

**Co-Chairs' Summary Report of  
the Fourth ARF Inter-Sessional Meeting on Maritime Security  
San Francisco, United States, 14-15 June 2012**

**Introduction**

1. Pursuant to the decision of the 18<sup>th</sup> Ministerial Meeting of the ASEAN Regional Forum (ARF) held in Bali on 23 July 2011, the meeting of the Fourth ARF Inter-Sessional Meeting on Maritime Security (ISM on MS) was held in San Francisco from 14-15 June 2012. The Meeting was co-chaired by Mr. Jose Tavares, Director of ASEAN Political-Security Cooperation, Ministry of Foreign Affairs of Indonesia, Mr. Younghyo Park, Director of the International Security Division, International Organisations Bureau of the Ministry of Foreign Affairs and Trade of the Republic of Korea, and Mr. Nirav Patel, Deputy Assistant Secretary, Bureau of East Asian and Pacific Affairs of the United States Department of State.

2. All ARF participants except Cambodia, the Democratic People's Republic of Korea, Mongolia, Sri Lanka, and Timor-Leste were present. Representatives from the ASEAN Secretariat were also present. The List of Participants appears as **ANNEX 1**.

**Agenda Item 1: Opening Session**

3. Mr. Nirav Patel, Deputy Assistant Secretary, Bureau of East Asian and Pacific Affairs of the United States Department of State, in his opening remarks emphasised that maritime security does not refer to the South China Sea alone. He outlined five components of US policy on maritime security, namely: 1) commitment to the treaty alliances in the region to develop the capacity and ability to address the myriad of challenges; 2) working with partners to address maritime security; 3) investing in capabilities in the Asia Pacific; 4) supporting and promoting international law and norms, including the 1982 UN Convention on the Law of the Sea (UNCLOS); 5) engaging in multilateral forum which have equities associated with maritime security such as the ARF. He recognised that the ARF has developed maturity, cohesion and strategic focus on maritime security in the past four years. The establishment of the ADMM-Plus and the Expert Working Group on Maritime Security (EWG on MS) has also helped move the cooperation forward. He emphasised that as the ADMM-Plus continues to be more effective and have more depth, the ARF needs to focus on civil maritime aspects of maritime security and to identify opportunities to continue the collaborative discussions on issues associated with the South China Sea.

4. Mr. Younghyo Park, Director of the International Security Division, International Organisations Bureau of the Ministry of Foreign Affairs and Trade of the Republic of Korea, recalled that the adoption of the ARF Work Plan on

Maritime Security provided the momentum to further develop effective cooperation and collective steps, and he emphasised that the full implementation of the Work Plan would lead to a safer and more secure maritime domain. As Co-Chair of the ISM on Maritime Security, the Republic of Korea is committed to further the discussion on maritime security under the ARF framework. He expressed hopes that the Meeting will come up with fruitful outcomes to ensure maritime security in the region.

5. In his opening remarks, Mr. Wisnu Pratigny, on behalf of the Indonesian delegation, expressed gratitude and appreciation to the Government of the United States for the warm welcome and hospitality. Indonesia noted several non-traditional security issues which have prompted the ARF to intensify its cooperation to prevent disputes and conflicts from arising in the region. Mindful of the cross-cutting issues under the ARF such as counter-terrorism and maritime security, Indonesia emphasised that the ARF should address the issue of duplication of effort and pointed out that it is the right moment for the ARF to implement all ARF Work Plans in a cohesive manner in accordance with the Hanoi Plan of Action to Implement the ARF Vision Statement. Indonesia also highlighted several measures under the Plan of Action and the ARF Work Plan on Maritime Security and the three priority areas of the Work Plan which the ARF should focus to promote maritime safety and security. These measures could also be implemented under other ASEAN mechanisms such as the ASEAN Maritime Forum.

6. Vice Admiral Paul Zukunft, Commander of the Pacific Area Command, United States Coast Guard Defence Force West, delivered a presentation on the United States Coast Guard as America's lead federal agency on maritime safety, maritime security and maritime stewardship. He emphasised the value of cooperation and coalition-building in addressing maritime security challenges in the region, including trafficking in illegal drugs, trafficking in persons, illegal migration, and sea piracy. He outlined the role of the Coast Guard in responding to these challenges as well as in other maritime-related issues such as search and rescue, humanitarian assistance and disaster relief, compliance of commercial and fishing boats to international regulations, and marine environment protection through, among others, the prevention and response to oil spills. He emphasised the importance of sharing classified information on potential threats. He also pointed out that the main threats facing many nations these years are emanating from illicit activities rather than military rivalries. He also touched the issue of inter-agency coordination, such as through the Maritime Operational Threat Response (MOTR) mechanism which is used to respond to threats that occur in the maritime environment and cross existing lines of jurisdiction or capability. His presentation appears as **ANNEX 2**.

