

## **ASEAN AND ARF MARITIME SECURITY DIALOGUE AND COOPERATION**

This information paper is a compilation of excerpts from various reports and statements of ASEAN and the ASEAN Regional Forum summarizing discussions, agreements and recommendations in the field of maritime security cooperation.

### **A. Excerpt from the Workshop on the Establishment of an ASEAN Maritime Forum, Batam Island, 7-8 September 2007**

1. The Workshop was held to implement the ASEAN Security Community Programme Areas and Measures of the Vientiane Action Programme, specifically on the promotion of ASEAN maritime security cooperation (1.2.7) and the establishment of an ASEAN maritime forum (1.2.7.1).
2. The Workshop was of the view that the proposed ASEAN Maritime Forum would provide a forum to exchange ideas not only on maritime security issues but also other broad, cross-cutting issues such as the protection of the marine environment, illegal fishing, smuggling and maritime transportation. The Workshop further recognised that the ASEAN Maritime Forum may also consider maritime issues involving enclosed and semi-enclosed seas. The Meeting noted that the ASEAN Maritime Forum could also consider the particular concerns of the large archipelagic nations in ASEAN.
3. The draft Concept Paper on the Establishment of an ASEAN Maritime Forum is currently being finalised.

### **B. Excerpt from the ARF Roundtable Discussion on Maritime Security Issues, Bali, 24-25 August 2007**

4. The Meeting agreed that the main threats to maritime security includes, sea piracy and armed-robberies, over-lapping claims and territorial disputes, terrorism, environmental degradation and the smuggling of goods and persons. As maritime security threats ignore political boundaries, the Meeting agreed on the importance of addressing the root cause of the problem and employing a comprehensive approach in dealing with maritime security. The Meeting further agreed that the ARF should move ahead from discussions to implementation of concrete and practical measures.
5. The common concerns in the area of maritime security are as follows:
  - a) The implementation of a security plan for port security should be consistent with international or other countries' arrangements;
  - b) Concentrate on capacity building of the implementer including training involving military and civilian at tactical and strategic levels;

- c) Intensified the possibility of enhancement of military training assistance program and engagement to other partners;
- d) Enhance possible regional cooperation to identify and to collect the practice of maritime security laws to strengthen member's legislation in the area of enforcement;
- e) Exchange experience and information at the regional and international levels;
- f) Increase capability and equipment required for monitoring and patrolling maritime areas;
- g) Diversify intelligence maritime capability by establishing integrated information and networking as well as intelligence gathering and sharing;
- h) Need for coordinated approach including cooperation between government agencies and private sectors;
- i) Regional cooperation should encourage national implementation to curb smuggling;
- j) Promotion of dialogue and communication between the government and people living by the coastal area.

**C. Excerpt from the ARF Maritime Security Shore Exercise, Singapore, 22-23 January 2007**

- 6. In line with the efforts of moving forward the ARF process to the preventive diplomacy stage, the first ever ARF Maritime Security Shore Exercise was conducted in Singapore on 22-23 January 2007. This exercise provided an opportunity to the ARF participants to exchange operational experiences through table top and scenario-based maritime security exercises held at the Tactical Training Center in Changi. The Shore Exercise is an important step in ARF's progress from dialogue to forging concrete and practical cooperation in the area of maritime security.
- 7. The participants agreed that while the approaches to maritime security varied, the key to addressing the transnational nature of maritime security threats was through multilateral and inter-agency information sharing and cooperation. The presence of different agencies and countries at the exercise provided a broader perspective on the issue of maritime security. The participants noted that Indonesia's proposal for environmental protection could be discussed in future ARF events.

**D. Excerpt from the ARF Workshop on Capacity Building of Maritime Security, Tokyo, 19-20 December 2005**

- 8. The Workshop discussed measures to follow up the previous ARF CBMs on maritime security. These measures included creation of a database which could identify existing bilateral and multilateral initiatives on a voluntary basis. They concurred that such a database should also be able to identify the maritime agencies of various ARF participants and if possible, focal points. The participants also agreed to undertake a stocktaking of ongoing maritime security cooperation among the participants.

