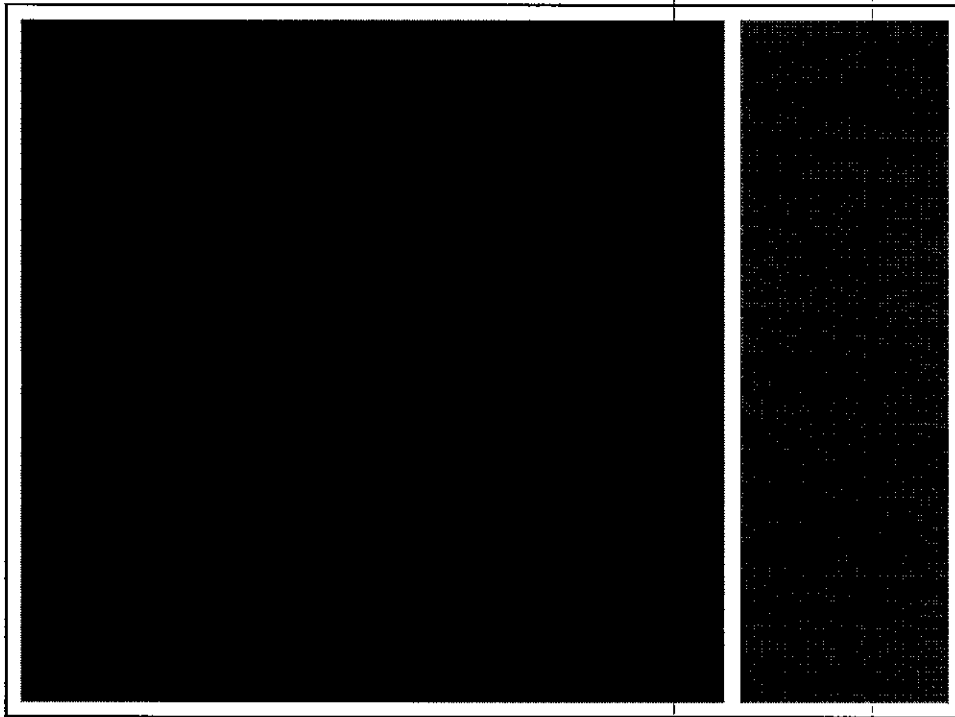



ANNEX 3




- **Identify and quickly describe international laws and the ASEAN mechanisms that implement those international legal instruments**
- **Highlight how those legal instruments can enable maritime security cooperation in the region**



- **Background**
 - International Law
 - ASEAN Instruments on Transnational Crime
- **Recent Developments**
 - Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP)
 - Statements from ASEAN Ministerial Meetings
 - Plans of Action
 - 2025 Political-Security Community Blueprint
- **The Way Ahead**

3



- **UN Convention on the Law of the Sea, 1982 (UNCLOS)**
- **Convention on the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 1988 (SUA Convention 1988)**
- **UN Convention on Transnational Organized Crime, 2000 (OCC)**

4




- The “constitution for the oceans”
- Balances the freedom of the high seas with States’ rights and duties to their citizens

5




- Article 101: Piracy
 - (1) Illegal acts of violence
 - (2) on the high seas
 - Armed robbery = inside Territorial Sea, archipelagic waters, or internal waters of a State
 - (3) for private ends
 - (4) between two vessels

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- **Allows states to exercise jurisdiction over more maritime terrorist activities**
- **Restricted Jurisdiction**
- **But Enabled**
 - **Cooperation in prevention of offenses in Convention**
 - **Exchange of information**

7



- **Key Articles:**
 - **Participation in an Organized Criminal Group (Article 5)**
 - **Laundering Of Proceeds Of Crime (Article 6)**
 - **Mutual Legal Assistance (Article 18)**
 - **Assistance To And Protection Of Witnesses And Victims (Articles 24 And 25)**
 - **Measures To Enhance Cooperation With Law Enforcement Authorities (Article 26)**
 - **Law Enforcement Cooperation (Article 27)**

