ENHANCING U.S.-MALAYSIA COOPERATION

ON TRANSNATIONAL SECURITY THREATS

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Introduction

Malaysia and the United States have a long history of cooperation in security and defence matters that has only intensified further after the September 11, 2001 terrorist attacks on the United States. The degree of cooperation belies the differences that manifest themselves in rhetoric as well as real differences regarding approaches to addressing security issues adopted by the two countries. The level of cooperation as well as the constraints and differences can be explained by several factors, including the considerably different security environments, strategic perceptions and priorities, national strategies and domestic driving factors of the two nations.

This paper discusses the following subjects:

1. The prevailing security concerns and perceptions of Malaysia, and how they compare with those of the United States.
2. The potential for enhancing cooperation in security and defence matters.

The term "security" here is understood in the comprehensive sense, as encompassing both "traditional" and "non-traditional" security. When adopting such a notion of comprehensive security, it would be more appropriate to speak in terms of "challenges" rather than of "threats" to security. Further, it is noted that while the topic refers to "transnational security", the paper is also required to discuss issues such as "civil/human rights violations" and "persecution of minorities" (whatever that refers to), which are hardly transnational security issues. They are domestic issues that invite outside interest, and in extreme cases, external comment and intervention. Nevertheless, the paper will discuss these matters too.

Malaysia's Security Concerns and Perceptions in Relation to Those of the United States

The paper begins with a brief survey of the domestic security concerns, and then proceeds to discuss the external security challenges.

Nation Building and National Unity

Malaysia has taken great strides forward in forging a united nation out of its disparate ethnic, religious and linguistic communities, as well as strong regional sentiments. Today it is touted as one of the most successful models of inter-communal harmony. Yet nation building and national unity remain the nation's foremost security and political concern. There is a perception that relations between the different racial, religious and linguistic groups, as well as territorial integrity, remain vulnerable, and require constant and meticulous tending.

The strategy to promote national cohesion and prevent ethnic and religious tension covers all dimensions of public policy – the political, economic, social and security – and it has preoccupied every administration since independence in 1957. A small minority from all groups continues to be dissatisfied with elements of the social contract that was agreed upon among the major ethnic and religious groups on independence. Sensitive issues regarding education, language and religion periodically stir racial and religious sentiment, and occasional racial tensions and religious misunderstandings, though infrequent and limited since the recession of the late 1980s, serve to sustain vigilance against a recurrence of the major ethnic strife that afflicted the nation in May 1969, when parliamentary government had to be suspended and rule by emergency decree was introduced for 18 months. For Malaysia, a recurrence of the May 1969 racial incidents is a nightmare scenario capable of inducing a collapse of law and order that would threaten the political and security fundamentals of the nation. Putting the pieces back together and healing the wounds would be a long and arduous process.

The political stability and viability of Malaysia as a moderate Muslim nation that practices democracy and religious tolerance, and that is uncompromisingly opposed to extremism and terrorism, is of vital importance to the United States, especially after September 11, 2001. Malaysia's strategic location along the Malacca Straits adds further to its strategic significance for the United States. Thus although Malaysia's national cohesion and political stability do not rank high in the US security agenda in the region, they nevertheless serve US strategic interests immensely.

Economic Viability and Competitiveness

Malaysia's very open economy (trade represents 200 percent of GDP, far higher for instance, than the proportion for the United States); its heavy dependence upon exports and foreign investment; periodic downturns and especially the financial crisis that swept through the region in 1997-1998; the entry into the global market of liberalising economies with significantly cheaper labour such as Vietnam, China and India; the ferocious and successful competition for foreign direct investment provided by China; and impediments to Malaysia's rapid transformation into a knowledge-driven economy, are constant concerns and cause for anxiety for the country. Malaysia is keenly aware of the fact that it needs to make dramatic economic transformations if it is to sustain and enhance its competitiveness in a globalised world.