7. The Meeting discussed the balance between economic efficiency and security applied in the port. Admiral Zukunft explained that sharing more information as well as better information would contribute to the promotion of maritime domain awareness. He shared his experiences in tackling the

Deepwater Horizon oil spill and emphasised that in such an event the authorities should be as transparent as possible in sharing relevant information to the public as it would put increase public trust and support on recovery efforts. He noted that social media is fast becoming an effective means for information sharing.

8. The Meeting noted the positive trends of the decreasing number of piracy or armed robbery incidents in the Straits of Malacca. Some participants raised the question on the elements in enhancing success in cooperating with other countries in addressing non-traditional security threats. The Meeting noted that vulnerable nations with no clear coast lines are always the easy targets of transnational criminal groups. International bilateral agreements with other states are the key in applying legal measures to transnational criminal groups.

### **Agenda Item 2: Adoption of the Agenda**

9. The Meeting considered and adopted the Agenda which appears as **ANNEX 3.**

### **Agenda Item 3: Update on the ARF Maritime Security Work Plan**

10. The Meeting noted the briefing on the outcomes of the ADMM-Plus Experts' Working Group on Maritime Security (EWG on MS) co-chaired by Malaysia and Australia. The ADMM-Plus EWG on MS has met twice, namely in Perth on 20-22 July 2011 and Kota Kinabalu on 8-10 February 2012. The EWG on MS has agreed on the establishment of a website to facilitate information sharing, among others between the ARF ISM on MS and the EWG on MS. The initial preparation for the website is now ongoing under the shepherdship of Malaysia. The EWG on MS is also preparing the scenario for the table-top exercise which focuses on practical assistance to encourage partnership to address maritime security. The 4<sup>th</sup> ADMM-Plus EWG on MS will be held in Australia in December 2012 with the objective to look at outcomes of the table-top exercise on maritime security and further advance it to prepare for the practical exercise in 2013. The briefing appears as **ANNEX 4.**

11. The Meeting noted the outcomes of the 10<sup>th</sup> ARF Inter-Sessional Meeting on Counter-Terrorism and Transnational Crime (ISM on CTTC) in Quang Nam on 16-17 March 2012. The ISM on CTTC focused on counter-terrorism in the maritime domain. The ISM on CTTC recognised the ARF participants rely heavily on maritime trade and hence any disruption will be a threat to the economy. The ISM on CTTC identified sea-based terrorism as the main threat to the maritime security as terrorist groups have been using maritime domain to target ships in the maritime domain. Responses to these threats were also identified from the national and regional perspectives. Information sharing through existing mechanisms and fora as well as implementation of international agreements were recommended as key to address these threats. The Meeting noted that the outcomes of the ISM on CTTC could be further

scrutinised in the ISM on MS. The report of the 10<sup>th</sup> ARF ISM on CTTC appears as **ANNEX 5**.

12. The Meeting welcomed the adoption of ARF Work Plan on Maritime Security by the 18<sup>th</sup> ARF on 23 July 2011. The Work Plan has identified three priority areas, namely: 1) Information/intelligence exchange and sharing of best practices, including on naval operations; 2) Confidence Building Measures based on international and regional legal frameworks, arrangements and cooperation; and 3) Capacity Building of maritime law enforcement agencies in the region.

13. The Meeting noted the report of the progress of the priority area no. 2 under the leadership of Malaysia and Japan. Under this priority area, the International Workshop CBM in Maritime Security in Tokyo in March 2012 was convened and participated by representatives of the government agencies as well as think tanks of seven countries. Japan also announced that the questionnaire of best practices of capacity building in maritime security was ready to be handed over to the possible lead countries for priority area no. 3. One participant questioned whether the Workshop was conducted under the ARF banner. Japan and Malaysia clarified that the Workshop was not implemented under the ARF framework. The objective of the Workshop was to brainstorm among the experts on how the ARF could move forward on this priority area.

14. The Meeting also welcomed the proposal for an ARF Workshop on Ship Profiling proposed by New Zealand. New Zealand explained the background and objective of the proposal. New Zealand invited an ASEAN Member State to co-chair the Workshop which will be held in the next ARF inter-sessional year in 2012-2013. The proposal appears as **ANNEX 6**.

