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**Concept Paper – ARF Inter-Sessional Meeting (ISM)
on Maritime Security**

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**Concept Paper
For the Establishment of
ASEAN Regional Forum Inter-Sessional Meeting on Maritime Security**

I. BACKGROUND

1. Since its establishment in 1994, the ASEAN Regional Forum (ARF) has contributed to the maintenance of peace and security in the Asia-Pacific region and beyond by elaborating various regional and international issues of common concerns. The breadth of spectrum of such issues has reflected to the actual facts that there has been a certain common level of comfort among ARF participants to discuss issues of peace and security in the region. One of the main issues being discussed by the ARF is maritime security.

2. During their 14th Meeting, the Ministers welcomed the ARF's continued focus and dialogue on the issue of maritime security and further reaffirmed the importance of addressing this issue in a more focused and concentrated manner, and within a cooperative framework that respects the rights of littoral states as well as concerns of user states in accordance with existing international law. The Ministers also looked forward to the development of concrete and practical activities on maritime security in the future.

3. Furthermore, during the ARF Roundtable Discussion on Stocktaking Maritime Security Issues held in Bali in August 2007, it was agreed that the ARF has moved forward in the area of maritime security. It was also recognized that in the last fourteen years, the ARF have discussed many issues of maritime security, including, among others, defining sea piracy and armed robbery against ship at sea, and cooperative methods to prevent transnational crimes, terrorism, capacity building, training and information sharing. The Bali roundtable discussion has called for concrete implementations of recommendations and commitments made in this respect.

4. Against that background, and with a view to provide a venue for ARF to discuss further, identify, and coordinate ARF's maritime security efforts, particularly to enhance discussions, reaching common understanding and measures of practical cooperative efforts on maritime security issues, Indonesia propose the establishment of an ASEAN Regional Forum Inter-Sessional Meeting on Maritime Security (ARF ISM MS).

II. EXISTING WORK ON MARITIME SECURITY ISSUE

5. The Ministers acknowledged the importance of addressing maritime security issues, and started conducting deliberation on this matter at their 10th Meeting in Phnom Penh in 2003. At the Meeting, the Ministers adopted the ARF Statement on Cooperation against Piracy and Other Threats to Maritime Security, 18 June 2003.

6. Maritime security issues in the ARF have been addressed at its various meetings, such as:

- ARF *Workshop* on Maritime Security in Kuala Lumpur, Malaysia on 22 – 24 September 2004,
- ARF CBM on *Regional Cooperation* in Maritime Security in Singapore on 2 – 4 March 2005,
- ARF *Workshop* on "Training for Cooperative Maritime Security" in Kochi, India on 26 – 28 October 2005,
- ARF *Workshop* on Capacity Building of Maritime Security in Tokyo, Japan on 29 – 20 December 2005,
- ARF Maritime Security *Shore Exercise* in Singapore on 22 – 23 January 2007, and
- ARF *Roundtable Discussion* on Stock Taking Maritime Security issues in Bali on 24 – 25 August 2007.

7. In addition, maritime security issues have also been addressed intersessionally in the ARF Ministers', Senior Officials' and ISG Meetings, during which ARF Participants acknowledged the importance of addressing maritime security issues to support the creation of peace and stability in the region.

8. On the other hand, some meetings have noted, that there were no specific venue for the ARF to discuss maritime security issues in a distinctive way of discussions. Some meetings have also distinguished growing suggestions on the need to establish an intersessional meeting within ARF that will allow participants to discuss substantial matters on common practical efforts for cooperative activities that will enhance capacity building on related to maritime security issues.

III. OBJECTIVES

9. The ARF ISM MS will be a forum for a more focused dialogues and concrete cooperation and to assess basic and common regional needs, capacity building and developing practical forms of cooperation among concerned agencies of all ARF Participants dealing with maritime security issues.

10. Moreover, in line with the Chairman's Statement of the 2nd ARF in 1995, which states that inter-sessional meetings are to be convened for ARF cooperative activities, the ISM MS will coordinate cooperative activities in maritime security issues.

11. The newly established ARF ISM-MS is designated to provide a focused forum for ARF participants to discuss maritime security issues under the ARF's framework. Specific activities like workshops, trainings and exercises should to the extent of practicability, be organized in conjunction/back-to-back with the annual meeting of the ARF ISM-MS. The ARF ISM-MS will also work in

cooperation and coordination with other existing maritime security fora. The ISM on MS may propose common policies on maritime security for cooperative and practicable implementation by ARF participants

12. The ARF ISM MS is envisioned to enhance cooperative efforts and agreed cooperation activities among ARF Participants in addressing maritime security issues, with a view to, among others:

- enhance inter-agency technical cooperation as one of the key element in addressing maritime security threats;
- enhance sharing of information, plans and objectives, where feasible;
- understand each others' culture, processes, procedures, requirements, capabilities, limitations;
- complement and support instead of compete with other efforts;
- integrate an agreed training exercise plans and SOPs, cooperative education programs and legal cooperation.

IV. STRUCTURE

13. While aspects of maritime security can be expected to be discussed or raised at other fora or sub-fora within the ARF Framework, the ARF ISM MS can serve as the main strategic level venue for ARF participants to discuss issues on maritime security so that there is a holistic oversight of the various aspects of maritime security. The organisation of the ARF ISM MS will be guided at the policy level by officials responsible for national maritime security coordination, and supported by policy-level officials from other ministries or line agencies responsible for specific aspects of the maritime security.

