and freedoms, flag state responsibility, countering piracy, rights of visit, hot pursuit and regional cooperation, all of which are relevant to the maintenance of security and good order at sea.”²⁵

Many scholars regard UNCLOS as the codification of customary international laws to which every country, whether a member of UNCLOS or not, is tied. However, UNCLOS can’t be a total sum of the countermeasures against the large number of maritime crimes, because UNCLOS defines piracy merely as “any illegal acts of violence or detention, or any act of depredation” and limits the response to pirate attacks committed only on the high seas.²⁶ The UN and the IMO have orchestrated the so-called Rome Convention, which has established a judicial foundation for maritime crimes not included in UNCLOS’s definition of piracy. However, Indonesia, Malaysia, and the Philippines, which are badly influenced by maritime crimes, and some other countries that have much to do with maritime activity have not yet ratified and signed the convention. This is the weak point of the Rome Convention.²⁷ UNCLOS is actually an agreement reflecting “generalized global considerations rather than the peculiarities and requirement of particular regions of the world.” Each of Southeast Asian countries has a different point of view in regard to some key points of the law of the sea, and there is no clear unified regional standpoint among Southeast Asian countries to some key concepts and regulations of UNCLOS. Moreover, the USA and Thailand have yet to join UNCLOS.²⁸

As the war against piracy is progressing, cooperation has developed not only among Southeast Asian countries, but also between Southeast Asian countries and some non-regional big countries that use Southeast Asian waters. For example, Australia, China, India, Japan and the USA have provided Southeast Asian countries with diverse assistance programs in fighting the pirates. The USA and Japan have been most active in doing such assistance programs, which Southeast Asian countries on their part recently have begun to receive more positively than before. This is because they seem to have become aware that the pirate problem is not only

²³ Oh Tae-Kon. “Gukjebeopsang haejeok gae-nyeom-ui sinjeon-gae.” *Gukjebeop Hakhoe Nonchong*, 52(3), 2007. p. 150.

²⁴ Yi Seo-Hang. *op.cit.* p. 3.

²⁵ Sam Bateman. “Building Good Order at Sea in Southeast Asia: The Promise of International Regimes.” Kwa Chong Guan and John K. Skogan. eds. *Maritime Security in Southeast Asia*. Abingdon: Routledge. 2007. pp. 99-100.

²⁶ Catherine Zara Raymond. *op.cit.* p. 64.

²⁷ Oh Tae-Kon. *op.cit.* pp. 162-165.

²⁸ Sam Bateman. *op.cit.* pp. 100-101.

a domestic or regional issue but one related to the whole of Southeast Asia and the rest of the world.

Japan, in particular, that perceives the Malacca Strait as an important route for its marine transportation, has been actively engaging itself in helping to solve the piracy problem in Asia. The Japanese measures for the piracy problem can be simply defined as multinational maritime security and safety regime with a strong executive power. The Japanese Prime Minister Junichiro Koizumi, for the first time in Asia, suggested ReCAAP (Regional Cooperation on Combating Piracy and Armed Robbery against Ships in Asia) at the ASEAN+3 meeting in November 2001. ReCAAP was adopted in Tokyo and concluded in November 2004. The countries that joined ReCAAP were the ten ASEAN states, South Korea, Japan, China, India, Sri Lanka, and Bangladesh.²⁹ ReCAAP is based on international cooperation to prevent and repress pirate actions and armed robberies committed to ships in the ocean. It aims to exchange information quickly and efficiently and provide for the establishment and operation of a systematic and organized intelligence network for the purpose of exchanging necessary informations. The intelligence network consists of an ISC (Information Sharing Center) and an exclusive liaison office established and operated in each member state.³⁰

One of the biggest problems with ReCAAP is that Malaysia and Indonesia, two Southeast Asian countries which actually have much to be concerned about the maritime security, have not yet become full member of the agreement. These two Southeast Asian countries are very sensitive to the regulations in ReCAAP that internationalize the management of waterways and thus could limit their sovereignty, as is shown by the statement of some high-ranking Indonesian officials made in 2006, “the reason why we don’t join ReCAAP is the fear that this organization could hamper our special national sovereignty in the Malacca Strait.”³¹