9. The Workshop underlined the importance of the application of basic international and regional principles, conventions and institutional frameworks for cooperation among ARF participants on capacity building of maritime security such as the United Nations Convention on the Law of the Sea (UNCLOS) 1982.
10. The Workshop reiterated the importance of the following:
  - b) Designating focal points to facilitate information sharing and communication among the ARF participants. The participants will convey the full contact details to the ARF Unit;
  - c) Stocktaking and building-up of a maritime security cooperative database to compile and to consolidate among others the available training/HRD activities and ongoing initiatives on a national, bilateral or multilateral basis;
  - d) Enhanced capacity building including improving human resources and gearing up institutions and legal frameworks;
  - e) Continued information exchange on national, bilateral and multilateral initiatives would be useful;
  - f) To further explore and implement the suggestion of having a regional centre for maritime training;
  - g) Examining the possibility of organizing joint coordinated efforts through expanded bilateral and multilateral arrangements while involving the user states; and
  - h) Emphasis on the importance of private sector cooperation, particularly the shipping and insurance industries, in maritime security activities.

**E. Excerpts from the ARF Workshop on "Training for Cooperative Maritime Security", Kochi, 26-28 October 2005**

11. The workshop discussed the idea of having a regional initiative such as a regional maritime training center to provide maritime security training. This issue was raised within the context of the absence of a comprehensive maritime security training curriculum, which could be used by all countries across the spectrum of maritime security.
12. There was a general agreement and understanding among participants of the need for a database as a starting point, which could list the existing resources available with ARF participating states. Such a database could include, for example, an inventory of existing bilateral/multilateral arrangements/agreements among countries on issues related to maritime security. In the context of creating such an ARF database, mention was made of the existing databases with bodies like the International Maritime Organization (IMO) and the International Maritime Bureau (IMB).
13. On the area of capacity building, the Workshop agreed on the need to provide requisite capacity, in terms of technology, assets and development of human resources to effectively meet the challenges of maritime security, examine and further develop the possibility of establishing a regional training centre to coordinate collaborative efforts.

**F. Excerpts from the ARF Confidence Building Measures on Regional Cooperation in Maritime Security, Singapore, 2-4 March 2005**

14. A consensus around three broad principles emerged from this Meeting. First, the primary responsibility for the safety and security of key waterways like the Malacca and Singapore Straits lay with the littoral states. Second, there is a multiplicity of stakeholders – interested countries, international organisations, the shipping community, and even multinational corporations. And third, cooperation should proceed on the basis of consultation and in accordance with international law.
15. The ASEAN Regional Forum should play an important role in forging regional cooperation in maritime security.
16. The IMO could play a role with regard to enhancing the security of vital regional sea lanes while ensuring continued freedom of trade and navigation through them. The Meeting therefore supported the continued involvement of the IMO in future ARF maritime security initiatives.
17. The Meeting agreed that the exchange of information among maritime agencies in ARF countries was an important first step in developing wider cooperative arrangements. In this regard, the Meeting welcomed the adoption of the Regional Arrangement on Cooperation in Anti-Piracy in Asia (or ReCAAP) and the impending establishment of the ReCAAP Information Sharing Center (ISC) in Singapore. The ReCAAP ISC was set up in Singapore. in November 2007.
18. The Meeting noted the proposal for undertaking ARF maritime security exercise as an operational CBM and to develop common procedures or SOPs for multilateral exercises.
19. The Meeting called for sustained capacity building and technology exchange initiatives at the regional and sub-regional levels. In this regard, the Meeting welcomed India's proposal to host a CBM on Training in Maritime Security, Japan's proposal to host an ARF Workshop on Capacity Building in Maritime Security which will be held in Tokyo in the fall of 2005, as well as the US' informal efforts to assist the littoral states in capacity building in maritime security.
20. The Meeting agreed on the need for constant communication and coordination between government and the shipping industry in implementing measures to enhance maritime security.
21. The Meeting agreed on the need to develop linkage or coordination among coast guard and maritime police assets.