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- **ASEAN Declaration on Transnational Crime**
- **ASEAN Agreement on Customs**
- **ASEAN Convention on Counter Terrorism**
- **ASEAN Treaty on Mutual Legal Assistance in Criminal Matters**



- **Specific Objectives of the Plan of Action**
 - **Develop a more cohesive, regional strategy aimed at preventing, controlling and neutralizing transnational crime;**
 - **Foster regional cooperation at the investigative, prosecutorial, and judicial level as well as the rehabilitation of perpetrators;**
 - **Enhance coordination among ASEAN bodies dealing with transnational crime;**
 - **Strengthen regional capacities and capabilities to deal with sophisticated nature of transnational crime; and**
 - **Develop sub-regional and regional treaties on cooperation in criminal justice, including mutual legal assistance and extradition.**



■ ASEAN Convention on Counter Terrorism

- Framework for regional co-operation to counter, prevent, and suppress terrorism in all its forms and manifestations and to deepen co-operation among law enforcement agencies and relevant authorities of the Parties in Countering terrorism.
- Enhance Cooperation and intelligence exchange

■ Treaty on Mutual Legal Assistance in Criminal Matters

- Improve and facilitate cooperation of law enforcement authorities in resolving criminal matters

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■ ASEAN Agreement on Customs

- “Customs authorities shall endeavour to cooperate with each other and with relevant agencies for the protection of the ASEAN community through concrete actions in combating customs fraud, offences and any transnational crime, including but not limited to illicit drugs trafficking, intellectual property rights (IPR), money laundering, terrorism, and human trafficking”

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- **Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP)**
- **Statements from ASEAN Ministerial Meetings**
- **Plans of Action**
- **2025 Political-Security Community Blueprint**

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- **Information Sharing Center (ISC)**
 - **Contracting parties communicate information regarding incidents of piracy or armed robbery through one office (the focal point)**
- **Sharing of Best Practices**
 - **Periodical Reports on Piracy and Armed Robbery**
 - **Regional Guide to Counter Piracy and Armed Robbery Against Ships in Asia**
 - **Other “How To” Guides for Preventing Piracy**

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- **ASEAN Defence Ministers' Meeting (ADMM), March 2015**
 - “Cooperate to counter the imminent threat of terrorist organizations by increasing public awareness”
 - Endorsed the Standard Operating Procedure for the Utilisation of Military Assets for Humanitarian Assistance and Disaster Relief under the ASEAN Agreement on Disaster Management and Emergency Response

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- **Chairman’s Statement of the 5th East Asia Summit Foreign Minister’s Meeting, Kuala Lumpur, 6 August 2015**
 - “The Ministers highlighted the need for countries to support efforts to counter terrorist and violent extremist ideology and propaganda”
 - “The Ministers underscored the importance of peace and stability in the region and reiterated the Leaders’ call for regional efforts to enhance cooperation in promoting maritime safety and security.”

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STATEMENTS FROM ASEAN MINISTERIAL MEETINGS

- **East Asia Summit Statement Nov. 22, 2015**
 - **“Conduct more pragmatic maritime cooperation for common development”**
 - **“Promote cooperation and coordination between maritime law enforcement agencies such as among Coast Guards and other relevant agencies”**

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STATEMENTS FROM ASEAN MINISTERIAL MEETINGS

- **Joint Ministerial Statement from the Twenty-first ASEAN Transport Ministers Meeting, 5 November 2015**
 - **“The Ministers tasked senior officials and transport working groups to work closely with stakeholders to ensure that the measures stipulated in [Kuala Lumpur Transport Strategic Plan] KLTSP are effectively and efficiently implemented.”**