2. Southeast Asian cooperation for prevention of piracy

The efforts for the eradication of piracy are divided into the three parts: countermeasures of individual coastal state, cooperation among countries, and international organizations and agreements. Most pirates are considered armed robbers under international laws, so the relevant state in which the incident of piracy has taken place is responsible for countermeasures against it. Therefore, the primary responsibility for maritime security of the Malacca Strait is with Indonesia, Malaysia, and Singapore.³²

Indonesia, Malaysia, and Singapore have realized that security and stability of the Malacca Strait is an issue of high priority. However, they have not been ready to deal with transnational crimes like pirate attacks. Furthermore, there exist no cooperative bilateral or multinational relations among them to efficiently eradicate the piracy in the Malacca Strait and take precautions against it. The reason for this was, above all, that these countries which have not so much trusted each other were reluctant to allow another country’s ships in chase of pirates to cross border and advance into their territorial waters. In addition to this, it has not been easy to build cooperative relations between governments, because, for example, in Indonesia and Malaysia, there were government officials, army personnel, and policemen who were charged with maritime security, have, in collusion with pirates and maritime crime groups, aided them and even participated in the illegal activities.

²⁹ Carolin Liss. *Oceans of Crime: Maritime Piracy and Transnational Security in Southeast Asia and Bangladesh*. Singapore: Institute of Southeast Asian Studies. 2011. p. 294.

³⁰ Joshua Ho. “The Importance and Security of Regional Sea Lanes.” Kwa Chong Guan and John K. Skogan. eds. *Maritime Security in Southeast Asia*. Abingdon: Routledge. 2007. p. 31; O Gong-Gyun. “Asia jiyeok haejeok bangji hyeopryeok hyeopjeong-gwa haejeok toechi gukje gongjo cheje-ui baljeon banghyang.” *Haeyang Hanguk*, 2003.11. pp. 45-46.

³¹ Kim Suk-Soo. “Dongnama haejeok-i haeyang anbo-e michi-neun yeonghyang.” *Dongseo Yeongu*, 21(1), 2009. pp. 98-99.

³² Han Yong-sup et al. op.cit. p. 164.

Against this background, pirate attacks have continued to take place in the Malacca Strait and its surrounding waters. There happened 149 pirate incidents in the Malacca Strait and Indonesian waters alone in 2003, compared to a total of 455 or about 33.5% of the total in the whole world.³³

The entire international community, above all the USA, worried about the possibility that terrorists could blockade the Malacca Strait, one of the world's most important sea routes, hijacking and using heavy oil tankers or trade ships as "floating bomb" in the strait.³⁴ Various maritime and security organizations, including the IMB, Lloyd's List International, and Aegis Defense Services, have, especially after the 9/11 terror, repeatedly warned of a possible terror committed by radical Muslim groups like al-Qaeda, Jemaah Islamiyah, Abu Sayyaf group, which could, for example, hijack a chemical tanker, "ram it into a port or bottle neck and detonate it." Considering that two-thirds of the liquefied natural gas of the world and about ten large crude-carriers pass through the Malacca Strait daily, the anxiety above mentioned seems to have not been unfounded.³⁵ Because of this, the international community found it necessary for Malaysia, Singapore, and Indonesia to form a mutual aid system to deal with piracy in the Malacca Strait. Dominic Armstrong, director of Aegis Defense Services, a British authority on maritime issues, said in June 2004 that "if there's cooperation between the navies of Indonesia, Malaysia and Singapore, they can make the waters in the region too hostile for the pirates. Then piracy could not be a mask for terrorist activity."³⁶

As a response to the international community's demand, Malaysia, Singapore, and Indonesia finally launched a cooperative patrol system in July 2004, whereby their own judgment that security became more labile than ever in the Malacca Strait seems to have also played a role. This system is called "MALSINDO" which is a combination of the initial letters of each country's name. The navies of the three countries have begun regular patrols against terrorism, piracy, and smuggling in the Malacca Strait since the first joint operation on the 20th of July.³⁷ Since April 2006, the MALSINDO countries have reached a higher level of cooperation by allowing patrol boat chasing a pirate ship to pass through member country's territorial waters. With this move, they seem to have overcome the problem of infringement on territorial rights, which has been one of the biggest obstacles in enhancing maritime security in the area.³⁸

Ministers of national defense of Indonesia, Malaysia, Singapore, and Thailand which is connected to the Malacca Strait through the Gulf of Thailand, met in Kuala Lumpur in August 2005 and devised a cooperation plan to strengthen the security of the strait. The agreement reached at this conference was to conduct joint air patrols in the area of the Malacca Strait, with Thailand participating as an observer. The aerial patrol plan, called 'Eyes in the Sky Plan', allowed each of the four countries to use two aircrafts that could patrol the territorial waters of the other countries within three nautical miles from the coast. They also agreed to form a 'Combined Maritime Patrol Team' which consisted of personnel from all four countries and to conduct the air patrols twice a week.³⁹ The joint aerial patrols were expected to be a valuable supplement to the

³³ Yi Seo-Hang. op.cit. p. 3.