15. The Meeting also encouraged ARF participants to volunteer to lead in priority areas no. 1 and 3 of the Work Plan to continue advancing the ARF cooperation in maritime security. The Meeting also emphasised the need to synergise ARF initiatives with those implemented under other fora.

16. The Meeting noted that Indonesia will host the Regional Meeting on the Illegal, Unreported, Unregulated (IUU) Fishing in 2013. Indonesia extended an invitation to all ARF participants to attend the meeting.

#### **Agenda Item 4: Interagency and Civil-Military Cooperation**

17. The Meeting exchanged views on interagency and civil-military cooperation. The Meeting noted the national experiences of some ARF participants in interagency coordination and some successful operations. Some participants suggested that using the latest technology, enhancing information-sharing arrangements and interoperability, moving towards seamless maritime situational awareness, learning from the best practices of other countries, and

exchanging staff between the coast guard and the navy are key components in interagency and civil-military cooperation.

18. Some participants emphasised the function of clear regulations to support interagency coordination. The Meeting learnt from the experience of complex coordination process under the European Union with its double level of interagency coordination, i.e. national and European Union levels. In order to facilitate this complex coordination, the application of international regulations such as the International Ship and Port Facility Security Code and the regional port security instruments was mentioned by some participants.

19. The Meeting deliberated on the need for a regional coast guard. Taking into consideration that not all countries have coast guards, the decision to develop a regional coast guard would be determined by the culture, national politics and history of individual states in the region. It requires careful analysis involving various stakeholders to decide whether or not to enhance existing regional maritime surveillance arrangements. An alternative approach to a regional coast guard is the development of a common information-sharing environment.

20. The Meeting noted the presentations by Australia, Canada, the Republic of Korea, and the European Union which appear as **ANNEXES 7-10**.

#### **Agenda Item 5: Existing Cooperation amongst ARF Participants in Civil Maritime Law Enforcement**

21. The Meeting discussed the existing regional cooperation among the coast guards in the Asia Pacific region. Reference was made to the North Pacific Coast Guard Forum (NPCGF), the Heads of Asian Coast Guard Agencies Meeting (HACGAM), the Indian Ocean Naval Symposium (IONS), and the Indian Ocean Rim Association for Regional Cooperation (IOR-ARC). The Meeting reiterated support for an open, transparent and inclusive multilateral maritime cooperation.

22. The Meeting noted that under the NPCGF, a number of multilateral exercises have been conducted which are hosted in rotation between its six members, namely Canada, China, Japan, RoK, Russia and the United States. Some of the fora and mechanisms mentioned in the Meeting are established multilaterally, such as the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ship in Asia (ReCAAP), while others are voluntary and based on confidence relationship-basis.

23. The Meeting commented on the success of the joint coordinated patrols in the Strait of Malacca participated by Indonesia, Malaysia, Singapore, and Thailand. While recognising the positive outcomes of the coordinated patrols, some participants were of the view that securing the maritime territory is the responsibility of the littoral states concerned. Nevertheless, the possibility

remains open for user states and other stakeholders in the Strait of Malacca to contribute to efforts of the littoral states in securing the Strait of Malacca, such as through capacity-building programmes and protection of the marine environment. The Meeting stressed the need for constant vigilance in identifying new threats and continually adapting law enforcement capabilities and capacity to meet these challenges. The Meeting also noted that maritime security is primarily the responsibility of littoral states, although the international community and user states also have an important role in addressing transnational security issues.

24. The Meeting discussed the possible approaches of promoting information-sharing and contacts among ARF participants. The Meeting noted the suggestion for a dual approach of direct contact among the coast guards and contact through the relevant national agencies in charge of maritime security. The Meeting also recognised existing regional information sharing centres, such as the Information Fusion Centre (IFC) in Singapore, which could facilitate information sharing among countries in the region. On the same token, some participants pointed out that there have been a number of mechanisms for information sharing. The Meeting also recognised the issue to be further examined is the effectiveness and usefulness of the information sharing exercise, as well as type of information and how much information to share.

25. In view of developing networks of information, the Meeting noted the suggestion for maritime law enforcement forces in the region to build their own network of information sharing both in terms of legal and practical aspects. The Meeting also viewed that multilateral cooperation frameworks such as the ARF should play greater role in facilitating the network through more concrete and action-oriented programmes, with ASEAN leading the process. Promotion of public awareness of the maritime security laws, especially among the seamen and fishermen should be enhanced to elevate their safety and security levels. Since the ARF is in the early stage of maritime security cooperation, future ARF deliberations should develop a set of norms and standards of the conducts at sea to avoid conflicts and maintain peace and stability. The ARF should serve as a forum to step up confidence and mutual understanding in the region.