**G. Excerpts from the ARF Workshop on Maritime Security, Kuala Lumpur, 22-24 September 2004**

22. ARF participants should identify national focal points, enhance cooperation in intelligence and information sharing and develop national contingency plans involving all stakeholders.
23. Establish inter-governmental agreements, such as standard operating procedures, and undertake national and regional assessments and capacity gap analysis.
24. Conduct more confidence-building activities and promote common understanding of maritime threats.
25. Hold workshops on legal aspects of international maritime security cooperation, including on the definition and parameters of maritime crimes.
26. The participants noted that the proposed Maritime Electronic Highway (MEH) project to be applied in the Straits of Malacca and Singapore could enhance the transparency of navigation and overall traffic control and provide the basis for intensive monitoring of the real-time situation of navigation. [This IMO-initiated MEH has two components, namely maritime safety, and environmental protection and management. Within maritime safety, three categories are recognized, namely, navigational safety, precision navigation and emergency response.]
27. In the context of the Straits of Malacca, the participants welcomed the coordinated patrol between Indonesia, Malaysia and Singapore and other bilateral cooperation with India, noting that this was in line with the primary role of the littoral states of the Straits of Malacca and the Singapore Straits. The participants emphasized the importance of respecting the sovereignty of the littoral states in managing their territorial waters under their jurisdiction.

**H. Excerpts from the ARF Statement on Strengthening Transport Security Against International Terrorism, Jakarta, 2 July 2004**

28. Fully and effectively implement their obligations under the International Maritime Organization (IMO) International Ship and Port Security (ISPS) Code by the agreed date of 1 July 2004.
29. Hold appropriate simulation and joint exercises, with a view to enhancing institutional capacity building of coastal states, especially with regard to piracy and maritime and aerial terrorism, to ensure effective modal coordination of maritime and aviation security and safety measures.
30. Promote cooperation between research institutions to examine terrorism against the transport network, carry out joint research, exchange expertise and recommend methodologies, technologies, and best practices for combating such treats through meetings, seminars and conferences or through exchange of legislative and other legal regulations, and scientific research results.

31. Assist in providing appropriate training and equipment to respective transport security services.
32. Continue to develop and harmonize measures aimed at enhancing necessary security regimes for container shipping, while taking into account national legal systems and the need to avoid unnecessary increase in costs and disruption to trade.
33. Continue to develop concerted efforts to fight piracy and other border crimes, such as smuggling of illicit containers, under the aegis of IMO and respective national and regional frameworks, in particular, those relating to enhanced export control measures.

**I. Excerpts from the Co-Chairs' Summary Report of the Second ARF Intersessional Meeting on Counter-terrorism and Transnational Crime (ISM CT -TC), Manila, 30-31 March 2004**

34. The participants considered sea transport infrastructure and services as probably among the most vulnerable targets for terrorist attacks under current circumstances. Attacks on ships and seaports could cause enormous damage in terms of human lives and property. The possibility that terrorists might shift their attacks from land to sea is a concern that should be addressed by the international community in a concerted manner. The participants expressed their full support to ARF efforts on maritime security.
35. At the domestic level, the participants presented the various measures adopted by their countries. These measures include the establishment of coordinating agencies looking into maritime security, enhancement of sea communications systems and port facilities, and the conduct of highly specialized training programs. New laws have also been put in place by their countries to regulate security matters on all types of transport.
36. Recognizing the importance of intensifying bilateral, regional and international cooperation in maritime security, some countries are initiating agreements in critical areas, such as customs cooperation and the conduct of border patrols. Some participants called for enhanced international cooperation in maritime security similar to arrangements in the air transport services sector.
37. The participants raised the need to give serious attention to combat piracy and armed robbery at sea and develop a multilateral framework for achieving cooperation in the region.
38. Some participants have taken measures to harmonize their domestic security policies with international standards such as the ISPS Code. The implementation of the ISPS Code is an important tool for ensuring transport security at sea. The participants are aware of the importance of meeting the deadline for its compliance.

**J. Excerpts from ARF Statement on Cooperation Against Piracy and Other Threats to Maritime Security, Phnom Penh, 18 June 2003**

39. The participants of ARF endeavour to achieve effective implementation of the relevant international instruments and recommendations/guidelines for the suppression of piracy and armed-robbery against ships, including the United Nations Convention on the Law of the Sea, the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation 1988 and its Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf; and the International Maritime Organization's recommendations and guidelines for preventing and suppressing piracy and armed-robbery against ships at sea; the International Convention for the Safety of Life at Sea 1974 particularly the new Chapter XI-2 and the International Ship and Port Facilities Security (ISPS Code); and to enhance their coordination and cooperation to that end. The members of ARF express their commitment to become parties to the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation 1988 and its Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelves as soon as possible, if they have not yet done so.
40. The ARF participants encourage bilateral and multilateral maritime cooperation among ARF members to combat piracy, including increased personnel contact, information exchanges and anti-piracy exercises on the basis of respecting territorial integrity, sovereignty, sovereign rights and jurisdiction and in accordance with the principles of voluntary participation and agreement in line with the respective applicable international conventions.
41. Provide, where and when possible, technical assistance and capacity-building infrastructure to countries that need help in developing necessary laws, extend training, and where and when possible, provide equipment.