³⁴ Hwang Jae-Hun. op.cit.

³⁵ Anonym. "Maritime security a global concern." *The Nation* June 12, 2004.

³⁶ Felix Soh. "Piracy in S-E Asian Waters 'A Mask for Terrorism'." *The Straits Times Interactive*, June 28, 2004.

³⁷ Han Yong-sup et al. op.cit. p. 180; Hwang Jae-Hun. op.cit.

³⁸ Catherine Zara Raymond. op.cit. pp. 73-74.

³⁹ Kim Suk-Soo. "Dongnama haehyeop-ui haejeok-gwa haeyang tereorijeum mit haeyang anbohyeopryeok-eul wihan gukge gwan-gye." pp. 49-50.

MALSINDO patrols carried out by the navies of the three littoral states. One of the important advantages of the aerial patrols was that “they will be able to fly for up to three nautical miles inside the territorial waters of the participating states.” There was, however, a pessimistic view, which has criticized the air patrol plan as being merely ‘for show.’ It was estimated that the aerial patrols need to carry out seventy sorties per week “in order to effectively monitor the strait throughout the day and night.” However, it was only eight sorties in late 2005. There were also not sufficient sea-patrol vessels available, which could follow, investigate and interdict a suspect vessel sighted by aerial patrols.⁴⁰

Plan of building the Kra Isthmus canal in the Malay Peninsula

In the Malacca Strait, there are too much traffic of ships and threats of piracy. Environmental pollution could also happen by ship collisions causing the spilling of oil. Because of these problems of the Malacca Strait upon which the transportation of goods in Asia has been so highly depended, an alternative shipping lane has been sought out for an extended period of time. Some ideas that have appeared are, for example, Land Bridge project in the Malay Peninsula, Trans-Peninsula Pipeline project in Northern Malaysia, and the Kra Isthmus project in Southern Thailand.

The plan of Land Bridge is a project that would connect Khanom on the Malay Peninsula’s east coast with Krabi on the Malay Peninsula’s west coast using a highway, railway, and a pipeline. This plan was approved for construction by the Thai government in 1993, but after some environmental concerns were raised the construction has stopped completely. The project of building a pipeline across Northern Malaysia was suggested as an idea to reduce a significant number of oil tankers passing through the Malacca Strait and thus the transportation cost as well. It could provide a short-cut for oil shipment from the Middle East to East Asian countries. This project also aroused, however, some debates in regard to environmental, socio-economic, security and geo-political issues, particularly in Malaysia.⁴¹ This study will look into the Kra Isthmus project in Southern Thailand more in detail.

1. Historical background

The idea of construction of the canal across the Kra Isthmus has begun about three centuries ago since 1677⁴², when the Royal survey team from French reported to King Narai (r. 1656-1688) about the possibility of constructing the canal in order to make the shorter journey to Myanma and India, without passing the Strait of Malacca. But the project was not undertaken during that period because of the national security.⁴³ In the reign of King Rama I (r. 1782-1809), it was considered that the canal should be constructed as a passage for trooping to Myanma. Nevertheless, the project has not been considered again until 1858, when Great Britain has made the proposal to construct the Kra canal from Ranong to Lang Suan. It also sent surveyors to explore the Kra Isthmus in 1863.⁴⁴ Since then, the proposal for the construction has been brought up from time to time. After the democratic reform in the country, Pridi Banomyong, senior statesman and the former prime minister, has

⁴⁰ Catherine Zara Raymond. op.cit. pp. 73-74.

⁴¹ Rajesh B.Thapa et al. op.cit. p. 165.

⁴² Narit Sektira. “Chuab chon 325 pi khokhod kra ko yang mi panha.” *Matichon*, 25(8937), August 2002. p. 6.

