

# ASEAN REGIONAL FORUM WORKSHOP ON MARITIME SECURITY

22-24 SEPTEMBER 2004  
KUALA LUMPUR, MALAYSIA

## CO-CHAIR'S REPORT

Pursuant to the decision reached at the 11<sup>th</sup> ASEAN Regional Forum (ARF) on 2 July 2004 in Jakarta, Indonesia, the ARF Workshop on Maritime Security was held from 22-24 September 2004 in Kuala Lumpur, Malaysia. The Workshop was co-chaired by Malaysia, Indonesia and the United States.

2. Representatives from Australia, Brunei Darussalam, Cambodia, Canada, China, European Union, India, Indonesia, Japan, Lao PDR, Malaysia, Myanmar, New Zealand, Pakistan, Philippines, Russian Federation, Singapore, Thailand, United States of America, Viet Nam, the ASEAN Secretariat, the International Maritime Organisation (IMO) and the Southeast Asia Regional Centre for Counter Terrorism (SEARCCT) attended the Workshop. The agenda and list of delegates are attached as **ANNEX A** and **B** respectively.

3. The opening remarks by H.E. Tan Sri Ahmad Fuzi Haji Abdul Razak, Secretary-General, Ministry of Foreign Affairs of Malaysia is attached as **ANNEX C**. The programme for the Workshop is attached as **ANNEX D**.

4. On the second day the workshop divided into three breakout sessions to discuss in detail various aspects of maritime security.

### **AGENDA I : OVERVIEW OF MARITIME SECURITY ENVIRONMENT: CHALLENGES AND THREAT**

5. The Session was chaired by Malaysia and discussed papers presented by China, European Union, Indonesia, Japan, Malaysia, Singapore, United States of America and the ASEAN Secretariat. The papers are attached as **ANNEXES E,F,G,H,I,J,K and L**.

6. A number of participants briefed the workshop on recent national efforts in facing the challenges and threats to maritime security. The participants presented 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.

7. There was general agreement and understanding among participants that piracy and armed robbery against ships, criminal activity such as smuggling and the potential for terrorist attacks pose a threat to maritime security. In this regard, it was noted that these challenges and threats may disrupt the stability of global commerce.

## **AGENDA II : MANAGING MARITIME SECURITY CHALLENGES AND THREATS**

8. The Session was chaired by Indonesia and discussed papers presented by Australia, European Union, Malaysia, Thailand and United States of America. The papers are attached as **ANNEXES M,N,O,P and Q.**

9. Participants generally shared the view on the importance of managing challenges and threats by employing a number of measures, whether at the domestic, regional or even international level. Piracy, transnational organised crimes such as smuggling, terrorist activities, and environmental damage were also highlighted as threats in maritime security. Towards this end, the participants exchanged their views on the need to implement and develop international and national standards such as the safety of navigation, application of ISPS Code and surveillance systems in order to ensure the safe movement of people and goods.

10. Given the immensity of the problem the participants concurred that there was no single country that could handle maritime security alone, thus, they shared the view that cooperation based on the international laws and conventions between and among countries is a must in order to manage maritime security effectively. They also stressed that besides implementing the international laws, standards and regulations, there is an urgent need to develop an accurate and timely information system and apply a cooperative approach in the form of bilateral, trilateral or multilateral arrangements as strategic steps to identify problems and appropriate measures in managing security challenges and threats. There was also a general understanding that in addressing maritime security, there is a need to have a clear picture of the state of the maritime environment.

11. 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 sovereignty of the littoral states in managing their territorial waters under their jurisdiction and implementing the United National Convention on the Law of the Seas 1982 as the legal framework within which all activities in the ocean and seas must be carried out.

### **AGENDA III : OPTIMISING THE USE OF TECHNOLOGIES FOR MARITIME SECURITY**

12. The Session was chaired by the United States of America and discussed papers presented by Canada, Malaysia, Singapore and IMO. The papers are attached as **ANNEXES R,S,T, and U**.

13. The participants noted that there are a variety of technologies that can be used to improve maritime security. However, the participants also noted that technology itself is not sufficient. The participants agreed that technology must be part of a larger strategy for effective maritime security. Some participants also noted the difficulty to achieve the desired level of cooperation if procurement in the region continued to be vendor driven.

14. The participants therefore agreed that appropriate technology needs to be chosen to suit objectives, budget and maritime environment. The participants agreed that the sharing of information is vital to ensure maritime security. In this regard, some participants stressed the need to manage and integrate information and establish effective decision making process.

15. The participants noted that the proposed Maritime Electronic Highway (MEH) to be applied in the Straits of Malacca and Singapore could enhance the transparency of navigation and overall traffic control and also provide the basis for intensive monitoring of the real-time situation of navigation.

### **AGENDA IV : ENHANCING COOPERATION ON MARITIME SECURITY**

16. The session was chaired by Malaysia and discussed papers presented by India, Indonesia, Japan, Pakistan, United States of America and IMO. The papers are attached as **ANNEXES V,W,X, Y, Z and AA**.

17. The participants agreed that maritime security is an indispensable and fundamental condition for the prosperity and economic security of the ARF region. The participants recognized that collective effort is vital to address threats against maritime security. It also agreed that it should be on the basis of mutual respect for sovereignty, territorial integrity and in accordance with the UN Charter and other recognized international laws.

18. There was general understanding among the participants that the use of bilateral and regional agreements is a useful method to enhance maritime security.

19. The participants acknowledged the need for comprehensive actions including enhancing cooperation on fighting piracy and armed robbery in the region between ARF participants' shipping and international organizations.