Malaysia's perception of its economic viability and competitiveness as a security problem, no less than an economic one, stems from its comprehensive notion security as well as the very real threat to Malaysia's economic survival that was posed by the financial crisis of 1997-1998. The financial crisis in particular was a major disaster for the country. Literally overnight Malaysia was transformed from a dynamic economy with high growth rates into an economy teetering on the verge of collapse with growth rates plunging into negative territory. The stock market crashed and the purchasing power of Malaysians abroad was halved. Today, seven years later, it still remains at about 60 percent of what it was prior to the crisis.

Malaysia's economic competitiveness and survival is therefore high in the nation's economic and security priorities. Malaysia's concerns also include the potential for political instability (which

indeed happened, though not as seriously as in neighbouring Indonesia) and the negative impact upon racial peace and harmony.

Malaysia's economic survival is understandably not of particular concern of the United States except in a very broad sense, but for the Malaysian government, the private sector and ultimately the people, it is of the utmost importance.

"Non-Traditional Security Threats" – Illicit Drugs, HIV/AIDS, SARS and Bird Flu

The "non-traditional" threats of drug trafficking and addiction, HIV/AIDS, SARS and bird flu would comprise the third category of threats that most preoccupies Malaysia. These are indeed transnational threats that require regional or global cooperation to manage them.

The drug problem was declared Malaysia's No. 1 security threat in the mid-1980s. It is no longer given the same urgency, but it remains a major menace. Arrests and detention for drug trafficking under Malaysian laws climbed from 11,073 arrests/detentions in 1994 to 26,775 arrests/detentions in 2004, a substantial increase of 141 percent (this could also reflect more effective counter-measures). Drug addicts numbered more than 38,000 in 2004. Malaysia's efforts to fight drug addiction have not been as successful as countries like Singapore.

HIV/AIDS is a growing problem in Malaysia, though not as serious as in some of the neighbouring countries. United Nations estimates put the HIV/AIDS population in Malaysia in 2003 at 51,000. The prevalence rate is 0.4 percent, which compares with the regional rate of 0.6 percent and global rate of 1.1 percent. There were an estimated 2000 deaths in 2003. As a comparison, estimates for the United States put the HIV/AIDS population at about one million people, and half a million are believed to have succumbed from it so far (AVRT.ORG).

SARS is no longer the threat that once gripped the attention of the nation and region and led to big declines in tourism revenue, but its revival remains a serious concern of all countries in the region. The latest pandemic watch is for avian flu, which according to World Health Organisation assessments could result in more than a billion people infected world-wide, hospitalising 28 million and claiming the lives of up to 7 million people. Malaysia is located not far from the epicentre of this flu.

The United States shares Malaysia's concerns regarding threats from these non-traditional sources, and indeed US-Malaysia cooperation against drug trafficking comprised the most important facet of security cooperation between the two countries until the September 11 suicide attacks, when cooperation against international terrorism became the No.1 global security concern of Washington. Close cooperation against these threats is conducted at the bilateral, regional and global levels.

Illegal immigration

Given its relatively small population, Malaysia has one of the largest cross-country migration flows in the Asian region, if not the world. In 2004, the press quoting official sources reported 1.2 illegal (regularised) and another 1.2 million (irregular) foreign workers in the country. Official data shows regularised workers as comprising 12 percent of the labour force of 10.5

million in 2003. About 70 percent were from Indonesia, and the remainder largely from the Philippines. The main factors behind the population flow are unemployment in Indonesia, labour scarcity in Malaysia and differentials in wage and exchange rates.

The Malaysian economy needs foreign workers and there is mutual gain. However, Malaysia is concerned about the illegal entry of the bulk of the foreign labour as well as the social costs to education (an estimated 200,000 non-citizen children are attending or will soon attend local schools), health care and the incidence of crime. On the part of the migrants, they complain of inadequate worker rights and worker welfare, and abuse by unscrupulous employers. Malaysia's initiatives to induce illegal workers to return to their country of origin and re-enter Malaysia legally has caused major strains particularly with Indonesia and remains a significant bilateral issue.