⁴³ Manoot Watanakomen and Sanit Chornanan. “Kho thet ching lae khwam hen kiao kap kan khut kho khod kra.” White Paper No. 1, Part of Documents for House Standing Committees Public Policy Study Programme. Krung Thep: Social Science Association of Thailand. p. 68.

⁴⁴ Ibid. p. 1.

considered the Kra canal project as the national agenda in 1935. But the project was dropped again. After the Second World War, Thailand had to sign the treaty with Great Britain not to construct the Kra canal.

In 1973, the Tippets-Abbott-McCarthy Stratton (TAMS), Robert R. Nathan & Associates (RRNA) and Hudson Institute have proposed six locations of a possible canal route across the Malay Peninsula. However, the project has not been carried out because of the lack of fund and technology. After that, in 1988, according to the White Paper No. 1, Japan and the People's Republic of China were the countries which paid attention to the Kra canal project.⁴⁵ But the project has never been taken seriously by the government. The Kra Isthmus came up in the discussion again in the year of Tom Yam Gung Crisis (1996). Since then the canal was always seen from some academic groups as the best solution for the economic problems with which the country was faced. Many were dreaming of prosperity and of becoming a NIC through the Kra canal. Finally, in 2005, the House of Senators reached consensus on the canal construction. The project became a topic of conversation in the country for a while, but it has unfortunately disappeared from the mind of Thai people shortly after the coup d'état in Bangkok in 2007.

2. The construction of Kra canal: pros and cons

Like many other huge projects, the Kra canal project has been criticized in many aspects until today. The issue - to construct or not to construct - has been raised from time to time, approximately every 5-10 years. The discussions of pros and cons on the Kra canal construction focused generally around the following issues: economic returns, financing, social and environmental impacts, international politics, and national sovereignty and security.

1) Economic returns

Dr. Chianchuang Kalayanamitr (1999) has stated in his article "The Financial Feasibility for the Kra Canal and Free Trade Zone" that finance is one of the factors that is taken into consideration on whether the project will be successful or not. He compared this with the construction of railway in the reign of King Rama V, which helped to enhance economic progress. He pointed out that one has to focus on the simultaneous development of the Free Trade Zone on both sides of the canal banks. The Free Trade Zones can be established either by the Ministry of Finance or the Ministry of Industry or by the agencies of both ministries.⁴⁶ The activities of the Free Trade Zone can be categorized as followings:

- ▶ Heavy Industrial Sector
- ▶ Light & Medium Industrial Sector
- ▶ Aviation Industrial & Service Sector
- ▶ Commerce & Trade Sector

Most of the Free Trade Zones should have already been developed and sold or leased during the construction time. Kalayanamitr (2000) believed that the returns on the investments can be recovered within 20 years from the year the operation has begun. The summary of the investment returns is shown in <Table 2>. Kalayanamitr (2000) also gave the following conclusions to promote the idea of Kra canal construction:

⁴⁵ Ibid. p. 1.

⁴⁶ Chianchuang Kalayanamitr. "The Financial Feasibility for the Kra Canal and Free Trade Zone." *Proceedings for the Academic Conference "Kra Canal: Huge Benefit for Thailand and Worldwide" on 24th August 1999*. Krungthep: Royal Institute of Thailand. 2000. pp. 91-92.

1. The Kra canal and Free Trade Zone Project must be viewed as economical and social development project that will bring benefits to the population and economic prosperity to the country on a long term basis.
2. The huge employment opportunities will be available during the construction and development phases. When the Kra canal and the Free Trade Zone are fully developed, the number of direct and indirect employment will be around 5,000,000 vacancies.
3. New types of industries will establish their operations in the Free Trade Zone. Notable examples are the maritime industry, the aviation industry, offshore banking, insurance services, international exhibitions and permanent trade show-rooms services etc.
4. Cities like Songkhla, Hatyai or Satun will have good opportunities to emerge as regional centers for shipping, trade, commerce, aviation, financial and communications service centers.
5. The Kra canal will reduce the congested maritime traffic in the Malacca Strait and this will help to prevent maritime accidents. Moreover, maritime security is guaranteed for ships using the Kra canal rather than the pirate infested waters in the neighboring countries.