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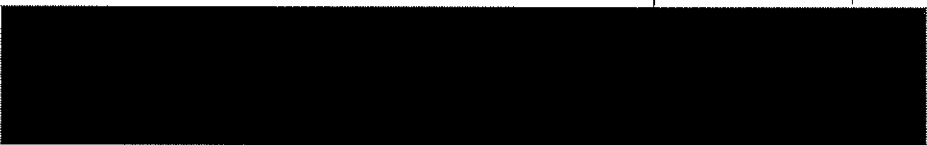
- **1.3 Identify a mechanism to mutually recognise the certificates of competency for Near Coastal Voyages issued by ASEAN Member States**
- **1.4 Enhance the implementation of Electronic Data Interchange (EDI) in ASEAN ports**
- **1.6 Enhance the capacity of the 47 designated ports**
- **1.7: Improve reliability of technical standards of ASEAN Ports, share technical standards through seminars**
- **4.1 Enhance navigation system and security measures in line with international standards**



- **MT-5 Formulate necessary policy initiatives and recommendations to develop strategic maritime transport logistics between ASEAN and Dialogue Partners**
- **MT-6 Intensify regional cooperation in improving transport safety**



- **B.6. Enhance maritime security and promote maritime cooperation in ASEAN region and beyond, through the strengthening of ASEAN-led mechanisms and the adoption of internationally accepted maritime conventions and principles**
- **Continue to strengthen maritime connectivity within ASEAN through the establishment of ASSM regional maritime transport cooperation and effective implementation of the International Maritime Organization (IMO) conventions towards realising an integrated, efficient and competitive maritime transport, including fostering a culture of maritime safety within ASEAN**



- **International Ship and Port Facility Security Code (ISPS)**
- **Standards of Training, Certification and Watchkeeping for Seafarers (STCW)**
- **Knowledge Management**



- **Preventative Measures against Security Incidents**
- **Duties for Different States and Individuals**
- **Creates a “Culture of Security”**
- **Improves Cooperation and Communication**
- **Does Not Apply To:**
 - **Warships, government ships, or fishing vessels**



- **Promote safety of life and property and protect the marine environment by establishing international standards of training and certification**



- **International laws and their status in ASEAN**
- **ASEAN instruments, their status, and national-level enactment**
- **Information Sharing Center**

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- **International and ASEAN legal instruments that enable cooperation**
- **Need improved tracking of status of instruments**
- **Facilitate information and intelligence sharing to improve coordination and cooperation**

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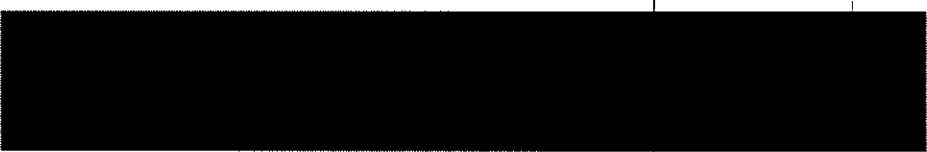
- **International Convention Against the Taking of Hostages (Hostages Convention)**
- **Vienna Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances**
- **1999 Terrorist Financing Convention**
- **2003 Corruption Convention**



- **Palermo Protocol**
- **Migrant Smuggling Protocol**
 - **Requires States to exchange information on:**
 - **Means and methods of concealment**
 - **Identities of smugglers**
 - **Main routes of smuggling**
 - **Best practices for preventing and combating smuggling**
 - **Scientific and technological information useful to law enforcement**



- **Plan of Action**
 - **Strengthen the rule of law and border control among ASEAN Member States;**
 - **Intensify efforts to prosecute trafficking in persons cases; and**
 - **Strengthen regional cooperation based on shared responsibilities to effectively address demand and supply that fosters all forms of trafficking in persons, especially women and children, that leads to trafficking.**



- **Logistics Support Framework**
- **MOU for Implementation of a regional Marine Electronic Highway**
- **Master Plan on ASEAN Connectivity: develop sustainable and resilient infrastructure, logistics and port management, navigation cooperation**