Militancy and Terrorism

Malaysia has a long history with militancy and terrorism. The then Malaya gained its independence in the midst of a communist insurgency that included the employment of terrorist tactics. After the retreat of the communist insurgents Malaysia continued to be occasionally threatened by small militant groups generally composed of Muslims, unlike the communist terrorists who were mostly Chinese and espoused faiths other than Islam. The Al-Maunah, however were a relatively large group with about 2000-3000 adherents although militants only comprised a small portion of this number. The Al Maunah, though, had a purely domestic agenda and were not affiliated to international terrorism in the form of the Al Qaeda. All these groups were relatively easily disabled by the police.

The Malaysian component of the Jemaah Islamiyah (JI, which also has followers in Indonesia, Singapore and the Philippines) is the movement that is networked with the Al-Qaeda. It is the only group in the country that qualifies as an "international" terrorist movement, both because it is linked to the Al Qaeda and because it is a pan-regional movement that has members in the four countries just mentioned. Its regional agenda is to establish an Islamic polity encompassing southern Thailand, Malaysia, Singapore, Indonesia, Brunei and southern Philippines, while its "international" agenda as a part of the Al Qaeda network is to attack U.S. and allied interests in the areas where it is operating. For the present it is the latter agenda that is dominant. The JI's regional ambitions are little more than a pipe-dream.

The JI wing in Malaysia numbered about 200, but practically all its members have been arrested and detained. Malaysia however continues to be vulnerable to infiltration by JI elements, including a couple of Malaysians (Azahari and Hambali), operating in neighbouring countries. Malaysia can also be used as a transit point for international terrorist elements, and a country where U.S. and allied interests can be attacked.

Malaysia has zero tolerance for any form of militant and terrorist activity from whatever source, and its record in this field is very clear. Malaysia has also dismantled the Jemaah Islamiyah network in the country though it must continue to be vigilant. It also cooperates closely with the United States, neighbouring countries and the regional and global community in the global campaign against international terrorism. In this regard it has entered into a number of bilateral

and regional agreements, and is party to several UN Conventions and Protocols relating to terrorism. It is also complying with UNSC Resolution 1373.

Civil/Human Rights Violations

Malaysia's Constitution, which was enacted through due democratic process, guarantees fundamental liberties that are recognised in the Universal Bill of Rights. At the same time it permits a degree of deviation from some of these liberties to the extent that is required to safeguard peace and public order, a measure also provided for by the Bill of Rights. This has resulted in some limits being imposed on such rights as freedom of assembly. The Constitution also provides for preventive detention if the situation is deemed necessary, giving rise to such legislation as the Internal Security Act.

The fundamental justification given for limitations on rights is security. Many in Malaysia regard these limitations as a small and worthwhile price to pay to ensure peace and stability in a multi-ethnic and multi-religious society that is prone occasionally to stresses caused by differences over sensitive issues. At the same time there are groups that feel that such limitations are no longer necessary and are open to abuse.

An independent Royal Commission established recently to evaluate and enhance police performance felt that some laws including the ISA should be retained in the interests of security while others should be repealed, but also recommended that the period for police detention for the purposes of investigation should be halved. It also recommended rigorous measures to ensure that police powers to regulate assemblies do not unduly infringe upon fundamental liberties. The Government is considering these recommendations.

It is felt that there is sufficient freedom and respect for rights in Malaysia to leave the question of human rights to the country's civil society to decide through due democratic and legal process. International human rights organisations have every right to criticise and create awareness, but ultimately it will be the people of Malaysia who will decide.

"Persecution" of minorities

The writer is not aware of what is meant by this. The rights and responsibilities of minorities, no less than those of the majority, are guaranteed in the Constitution, which is the product of a social contract painstakingly negotiated and agreed upon by the different groups in Malaysia. The fact that minority rights are respected explains why for instance, Malaysia is not facing insurgencies mounted by minorities as in some other countries, both democracies as well as non-democracies.