<Table 2> Summary of Investment Returns⁴⁷

Statement Item	Costs/Expenses in Million Baht	Income Earnings in Million Baht
Total Project Cost	810,000	Nil
Canal Maintenance/Pilotage (20 years costs)	62,495	Nil
Canal Transit Fees Collection (20 years income)	Nil	161,615
Canal Service Fees Collection (20 years income)	Nil	107,760
Free Trade Zone Land Plots Sale (20 years)	Nil	1,377,000
Total cost/income	873,495	1,646,375

Actually, the plan to develop the *Kra Canal Complex* is not quite brand-new. As noted in the White Book No.1 for 15 years ago, there are others industrial projects planned on the Kra canal such as regional feeding port and Asian Port (which can be compared with Europort in Rotterdam). These could change the peninsula in the southern part of Thailand to be the biggest and most important region for industry and communication.⁴⁸ Similarly, Somkij Anantamek has suggested developing a port at Kra canal as an Ocean Liner port. From the maritime point of view, this will help e.g. the tourism industry like cruise ships to find the new route.⁴⁹

It is interesting to remark that many Thais in California, USA, are so interested in the Kra Isthmus project that they have established the “Thai Canal Association” in 2006. Its main purpose is to give information

⁴⁷ Ibid. p. 105.

⁴⁸ Manoot Watanakomen and Sanit Chornanan. op.cit. pp. 46-48.

⁴⁹ Somkij Anantamek. “Mum mong anahot kan kha lae phanitchayanavi khong thai: ‘korani kan khut khlong kra’.” *Proceedings for the Academic Conference “Kra Canal: Huge Benefit for Thailand and Worldwide” on 24th August 1999.* Krung Thep: Royal Institute of Thailand. 2000: pp. 180-181.

to the people. The positive impacts of the construction of Kra canal are mostly mentioned in many articles and video clips (YouTube) on the Website www.thai-canal.com. People are invited to participate in comments on the Website and to show their agreement so that the project can be implemented with the approval of the blue majority. It is also remarkable that after the coup d'état in 2007 on the Government of Taksin Shinnawatra by the military group, one can't find any updated information about the latest movements again. At the present, there are only news of seminars or meetings about possible impacts on Thai canal construction, organized by Dr. Satapon Keovimol, advisor of the special committee for Studying Thai-Canal Project of the Senate.

2) Financing

The investment of the Kra canal project will be about 5-6 times higher than the budget of the Suvarnabhumi Airport. According to Satapon Keovimol, the government can issue 100,000 Million Baht bonds every year in order to invest in the canal. However, even though it can invest in the canal project alone, without foreign funds, the foreign cooperation seems also necessary. It is important that Thailand should not be the only investor, but it has to be the major shareholder in the project.⁵⁰ Keovimol believed in Thailand's engineering capability in constructing the canal. He mentioned some large projects like the sky train, the subway, the airport as good examples of the capability of the country in both engineering and technological aspects.⁵¹

However, to be able to survive a possible economic crisis, the Thai government needs to pursue profit making strategies. They must be aware of risks, which can occur before, during and after the construction of the Kra canal. Concerning the construction completion risks, seven following aspects have to be considered. They are:

- ▶ land expropriation,
- ▶ cost overruns,
- ▶ design, time & quality risk,
- ▶ cost & scope of unspecified work requested by grantor,
- ▶ sub-contractor/contractor/supplier default,
- ▶ concession company default and
- ▶ archaeological, environmental damage⁵²

For the financial risks of the project, three main problems must be considered: availability of foreign exchange, inflation risk and interest rate & exchange rate risk.⁵³ These are the risk factors, which are main obstacles for the construction of the Kra canal project.

3) Social and environmental impact

As to the research of TAMS, the Satun-Songkhla (Route 5A) is the most suitable site, for it will have less social and environmental impact than other sites. However, the construction of the Kra canal could cause

⁵⁰ Satapon Keovimol. "Thailand's Potential in the Investment and in Operating the Thai Canal Project." <http://www.thai-canal.com/PDF%20file/Thai%20Invest%20E.pdf> (10/11/2012). pp. 1-2.