26. The Meeting viewed that cooperative activities should be developed from both policy and legal aspects. The Meeting observed that it has been a challenge to understand the legal regimes of individual ARF participants. In order to promote better understanding of legal aspects of maritime security among the ARF participants, the ARF could consider initiatives related to the sharing of information on laws and regulations in maritime law enforcement.

27. The Meeting reiterated its commitment to pursue cooperation in the South China Sea based on the universally recognised principles of international law including the 1982 United Nations Convention on the Law of the Sea (UNCLOS).

28. In view of enhancing cooperation on maritime security, the Meeting welcomed the successful outcomes of the 2<sup>nd</sup> ASEAN Maritime Forum (AMF) in Pattaya on 17-18 August 2011. The AMF has recommended, among others, the establishment of an information sharing centre.

29. The Meeting noted the presentations by Japan, Indonesia, India, Malaysia, Singapore, Viet Nam, and Thailand which appear as **ANNEXES 11-17**.

#### **Agenda Item 6: Country Statements**

30. The Meeting exchanged best practices on maritime security and maritime law enforcement including interagency and civil-military cooperation. Better coordination between other existing regional and international law enforcement agencies such as the INTERPOL and ASEANAPOL was suggested. Some participants shared on their national efforts in the implementation of the International Convention for Safety of Life at Sea (SOLAS) and the ISPS Code. The Meeting noted the suggestion that measures to undertake as well as the type of information to share should be clarified to enable countries to fully implement their international obligations.

31. Some participants commented on the latest situation in the South China Sea and encouraged all parties of the South China Sea to exercise self-restraint and implement the agreed principles prescribed in the Declaration of Conduct of Parties in the South China Sea (DoC). Against the backdrop of those comments regarding disputes, the Meeting welcomed commitments to resolve any disputes through peaceful and diplomatic means.

32. The Meeting expressed concerns on the increasing incidents of maritime security and transnational crimes at sea such as trafficking in persons, people smuggling and illicit drugs trafficking. The Meeting reiterated the call for the ARF to play a more active role in addressing these crimes. On the same note, the Meeting also suggested that maritime threats could provide opportunities for closer cooperation among the ARF participants. The issue of linking existing bilateral and multilateral mechanisms to ensure complementarity among these fora was also highlighted. Some participants proposed that the ASEAN Secretariat and Track II mechanisms could contribute ideas and initiatives for the ARF in further promoting closer links between maritime security and non-traditional security issues, as could greater linkages with the private sector.

33. The Meeting observed that piracy in the Gulf of Aden will persist as long as the root cause of poverty in the surrounding areas is prevalent. The Meeting commended on the commitment of ARF participants who have been taking part in the anti-piracy joint patrol in the Gulf of Aden on voluntary basis under the United Nations mandate.

34. The Meeting identified the problem of IUU fishing which is threatening the sustainability of maritime resources and creating potential maritime disputes among neighbouring countries. Some participants emphasised the need for the ARF member states to strengthen control over their own nationals' way of fishing and to enhance cooperation in coming up with joint measures to prevent illegal fishing. Some participants also expressed concerns on the recent GPS jamming in the area of the Yellow Sea which might lead to serious maritime accidents.

35. The Meeting noted the presentations by Australia, Bangladesh, China, Indonesia, Japan, Myanmar, New Zealand, Papua New Guinea, and the Republic of Korea, which appear as **ANNEXES 18-26.**

#### **Agenda Item 7: International Port Security Code: Background and Overview of Regional Compliance**

36. CDR (Ret'd) Steven Boyle of the United States Coast Guard (USCG) presented an overview on the ISPS Code and its implementation. He highlighted the key elements of the ISPS Code. He underlined that the ISPS Code does not provide specific details of the security plans, practices and measures. Individual implementing countries are to lay out these details according to the port facilities. He also explained about the USCG International Port Security (IPS) Program which started in 2004. The Program's liaison officers visit maritime nations with whom the United States have business to observe the implementation of the ISPS Code, to share information and to maintain ongoing dialogue. He also mentioned that the USCG has provided information on best practices on the ISPS Code implementation on the Homeport website. He expounded on the benefit of the ISPS Code for port countries. Towards the end of his presentation, he identified the current challenges of the USCG in implementing the ISPS Code, namely, 1) finding appropriate balance between security, free flow of commerce and freedom of navigation; 2) no guarantee that ports are 100% safe; 3) further vulnerability reduction through identity protection/verification, logistic chain protection, and small vessels security. His presentation appears as **ANNEX 27.**

37. The Meeting discussed the placement of IPS Program liaison officers in certain partner countries. CDR Boyle explained that before the development of the ISPS Code these international postings were for marine inspection detachments tasked with inspecting US Navy flag ships as they enter port. The postings were later modified to accommodate the IPS Program liaison officers.