Nevertheless, the indigenous native groups of Malaysia sometimes do indeed have legitimate grievances over ancestral land that are encroached upon by others employing modern land law. Sometimes there are disputes over the boundaries of ancestral land. The fact that as small minorities they do not possess sufficient political weight in a democracy may also have undermined their situation. Their rights and welfare do need greater attention.

There is freedom of religion in Malaysia although Islam is the "religion of the Federation". Christian churches, Buddhist and Hindu temples and other non-Muslim places of worship can be seen everywhere. But non-Muslim groups sometimes complain that it is not as easy for them to obtain permission to build new places of worship. There may well be some truth in some of these allegations. The situation may be due to fears among specific local authorities that the predominantly Muslim identity of the nation may be compromised, or the reason could just be due to some over-zealous officials. These grievances, to the extent that they are reasonable, need to be addressed.

The dominant Sunni orthodoxy in Malaysia also prohibits teachings of the Shi'a school of Islam.

Piracy

Southeast Asian waters have been the scene of piracy since ancient times. Today the strategic waterways of the Malacca Straits and the South China Sea, as well as the Sunda Straits, are the areas where acts of piracy occur the most. According to the ICC International Bureau, in 2003 there were 30 acts of piracy in the Malacca Straits and 121 in the Sunda Straits. In 2004 there were 45 incidents in the Malacca Straits and 93 in the Sunda Straits.

The advent of September 11 and the potential of terrorists mounting attacks on the seas and on strategic ports have occasionally led to near-hysterical assessments of the threat from terrorism along maritime routes based on doomsday scenarios, especially in the Malacca Straits. Nevertheless, terrorists have a potential to strike anywhere, including in the narrow Malacca Straits, and the possibility, though relatively remote, cannot be discounted altogether. In response, Malaysia has since September 11 stepped up patrols in the Straits. Coordinated patrols with Indonesia and Singapore have also increased. However resource constraints, especially with respect to Indonesia, and the inability to conduct hot pursuit, continue to make anti-piracy measures in the area inadequate.

Territorial Disputes

Despite progress made in boundary demarcations, Malaysia has unresolved boundary issues with all its neighbours. The granting of oil exploration rights to foreign companies by both Indonesia and Malaysia in waters off Kalimantan claimed by both sides led to strained relations in recent months. Malaysia and Singapore have submitted their claims to Pulau Batu Puteh/Pedra Blanca to the International Court of Justice for arbitration. The main problem, however, lies in the Spratlys, where overlapping claims by six nations including China and Taiwan raise the probabilities for friction and conflict. It is more likely, though, that any conflict will be of low intensity and isolated. Unintended incidents also cannot be ruled out. Vigilance continues to be necessary.

External Threats

Malaysia views the external environment as generally benign. It does not see any country as having military designs towards it. But it is deeply concerned about insurgencies, unrest and political instability in neighbouring countries, and their spillover repercussions. It is also concerned about any destabilisation to Cross-Straits relations that could trigger the involvement of other major powers. The North Korean nuclear issue; relations between China and the two Koreas on the one hand and Japan on the other; and relations between China and the United States are followed with keen interest and periodic concern. The current hardening of military alliances in the Asia Pacific is also considered an unnecessary and negative development that could raise tensions and trigger undesirable responses.

U.S. views of the external threat situation in the region are very different from Malaysia's. Both countries desire a peaceful and stable region, but their strategic interests as well as their approaches differ markedly. U.S. security and threat perceptions are influenced by a number of factors that do not apply to Malaysia. They include U.S. desire to sustain its overwhelming military supremacy and prevent the rise of any challenge to its hegemonic position; its treaty obligations to Taiwan; its opposition to nuclear proliferation (which Malaysia shares but which Malaysia seeks to pursue in a less "aggressive" manner); its ideological commitment to the spread of democracy; its policy of regime change; and its reliance upon bilateral military alliances to preserve and advance its strategic interests. As a result, the U.S. for instance feels greater disquiet regarding the growing strategic potential of China and its increase military expenditure.