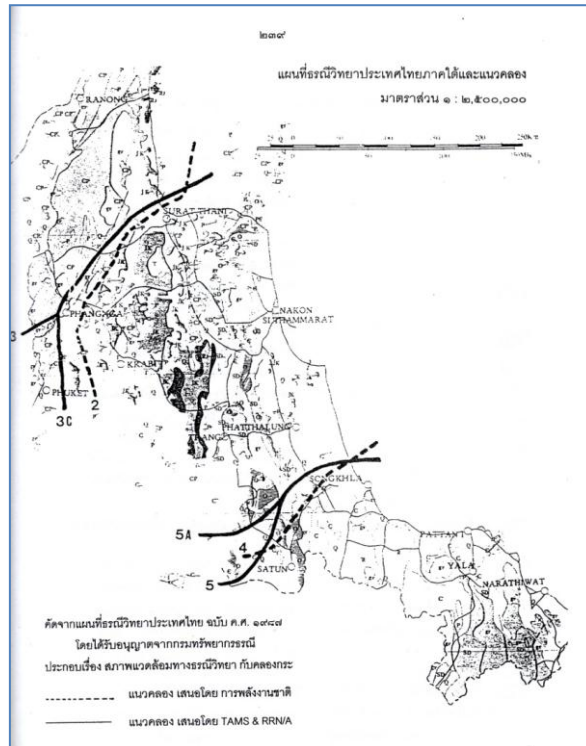
⁵¹ Ibid. p. 7.

⁵² Wichai Panpoka. "Contents of Project Structuring/ Financing of Ventures/ Acquisitions." *Proceedings for the Academic Conference "Kra Canal: Huge Benefit for Thailand and Worldwide" on 24th August 1999*. Bangkok: Royal Institute of Thailand. 2000. p. 71.

⁵³ Ibid. p. 72.

environmental impacts on the sea. The poisonous industrial chemical can kill fishes and cockles.⁵⁴ Moreover, the Kra canal as the new route for oil transportation can possibly cause oil spillage, which will be a major threat for the Kra canal in the future.⁵⁵

<Figure 1> Geological map showing the potential sites for the Kra canal⁵⁶



4) International politics

Considering the international politics, the Kra canal project will be profitable for the whole region, if it can be combined with other projects in neighboring countries.⁵⁷ Moreover, it will bring development to the peninsula and turn the area into commercial center, offshore financial center, export processing zone and center for development of national resources, which will be also profitable for other countries in the region.⁵⁸

More than that, the Kra canal as the new waterway will give more security for ships sailing from the South China Sea to the Indian Ocean and vice versa, because nowadays many countries, especially Japan, are still faced with the problem of sea piracies and robberies in the Malacca Strait, which seems to be unpredictable and dangerous at a high level. For example, in 1998 the ship from Japan named “Tenyu” has disappeared and Japan started to think of other routes such as the North Sea Route. In this case, the Kra isthmus will be one option for Japan in protecting the ships and reducing attacks of pirates and terrorists.⁵⁹

⁵⁴ Manoot Watanakomen and Sanit Chornanan. op.cit. p. 71.

⁵⁵ Wandee Santivutmethi. “Khrong kan khut khokhod kra fandi rue fanrai khong nak long thun.” *Sarakadee*, 16(183), 2000: p. 23.

⁵⁶ Kaset Pitakpraiwan. “Khleng kra kap saphap waet lom.” *Proceedings for the Academic Conference “Kra Canal: Huge Benefit for Thailand and Worldwide” on 24th August 1999*. Krung Thep: Royal Institute of Thailand. 2000: p. 239.

⁵⁷ Manoot Watanakomen and Sanit Chornanan. op.cit. pp. 72-73.

⁵⁸ Korntip Singhaseni. “Khwan kamkhan to phawa sethakit lae utsahakam.” *Proceedings for the Academic Conference “Kra Canal: Huge Benefit for Thailand and Worldwide” on 24th August 1999*. Krung Thep: Royal Institute of Thailand. 2000. p. 139.

⁵⁹ Somkij Anantamek. op.cit. p. 179.