38. The Meeting discussed the interface between the USCG and the United States Customs and Border Protection (CBP) in the implementation of the ISPS Code. CDR Boyle explained that the CBP is specifically focused on cargo security while the USCG covers the broader aspect of port security.

39. The Meeting addressed the process of inspection in the implementation of the ISPS Code. CDR Boyle clarified that the USCG does not have a mandate to conduct inspections; rather it consists of visits and dialogues with partner countries. He also explained that the USCG designates IPS liaison officers who are provided portfolio countries and tasked with establishing relationships with the security personnel of those countries. The relationships will pave the way for the in-country visits based on consultations regarding the schedule and the connectivity of a particular port facility with the United States.

40. During a port facility visit, the IPS liaison officers will discuss possible ways to enhance security in the visited port. If a particular port facility does not meet the ISPS Code security standard, the IPS Program might suggest ways to support the contracting government in applying the security standard. In the worst case scenario where a country cannot meet the ISPS Code standards, ships of this country will be subject to conditions of entry to U.S. ports, including the requirement to undergo USCG off-shore inspections. CDR Boyle pointed out that these off-shore inspections are both time-consuming and costly for the United States and its trade partners. He reaffirmed the value of the IPS Program to standardise and enhance port security based on the ISPS Code, to facilitate the fast track entry of trade partner ships to U.S. ports, and to minimise costs arising from the conduct of off-shore inspections.

#### **Agenda Item 8: Co-Chairs' Statement, New Proposals and Other Matters**

41. The Meeting recognised that there is a range of organisations and fora on maritime security, including the APEC Transport Working Group and its Maritime Experts Group (MEG) and the International Maritime Organization (IMO). Taking into account the similarities of issues discussed in the ARF ISM on MS and these mechanisms, the Meeting proposed that outcomes of the ARF ISM on MS should be shared to these mechanisms. The Meeting acknowledged that maritime security involves non-government agencies including the private sector stakeholders and therefore it is important to also share information and policy recommendations from the ARF discussions to the private sector.

42. The meeting welcomed Japan's proposal on confidence building measures, which aims at helping to avoid conflicts and prevent incidents at sea from escalating. Under this proposal, Japan considers the possibility of hosting an ARF seminar on SAR at an appropriate date next year. Furthermore, Japan also proposed sharing with the ARF a discussion entitled "Good Seamanship", which is being prepared under the ADMM-Plus EWG on MS. The meeting also noted Japan's proposal on fisheries resources, which includes an examination of modalities of fisheries resources management by using as a reference the fisheries resources management mechanisms in other regions such as the North Pacific, the Atlantic, the Mediterranean. The proposal also considers how the results of that study could be applied to this regional sea with the aim of setting up an interim solution mechanism. The proposal appears as **ANNEX 28**.

43. The Meeting noted the proposal for an ARF initiative on the protection of marine environment by the United States. The proposal wishes to address methods of coordinated international response to hazardous incidents and oil spills. The United States proposed an ARF workshop or a series of workshops to address these issues. The Concept Paper for this activity appears as **ANNEX 29**. The Concept Paper will be further developed in the inter-sessional year of 2012-2013.

44. The Meeting noted that the 5<sup>th</sup> ARF ISM on MS will be held in the Republic of Korea in April 2013, co-chaired by Indonesia, the Republic of Korea and the United States.

45. The Co-Chairs announced that the draft Co-Chairs' Summary Report will be distributed to all ARF participants via e-mail the following week after the Meeting is concluded. ARF participants were invited to submit their comments and inputs to the Co-Chairs on a set deadline.

#### **Acknowledgement**

46. The Meeting expressed gratitude to the Co-Chairs for their effective leadership and fruitful discussion. The Meeting also expressed appreciation to the Government of the United States for the excellent arrangements and hospitality accorded to all ARF participants.

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