The Potential for Strengthening U.S.-Malaysia Security and Defence Cooperation

U.S.-Malaysia security and defence cooperation is already good and is based on strong fundamentals. Malaysia welcomes a benign U.S. military presence in the larger region, and has developed close cooperation in specific areas despite the limited publicity given to such cooperation. Cooperation is strongest against international terrorism and drug trafficking, and military-to-military relations are keenly cultivated because of its benefits to Malaysia in terms of training, exposure to latest technology and the generally positive impact on regional security and prosperity that Malaysia sees from such cooperation. U.S.-Malaysia security and defence cooperation has intensified further after September 11, 2001 despite differences over the U.S.-led invasion of Iraq and U.S. counter-terrorism policy. The renewal of the Acquisition and Cross-Servicing Agreement in May this year for another ten years offers further testimony to this.

The following are some ideas for the enhancement of U.S.-Malaysia cooperation and understanding in the security and defence fields:

1. The provision of U.S. assistance for capacity building in a number of Malaysian security agencies that would be of mutual benefit. This could include:

    a. The building up of Malaysia's surveillance and intelligence capacity, especially in maritime zones. The primary agencies would be the Royal Malaysia Police, the Malaysian Maritime Enforcement Agency (MMEA) and the External Intelligence Office;

b. Training and assets for the soon-to-be-operational MMEA, which would be especially welcome given its incipient development stage. Training and equipment for Coast Guard activity would be the most relevant. This would have a direct impact on enhancing Malaysia's capacity for combating piracy, terrorism on the seas and maritime crime;

c. Increasing training assistance for the Southeast Asia Regional Centre for Counter-Terrorism; and

d. Technical assistance for strengthening port security.

2. Assistance in enhancing expertise and facilities for the treatment of drug addiction and interdiction of drug trafficking.

3. Activities to foster greater understanding and congruity of strategies and measures to counter international terrorism. They could include engaging in meaningful dialogue with the relevant government and non-government agencies. Both sides must be prepared to undertake a critical and forthright review of current counter-terrorism policy with a view to making it more effective. Malaysia holds the view that while coercive and military measures to isolate and search and destroy terrorists are certainly relevant and necessary (and some countries are not doing enough in this regard), they are not enough, and over-reliance on military measures can on balance be counter-productive. Major terrorist movements that spring from widespread and deep-seated grievances cannot be eliminated without also addressing the driving factors and root causes. The call to identify and address the driving factors should not be dismissed, or be regarded as attempts to give respectability or legitimacy to terrorism. There should be no selectivity when assessing the driving factors. Besides factors such as oppression, lack of democracy, religious doctrine (misguided or otherwise) and poverty, other factors such as U.S. policy in the Middle East, in particular as regards the Palestinian issue and more recently the attack on Iraq, should be addressed.

4. The atmosphere for mutual understanding and cooperation would be enhanced if there is acceptance of the fact that other countries also have security concerns and priorities other than just international terrorism. This however, should not mean that these countries should not take international terrorism seriously. Indeed, they must do their utmost within their means to cooperate in eliminating the threat.

5. There is no question that the human rights situation in Malaysia should be improved. But the atmosphere for security and other cooperation would improve if criticism of Malaysia's human rights record by the U.S. administration and other political and religious groups in the U.S. is moderated. Such criticisms only sour relations while being largely ineffective in improving the situation in Malaysia. (Any criticism is best left to credible international human rights organisations).

6. Building capacity for Indonesia's maritime surveillance and interdiction would have a direct impact on improving the situation with regard to piracy and potential terrorist acts in the Malacca Straits. U.S. or other foreign military presence in the area will not be politically acceptable for Malaysia and Indonesia, and could in fact further aggravate matters and invite the terrorist attacks that we want to deter.