Cons: Other countries in ASEAN, especially Malaysia, Indonesia and Singapore will be unsatisfied with the Kra canal, because it means economic loss for the Malacca Strait. The rivalry between the involved countries can develop to conflicts which could harm the cooperation among the ASEAN countries.⁶⁰

5) National sovereignty and security

The national sovereignty and security involves two main questions: Firstly, The sovereignty of Thailand according to the concession contract and secondly, the southern disputes in Pattani, Yala and Narathiwat. For the first question, there is a research of Rotjaporn Yuttasaree (2006), who analyzed the problems relating to the Kra isthmus canal project, especially the major problem in international and municipal law. The findings of her research are:

- ▶ The Kra canal has the legal status of inland internal water under the sovereignty of Thailand, so Thailand may impose any conditions or regulations for passage through the Kra canal as it deems expedient insofar as they are not incompatible with its commitments under international treaties and/or concession contract;
- ▶ Although under the concession contract, the transnational enterprise, which has been awarded the concession to construct the Kra canal, will be entitled to administer and exploit the canal, the Kra canal will still remain under the sovereignty of Thailand, the passage through the Canal will, therefore, be subject to the pertinent legislation, rules and regulations of Thailand.⁶¹

Answering the second question about the national security is not quite easy. Being agreed with Taksin Shinawatra on the government meeting on March 15, 2004 at Pattani, Keovimol suggested that the Thai canal will create the better life for the citizens in the three provinces and solve the problems with terrorists at the same time. As to his opinions, the benefits could be as the followings:

1. Population Increase: the population increase means development, which will turn the problematic and dangerous area into a new city with prosperity like international ports such as Busan of South Korea.
2. Adding Value to the area: Most of the areas in the three southern provinces are rubber tree forests, which the terrorists always use to be their hiding place. When the area is safe and ready for jobs, there will be a need for every level of labor. The area will be more valuable than using for Palm plantations or growing rubber trees.
3. Reduce the economical differences with neighboring countries: Creating the canal will drain power from terrorists and gangsters to cities, especially at the Malaysian-Thai border.
4. Ability to negotiate with neighboring countries which need to use the sea route.
5. The country's main income change from the agricultural/industrial sector to the business, trade and service sector (warehouses, construction and sea transportation).⁶²

Concluding Remarks

There have been discussions on countermeasures against the piracy in the Malacca Strait. International regimes for maritime security have, however, shown limitations. UNCLOS, for example, allows the chase and

⁶⁰ Manoot Watanakomen and Sanit Chornanan. op.cit.

⁶¹ Rotjaporn Yuttasaree. "Praden panha kiao kap khrong kan khut khlong khokhot kra." Thesis for the degree of Master of Laws. Krung Thep: Ramkhamhaeng University. 2006. pp. 6-7.

⁶² Satapon Keovimol. "Thai Canal to End Southern Disputes." <http://www.thai-canal.com/PDF%20file/southern%20problem%20E.pdf> (10/11/2012).

search of a ship to be carried out only on the high seas. In addition, it does not consider the individual aspects of maritime security interests of particular states or regions. ReCAAP, created by the Japanese initiatives, has another kind of problem that Indonesia and Malaysia, two littoral states of the Malacca Strait, have not joined the agreement as full member, because they saw their national security related to maritime interests in the Malacca Strait to be hampered.

Regional regime for maritime security, such as MALSINDO, has proved not effective enough with its present capacity and arrangement, even though it demonstrated a higher level of cooperation by allowing each other country's patrol ship chasing a pirate ship to pass through territorial waters. In the case of 'the Eyes in the Sky' plan, it has been pointed out that the air patrol plan be arranged only for form's sake, lacking in sufficient supply of patrol planes and ships. In addition to these limitations of various international or regional regimes for maritime security, the Malacca Strait itself, with too much traffic of ships, threats of piracy, and danger of environmental pollution by ship collision, has proved problematic.

The construction of an isthmus canal in the Malay Peninsula has been suggested as an alternative shipping lane. There are various aspects of this project which have been discussed in Thailand. The discussions have been generally focused around economic returns, financing, social and environmental impacts, international politics, and national sovereignty and security of Thailand. As to economic returns, most Thai scholars seem to have assessed the project positively. Concerning financing, some Thai scholars have been cautious about risks that could occur. As to environmental impacts, it seems that a more negative opinion has prevailed. In relation to the aspect of international politics, there is a positive as well as a negative point of view. The positive aspect is that more security for ships sailing from the South China Sea to the Indian Ocean and vice versa can be expected. The negative one is that the littoral states of the Malacca Strait might be dissatisfied with the project which could cause them a great financial loss. Finally, it has been supposed that the question of Thai national security will enhance, because the administrative control over provinces where the Kra canal was to be constructed will be more effective, thus minimizing the danger of terrorists in the southern region.