14. The ARF ISM MS will cover all issues related to maritime security, including but not limited to:

- the development and implementation of national strategies and complementary regional cooperation for maritime security;
- the implementation of port state measures in accordance with existing domestic and international law and standards;
- the initiation of activities for capacity building, transfer of technology, potential financial assistance including training for stakeholders on tactical and strategic levels;
- the discussion of the development of an ARF Maritime Security Workplan to coordinate ARF's growing efforts in this field;
- the enhancement of regional cooperation on identifying, collecting and sharing, where feasible, practices of relevant related laws and regulations on maritime security among participants of the ARF in the

- interest of strengthening implemented national legislation in the area of enforcement;
- the exchange of experience and information at the regional and international levels;
 - through training and best practices, increase capability and equipment required for monitoring and patrolling where practicable and within the capacity of member states;
 - the promotion inter-communicative and cooperative efforts amongst the ARF's maritime agencies through agreed table-top exercise and, where necessary and agreed upon coastal states, joint training exercises;
 - the complement of existing cooperative arrangements on information sharing activities;
 - the recognition of the need for a coordinated approach between government agencies and private sectors;
 - the encouragement of regional cooperation to support national implementation to curb maritime security threats;
 - the promotion of dialogue and communication between the government, private sector and citizens, particularly people living in coastal areas;
 - coordinate and cooperate with other existing regional and/or international fora or initiatives dealing with maritime security of the ASEAN region as appropriate.

V. MANDATE

15. Mandate of the ARF ISM MS should be sought from the Ministers by the Senior Officials. The continuation of the mandate of the ARF ISM MS will be reviewed by the Ministers taking into consideration recommendation of the Senior Officials.

16. The ISM MS will report to the ARF Senior Officials' Meeting and, through the SOM, to the ARF Ministerial Meeting. Ministers will provide final approval and authorize release of agreements adopted by the ISM MS as well as decide on the continuation of its mandate and may provide other guidance as appropriate.

VI. GUIDING PRINCIPLES

17. The organisation of the ISM should be in conformity with the guidelines to govern ARF's ISG and ISMs as stipulated in the Chairman's Statement of the 2nd ARF of 1 August 1995, i.e.:

- ARF ISM MS shall be co-chaired by ASEAN and non-ASEAN participants;
- ARF ISM MS shall be held in between ARF Ministerial Meetings; and
- Finding and recommendations of the ARF ISM MS shall be presented to the ARF SOM during the effective inter-sessional year.

18. In addition, the organisation of the ARF ISM MS should adhere to the following principles¹:

- the importance of applying the UN Charter and recognized international principles, related to relevant international and regional conventions, and institutional frameworks for technical cooperation including the framework under the UNCLOS 1982; respect for ASEAN spirits and principles, namely, respect of state sovereignty, enhanced interactions, equality, non-intervention and need to promote dialogue and networking;
- adherence to existing ARF principles, that will lead to contribute efforts towards building Confidence Building Measures (CBMs) to Preventive Diplomacy (PD);
- importance of facilitating information sharing among ARF participants, stocktaking and building up maritime security cooperative database, explore the suggestion of regional cooperative efforts for maritime security in the context of stocktaking, capacity building and training, joint coordinated efforts on bilateral or multilateral technical arrangements, exploring the idea of private-sector cooperation particularly in shipping and insurance industries in the context of promoting maritime security issues, and
- to consider further the technical implementation of related international maritime conventions related to maritime security.

19. Policy recommendations arising from or related to the ARF ISM MS would be submitted to the ARF Senior Officials and where necessary to Ministers for guidance and endorsement.

20. The work of the ARF ISM MS should be in line with the development of the proposed establishment of the ASEAN Maritime Forum and its scope of discussion and both fora are expected to provide a platform for comprehensive deliberations and dialogues among relevant ASEAN and ARF bodies on maritime issues.

VII. THE 1st ARF ISM-MS

¹ Co-Chairs' Summary Report of the ARF Roundtable Discussion on Maritime Security Issues, Bali, 24 – 25 August 2007

21. Once it is endorsed by the Ministers at their 15th Meeting in Singapore on 24 July 2008, the 1st ARF ISM-MS is planned to be held in the first half of 2009. Indonesia is prepared to be the co-chairs with Japan and New Zealand and to host the 1st Meeting .

22. The 1st ARF ISM-MS will focus on:

- Assessing issues being discussed in previous ARF related meetings such as the need for a common understanding on maritime security issues which could improve cooperation among countries, the need to develop a mechanism to accelerate concrete efforts to address maritime security issue at a pace comfortable to all and the importance of increasing cooperation on maritime security in a manner consistent with respect at first place the state sovereignty as well as obligations and commitments of states under international law, conventions and agreements.
- Discussing further specific maritime security issues namely sea piracy and armed robbery against ships, terrorism, violation of obligations to protect the environment and the smuggling of goods and persons.
- Undertaking specific practical actions to produce concrete result that improve maritime security in the short-term and enhance cooperation and capacity building for the medium and long-term while respecting issues on national sovereignty.
- Endorsing the development of a framework for a workplan to enhance cooperation in maritime security focused on concrete measures, including improved cooperation through training and exercises.
- Other relevant topics suggested by ARF participants.

VIII. FUTURE REVIEW

23. This document may be periodically reviewed as necessary and once it is endorsed, would become the ARF ISM MS's Terms of Reference. It may be further reviewed in conjunction with the review of the mandate of ARF ISM MS.