20. The participants recognized the need to encourage bilateral and multilateral maritime cooperation among ARF member countries to combat piracy, including increased contact among personnel related to or assigned with such tasks. The participants acknowledged the need to enhance inter-regional cooperation through sharing of real time information, creating of intelligence databank and identifying the sources of funding for such activities.

21. In this context some participants referred to the ongoing discussions on proposed amendments in the Convention on the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA).

## **REPORT OF THE BREAKOUT SESSIONS**

22. The Meeting divided into three Breakout Sessions to further deliberate on the issue of Maritime Security. The format used was based upon a hypothetical scenario involving smuggling, piracy, bombings, hijacking, kidnapping, and the responses, procedures and ways to address this. Breakout Session I discussed Managing Maritime Security Challenges and Threats. Breakout Session II discussed Optimising the Use of Technologies for Maritime Security. Breakout Session III discussed Enhancing Cooperation on Maritime Security. The output of the three Sessions appears as ANNEX **BB**.

### **BREAKOUT SESSION I: MANAGING MARITIME CHALLENGES AND THREATS**

23. This Session was facilitated by Japan and Malaysia. The Session discussed issues involving ways and areas for improvement in managing maritime challenges and threats in the region. The Session recommended that ARF member countries should have a common understanding and observance of applicable legal frameworks which includes observance of international law, capacity building and increasing awareness.

24. Due to the inadequacy and lack of cooperation in intelligence sharing, the Session recognised the need for ARF member countries to identify their national focal point and to enhance cooperation in intelligence and information sharing. This involves the accuracy, reciprocity and speed of sharing among the ARF member countries. This Session recognised that in order to strengthen inter-departmental cooperation among the maritime enforcement agencies, ARF member countries should develop national contingency plans involving all stakeholders.

25. The Session highlighted the need to establish inter-governmental agreements, such as standard operating procedures and also to develop a regional contingency plan where and when possible and appropriate. Due to the lack of resources and assets in managing maritime security in the region, the Session highlighted the need to undertake national and regional assessments and gap analysis. This includes sharing of expertise and technology and providing technical assistance where and when possible by developing cooperative processes and arrangements

## **BREAKOUT SESSION II : OPTIMISING MARITIME TECHNOLOGIES FOR MARITIME SECURITY**

26. This Session was facilitated by Singapore and Australia. The Session first identified the regional challenges or threats and took stock of the technologies available to address these challenges. The Session identified the following as challenges or threats: transnational crimes and terrorism; lack of inter-state coordination; lack of capabilities; issues and arrangements.

27. With this information, the Session recommended possible first steps to address these challenges using the technologies available and also the appropriate forum in which these first steps could be initiated.

28. The Session noted that there were many varying forms of technology available for use in maritime security, such as among others, remote systems, tripwire capabilities, radar, and satellites. The Session also noted that these technologies could be used in tandem with non-technical tools and measures such as common definitions, common approaches and confidence building measures.

29. In order to address the threat of transnational crimes, the Session recommended as a first step that countries develop information sharing capacities leading to actionable intelligence. However, there were questions on who is responsible for and how intelligence can be classified as "actionable".

30. The Session also discussed the establishment of an appropriate standing or coordinating group under the appropriate UN or other bilateral, regional or multilateral fora where possible. In order to improve inter-state coordination, the Session recommended adherence to international standards such as the IMO Codes.

31. To address the problem of the lack of capabilities such as surveillance, enforcement, a common view or picture of the threat or area of interest, and system inter-operability, the Session agreed that it was important for countries concerned to make an assessment of their own as well as regional capacities.

Through the identification of national and regional capacities, the next step would be to identify the necessary technical and financial assistance needed to build and enhance the necessary capacities. The Session also proposed conducting more confidence building activities and there was also the suggestion to develop common operating procedures where possible.

32. On the issue of legal arrangements, the Session proposed conducting appropriate workshops to further legal aspects. The Session also noted the need to enhance legal arrangements at bilateral, regional and multilateral levels.

### **BREAKOUT SESSION III : ENHANCING COOPERATION ON MARITIME SECURITY**

33. This Session was facilitated by the United States and Indonesia. The Session identified four areas for enhancing cooperation on maritime security, namely: cooperative frameworks; common understanding of threats; information exchange, mechanisms, policies and procedures; and national capacities.

34. The Session agreed that existing frameworks needed to be strengthened and further developed to be better able to address maritime security. It was noted that a lack of common understanding on what constitutes maritime crimes, and a lack of uniformity in national laws hinders cooperation as definitions of maritime crime and the parameters for action vary from country to country. The Session therefore recommended as a first step that countries review existing frameworks at the national, bilateral, regional and multilateral levels in various fora such as the United Nations, ASEAN, the ARF, and ASEAN+3 among others.

35. There was agreement that there was a need to promote common understanding of threats among countries. The Session noted that different perceptions on what constitutes maritime threats influence the efforts taken by countries to address, and the urgency of such threats. As such, it was recommended that further CBMs such as this ARF Workshop be implemented. It was recommended that various fora allow countries to engage and discuss for further convergence on a common understanding on maritime security threats.

36. The Session also agreed that information exchange, mechanisms, policies, and procedures can be further improved to allow countries to better respond and take appropriate action. Obstacles for cooperation identified include lack of political will, a lack of trust between countries, the difficulties in exchanging classified information, and a lack of resources in terms of information and data. The notion of an accessible and reliable clearinghouse and database for information and resources was also discussed.

37. The Session also identified the enhancing of national capabilities as an important area that facilitates further regional and international cooperation on maritime security. Obstacles to cooperation include a lack of funding and resources among various countries in terms of not only assets and capabilities, but also trained human resource. Furthermore, differing levels of technology was identified as another obstacle to cooperation. The Session recommended cooperation among all stakeholders including collaboration with the private sector in terms of technology upgrades and research and development.

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