

Report on Maritime Terrorism and Organised Crime Threats
Prepared by the ARF ISM on Counter-terrorism and
Trans-national Organized Crime
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1. Context

This report is based on presentations made by Australia, Brunei Darussalam, Canada, China, European Union, India, Indonesia, Japan, Lao PDR, Malaysia, New Zealand, Russian Federation, Singapore, Thailand, the United States and Viet Nam on terrorism and transnational crime in the ARF region at the 10th ARF ISM on Counter Terrorism and Trans-national Crime held in Vietnam in March 2012.

Meeting participants agreed that the content of these national presentations would be summarized into a report that would be presented to the ISM on Maritime Security.

Concern was raised about whether discussion of the topic of terrorism and international crime in the maritime domain overlapped with the work of the Maritime Security ISM. The Chairs recognize this concern but maintain that crime and terrorism represent such a serious threat to this region, that we would be remiss if the discussions of the CTTC ended at the coastline. Given the CTTC's expert focus on crime and terrorism the Chairs believe that the group is well-placed to help advance relevant discussions within the ISM on Maritime Security.

Notwithstanding, we do wish to limit overlap in our respective discussions and so with the presentation of this report, we leave it to the Maritime Security group to discuss appropriate follow-up actions. However, we suggest that further interaction between these two groups would be a highly positive outcome.

2. Threat assessment

- The Meeting reiterated that most ARF countries rely heavily on maritime trade and other sea-based economic activities including exploitation of natural resources. Thus any disruption on the security of the maritime domain will be a huge threat to the economy of the region. South East Asia is highly prone to maritime security threats, both due to its large coastlines and its critical geographical location between East Asia and the Middle East.
- Most regions of the world have seen a decrease in maritime security incidents, except the South China Sea, which has seen a steady rise since 2009.
- Countering piracy and armed robbery at sea remains a priority for many states.

Terrorism

- Sea-based terrorism is viewed as a serious threat in the region.
- Active terrorist groups in the region have shown a willingness to build their capacity so as to be able to exploit existing security vulnerabilities.
- While it has been assessed that terrorist groups do not currently have sufficient capability to conduct complex maritime attacks, maritime waterways are currently being exploited as means to transport illegal weapons and members of the group in support of land operations.
- The maritime domain can be used for a variety of ways by terrorists:
 - Use of the sea or a waterway to target land;
 - Direct targeting of port facilities;
 - Using aircrafts to target ships or oil and gas facilities;
 - High-jacking of ships for ransom or other nefarious purposes;
 - Using remotely detonated explosives to target ships;
 - Use of explosives carried by ships.
- Piracy and armed robbery against ships have been identified as a source of funding for terrorist activities.

Transnational organized crime

- There is a strong recognition within the ARF CTTC that organized crime is very active in the region and well-established in the maritime domain. Criminals continue to challenge law enforcement and state sovereignty.
- Current maritime transnational organized crime challenges include:
 - Trafficking in persons & migrant smuggling;
 - Trafficking: arms, people, goods, contraband;
 - Illegal fishing;
 - WMD proliferation (both a crime and terrorist threat);
 - Others: environment threats (i.e. illegal dumping of toxic or chemical waste).
- Lack of comparable empirical data on actual activities in the region makes it difficult to pinpoint the scale of the challenge.

3. Responses

Domestic Response

The domestic responses which have been undertaken by the ARF participants include: setting up inter-agencies coordination; the development of maritime security operation centres; and, new legislation against counter-terrorism and transnational crime.

- Coordination: Members agreed that the first step in combating maritime threats is to coordinate domestic agencies with a role to play in ensuring maritime security. In some instances, this is through the establishment of policy coordination bodies; in other cases, this is fostered through new authorities for joint operations or new maritime-threat centres.
- Information sharing: A strong information sharing culture at the national level contributes to strengthened ability to contribute to the custom at the regional and international level.
- Maritime domain awareness: The development of a national Maritime Domain Awareness strategy by all states is key to ensuring collective security.
 - Developing a more acute awareness of one's immediate maritime environment enables countries to engage with partners to address common gaps and makes spotting anomalies and weaknesses easier.
- Domestic in-reach: These efforts can be strengthened by the concurrent establishment of financial intelligence units and/or community outreach groups, which undertake dialogue with, inter alia, the private sector and coastal communities.
 - Some participants indicated that a national counter-terrorism strategy should include a focus on winning the hearts and minds of the people.

Regional and International Response

Measures considered pivotal to regional and international coordination include: the establishment of international standards; expanded access to existing multilateral information sharing centres; enhanced intelligence and critical infrastructure security; and, timely accession to international agreements and conventions.

- Bilateral patrols and multilateral patrols: Joint patrols of contiguous marine areas have shown successes in reducing maritime incidents.
 - Unfortunately, unresolved territorial disputes can hinder joint patrols. Disputed waters are then open to being exploited by organized criminal

or terrorist groups who know gaps exist in policing contentious maritime boundaries.

- Information sharing processes: Concerns were expressed about limits and lack of timeliness in sharing of time-sensitive information, impact on bilateral and regional coordination due to national sensitivity on certain issues. Impediments, particularly in the investigation process and operational issues, such as joint patrols hamper the law enforcement efforts and limit the capacity of personnel of the law enforcement agencies.
- Existing fora: The Meeting recognized existing regional security fora addressing maritime security issues including the ARF, the ASEAN Defence Ministers' Meeting Plus (ADMM-Plus) and the ASEAN Maritime Forum (AMF).
- International agreements: Meeting also recognized the value of the following international agreements -UNCLOS, Declaration of Conduct of Parties in the South China Sea (DOC) and Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP).
 - Lengthy process of ratification of conventions and agreements are of concern, as this can limit regional standard-setting processes;
 - However, ratification can lead to difficulties in reconciling national capacities to actively counter crime and terrorism with international commitments.

4. Recommendations

- 1. The meeting recommended that the ARF should enhance cooperation in information and intelligence sharing, in line with the measure stipulated in the Hanoi Plan of Action to Implement the ARF Vision Statement. Regarding the practical cooperation, the Meeting called for training and transfer of technologies to enhance capacity of the law enforcement agencies.**
- 2. The enhancement of maritime criminal justice is seen as crucial to long-term maritime interdiction and cooperation efforts.**
- 3. The goal is to build maritime security investigative and prosecution capacities, both in the seizure and administration of vessels, and the investigations and prosecution of offenders.**
 - **This challenge is acute in the marine environment when there are territorial boundary issues at play or when incidents unfold in international waters.**

4. In planning the prevention and response to a maritime incident, it is also important to prepare and train in crisis management response and capability.
5. The definition of “maritime security” is very different from state to state, which is why it is important for states to ratify and use international conventions and agreement as much as possible as building blocks for cooperation and joint engagement with other members on maritime security issues.
6. Ratification of international conventions and treaties is an initial step towards important confidence-building measures required for sustained cross-border cooperation.
7. The establishment of bilateral MLAT or extradition treaties will also enable members to engage.
8. Lessons learned from piracy efforts should be shared with other regions, such as in the countries in the Indian Ocean and West Africa who are now struggling with piracy in the Indian Ocean and the Gulf of Guinea.
9. Other recommended areas of collaboration:
 - Capacity-building;
 - Technical cooperation;
 - Joint exercises and operations;
 - Research and data collection;
 - Mutual legal assistance agreements.