The Kra canal will have tremendous impacts both positively and negatively. There will be a large number of problems to scrutinize and resolve during the process of its construction. One thing that cannot be forgotten: The consensus from the House of Senators for the Thai Canal Project on the 24th of June 2005 still has its validity. That's why the subcommittee for economic development of the senators has invited the delegate of the Secretariat of the Cabinet in 2010 and asked about the progress of the project.

Nevertheless, the reason why the project has been neglected until now could be answered from the political perspective, too. Suravuthi Yaemsri (1993) has investigated the political dimension - among many factors - in particular. Although his research is not up-to-date, but it can be used to explain the situation of Kra canal, as the research focused on the process or behavioral aspects of the formation and formulation of a project in Thailand. In an interesting way, Yaemsri has studied the role and the behavior of six protagonists concerning Kra Isthmus Canal Project. They are the Thai government, parliament, bureaucracy, interested business groups, mass media and the general public.⁶³ Major findings in the research of Yaemsri are as following:

⁶³ Suravuthi Yaemsri. "Kan mueang lae kan kamnot nayobai khokhot kra." Thesis for the degree of Master of Arts (Political Science), Krung Thep: Ramkhaemhaeng University. 1993. pp. 7-8.

1. External factors appeared to have played the most important role in preventing the project proposal from becoming a public policy at whatever level, be it a national one or through regional or international efforts.
2. The project's formation and formulation were not derived from the real needs to cope with problems in Thai Society.
3. All advantages, supposedly resulting from the project, were at best expectant even wishful ones.
4. Thailand's political instability was one of the major obstacles to the formulation of the project.
5. Among the six protagonists, the parliament put in some efforts, but failed to carry through due to political situation. Investors gave some hard push, but could not go very far. The mass media and the public, despite some interests, did not get access to the in-depth information.
6. The Thai bureaucracy or civil service, whatever its weakness, did not work as a direct obstacle to the progress of the idea or proposal to the formation and formulation of the project. Its role was restricted to the scrutiny of data and gave their views to the government. The government, i.e. political leaders or power holders, were in the real position to decide whether to go ahead with the project or not. Thus, it appeared that the political aspect played a very significant role.⁶⁴

Actually, the capacity of Kra canal has a limited time and requires all the reliable information to make a better and more careful decision. Rojanapradit (2002) analyzed the capability of "Border Towns; Urban Development Project" or "The Real Land Bridge" which will be able to turn Laem Chabang Port into Gateway of Asia, instead Gateway of Indo-China only. He also mentioned the Kra canal and saw it as a very important agenda of the country which needed to be considered thoroughly. The detailed feasibility studies have to be done from the Thai Government, not only from the foreign investor groups or the studies must be examined before approved as a reliable information source. Otherwise, the Kra canal will never be realized and remain in imagination alone.⁶⁵

Finally, a further alternative transportation route connecting the South China Sea and the Indian Ocean has been recently suggested. It is the land-based route from Bangkok to Dawei, a Myanmar sea port on the north-western coast of the Malay Peninsula. In October 2010 the media reported that Thailand and Myanmar were developing a port as a way to improve economic growth. China meanwhile has expressed its desire to connect with southern Myanmar as an alternative route to the sea. So the Chinese government has also initiated the idea of setting up a \$1.5 billion "China City Free Trade Center" in Bangkok. This would greatly complement the Dawei port since Chinese products traded in Bangkok will likely be exported via Dawei to the region.⁶⁶ Japan is another potential investor in Dawei Project and doesn't want to lose its economic profit. Anyway, Thailand is going to be a big winner from Dawei. After the Thai-Burmese Joint Trade Commission (JTC) meeting in April 2010, Thai officials announced that this deep sea port could realize Thailand's dream of becoming the logistics hub of Southeast Asia. In May 2012 the Thai government decided to invest 30 billion

⁶⁴ Ibid. pp. 8-9.

⁶⁵ Rahat Rojanapradit. "Thang kham phaen din." *Ar-Sa*, 10/2000: p. 82.

⁶⁶ Pavin Chachavalpongpon. "Dawei Port: Thailand's mega project in Burma." *Global Asia (A Journal of the East Asia Foundation)*, 6(4), December 2011. p. 102.

Baht in the project. The Myanmar government decided to construct a deep sea port, railways and roads in Dawei.⁶⁷

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