**K. ASEAN Maritime Transport Cooperation**

**ASEAN Plan of Action to Combat Transnational Crime**

42. On the sea piracy component, ASEAN Member Countries, except Laos, agreed to compile all their national laws and regulations on piracy and armed robbery at sea and maintain a directory of Focal Points for purposes of information exchange. Moreover, under the Plan, ASEAN works with INTERPOL and other think-tanks in the region to undertake studies to determine trends and modus operandi of piracy in Southeast Asian waters; consider the development of multilateral or bilateral legal arrangements to combat sea piracy; and identify and match relevant programmes for anti-piracy coordinated patrols. Progress on these commitments is being reviewed and monitored by the ASEAN Senior Officials Meeting on Transnational Crime.

**ASEAN Maritime Transport Working Group (MTWG)**

43. The 18<sup>th</sup> Senior Transport Officials Meeting (STOM)/Tenth ASEAN Transport Minister (ATM) in Phnom Penh on 23 November 2004 endorsed the ASEAN

Transport Action Plan (ATAP) 2005-2010. The maritime transport measures in the ASEAN Transport Action Plan (ATAP) 2005-2010 contains several activities related to maritime security, namely (a) strengthening the institutional capacity, human resource base and cooperation linkages of ASEAN Member Countries for achieving improved maritime safety, security and preventing marine pollution (e.g., ISPS Code, Standards of Training, Certification & Watchkeeping for Seafarers (STCW) trainers' training, etc); (ii) intensifying maritime transport security through capacity building and IT-based programs, and (c) enhancing regional capacity for maritime search and rescue (SAR) operations, among others.

44. Under the auspices of the ASEAN Maritime Transport Working Group (MTWG), the ASEAN Forum on IMO Conventions was convened in Singapore on 26-27 April 2004. It was noted that all ASEAN Member Countries, except Laos (being landlocked) have submitted their Port Facility Security Plans to the IMO. The Forum finalized five project proposals for possible technical assistance by the IMO. These five project proposals are as follows: (a) Project to Develop Guidelines for Maritime Administrations Seeking to Achieve Quality Accreditation for their Operations; (b) Workshop on the ISPS Code Implementation; (c) Training Course for Administrative and Legal Staff of Maritime Administrations; (d) Workshop on International Convention on Oil Pollution Preparedness, Response and Cooperation and its Protocol on Hazardous and Noxious Substances; and (e) Project to Develop Guidelines for Maritime Administrations Seeking to Implement Audit-based Systems and Procedures to Enhance Ship Survey Operations.
45. The MTWG regularly invites the representatives from the private sector, such as the Federation of ASEAN Shipowners Association (FASA), and Federation of ASEAN Shippers Council (FASC), to its plenary for an exchange of views on the latest developments on piracy and armed robbery, especially along the Straits of Malacca and Singapore. On FASA's own initiative, they have also dealings with the International Maritime Bureau (IMB).

### **Maritime Transport Industry**

46. The 24<sup>th</sup> Working Committee Meeting of the ASEAN Port Association (APA) was held on 25-27 September 2003 in Bali, Indonesia. The APA discussed the various stages of preparations to meet the 1 July 2004 deadline of ISPS mandatory implementation. APA held a series of workshops/seminars and conferences on maritime security to familiarize port officials and personnel on Port Facility Security Survey and in the formulation of a Port Security Plan.
47. The FASA at its 29<sup>th</sup> Annual General Meeting in Manila on 3 December 2003, discussed piracy and armed robbery, maritime security, places of refuge, ratification and implementation of IMO Conventions, ASEAN Shipping Directory and Asian Shipowners Forum. FASA called for increased surveillance by marine police and naval patrols in cooperative arrangements among the ASEAN countries, particularly the littoral states of the Malacca and Singapore Straits. FASA had expressed concern over the slow implementation of the ISPS Code.

## Cooperation with Dialogue Partners

48. In ASEAN - China cooperation, the ASEAN-China Declaration on the Conduct of Parties in the South China Sea, signed on 4 November 2002, provided that, pending settlement of disputes, the parties concerned may explore or undertake cooperative activities in safety of navigation and communication at sea, search and rescue cooperation, and combating transnational crime including trafficking in arms, illicit drugs, piracy and armed robbery at sea.
49. The ASEAN-China Maritime Consultation Mechanism, which functions under the auspices of the ASEAN-China Senior Transport Officials Meeting, will hold its 3rd Meeting on 4-8 September 2007 in Qingdao. A draft ASEAN-China Maritime Transport Agreement (ACMTA) is currently being finalized for adoption and signing at the 13<sup>th</sup> ATM/6<sup>th</sup> ATM-China Meeting respectively in Singapore tentatively scheduled for October/November 2007. An ASEAN-China Seminar on Maritime Law Enforcement Cooperation was held on 28 August – 1 September 2006 in Dalian, China.
50. In terms of cooperation with the European Union, the EU-ASEAN Experts' Meeting on Maritime Security was held in Manila on 25-26 February 2002. Two points of the discussion that are still relevant to date are the legal aspect and resource constraints. Given the complexity of the maritime security matters, participants of the Seminar emphasized the need to consistently apply legal definitions and to improve the reporting procedures. There is the problem of lack of precision in the implementation of legal definitions once they are transformed into national laws. Financial constraints in institutional, operational and personnel development had hindered efforts to counter transnational crime. The APA has submitted two project proposals, namely "Seminar and Training on Duties and Responsibilities of Ports under the ISPS Code" and "Uniform Scheme of Realtime Port Information System," for possible funding under the ASEAN-EU Cooperation in the Maritime/Intermodal Transport Sector.
51. In terms of ASEAN-Japan cooperation, especially under the Maritime Transport Security Programme, the ASEAN-Japan Seminar on Maritime Security and Combating Piracy was held in Tokyo, 16-17 December 2003. The seminar agreed to promote cooperation in Port Facility Security Officers training, to set up an Expert Group to continue exchanges of information and consultation on the possible cooperation for the trainer's training, and to hold a seminar for exchange of experiences on International Convention for the Safety of Life at Sea (SOLAS)/ISPS Code implementation as well as anti-piracy measures.
52. The 4<sup>th</sup> Meeting of the ASEAN-Japan Port Security Expert Meeting (PSEM) will be held in Fukuoka in September 2007 to (i) discuss the next Joint Communication Exercise; (ii) develop a manual for Declaration of Security, and (iii) share best practices on port security measures. In addition, with funding support from Japan, a Workshop on the Establishment of an ASEAN Maritime Forum, to come up with the modalities for establishing an ASEAN Maritime Forum for the purpose of fostering maritime cooperation and dialogue among

ASEAN Member Countries, will be held in Batam, Indonesia, on 7-8 September 2007.

53. In terms of ASEAN-US cooperation, the ASEAN-US Workshop on Enhancing Maritime Anti-piracy and Counter-terrorism Cooperation in the ASEAN Region was held in Manila on 1 April 2004. The discussion focused on the need for cooperation in the implementation of the UN Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation and the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms on the Continental Shelf. It was agreed that cooperation in these areas should be carried out under the ASEAN-US Counter Terrorism Work Plan adopted in June 2003. The U.S. presented its activities to promote regional maritime security cooperation, including those undertaken by the U.S. Pacific Command. The United States co-hosted with Indonesia and Malaysia a maritime security workshop in Kuala Lumpur on 22-24 September 2004 and with Singapore on 2-4 March 2005.
54. The 2<sup>nd</sup> SOMTC+US Consultation in June 2005 agreed that ASEAN and US will conduct a Seminar on Maritime Domain Awareness (MDA), which aims at enhancing the capability of ASEAN maritime security agencies of anything associated with the maritime domain that could impact safety, security, commerce, or the environment. The Seminar is pending US funding and is expected to be held later this year or in 2008 in Malaysia or the Philippines.

###