Institutional Building for Maritime Security in Southeast Asia: The Role of ASEAN

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Introduction

Major crude oil trade flows – Source: U.S. Energy Information Administration
Introduction

Major LNG trade flows – Source: U.S. Energy Information Administration
Introduction

Piracy and Armed Robbery against Ships– Source: ReCAAP ISC
Introduction

IMB Piracy Report 2012 – Source: ICC International Maritime Bureau

www.cil.nus.edu.sg
1. Raise awareness and understanding
2. Promote political will
3. Strengthen legal framework
4. Build and strengthen capacity
5. Increase effectiveness of law enforcement
ASEAN Instruments on Maritime Security

1997 Declaration on Transnational Crime

1999 ASEAN Plan of Action on Transnational Crime

2002 Work Programme to Implement the Plan of Action to Combat Transnational Crime
ASEAN Instruments on Maritime Security

2003
- Bali Concord II
- ASEAN Summit Statement

2004
- Community Plan of Action
- Vientiane Action Programme

2009
- 2009 Blueprint on the ASEAN Political-Security Community
2004 Treaty on Mutual Legal Assistance in Criminal Matters

Obligation to render MLA: taking evidence, executing search and seizure, locating and identifying witnesses/suspects/properties, transfer of persons to give evidence

Standardization of request forms and contents

Designation of Central Authorities

Double Criminality

Additional Grounds for Refusal

Not all parties have criminalized piracy and other maritime offences
2007 ASEAN Convention on Counter Terrorism

- Offences: all major global counter-terrorism treaties
- Jurisdiction: territoriality, nationality, flag state, passive nationality, presence of a suspect
- Obligation to extradite or prosecute.
- Obligation to cooperate.

Limitation: Opt-out clause
ASEAN Sectoral Bodies on Maritime Security

ASEAN Maritime Forum (AMF) - 2010
Multi-dimensional forum to foster ASEAN maritime cooperation through dialogues, consultations, policy-oriented studies and joint activities.

Expanded ASEAN Maritime Forum (EAMF) - 2012
First Track 1.5 mechanism on maritime issues with participation of ASEAN member states and major nations in the wider East Asia region.
ASEAN Sectoral Bodies and MS

- ASEAN Ministerial Meeting on Transnational Crimes
- ASEAN Law Ministers Meeting
- ASEAN Defense Ministers Meeting
- ASEAN Transport Ministers Meeting
- ASEANAPOL
ASEAN and Dialogue Partners

- China
- Japan
- United States
- EU
ASEAN Regional Forum (ARF)

1993-1994

1993: ARF was established
1994: First meeting adopted Concept Paper

2003-2004

2003 ARF Statement on Cooperation against Piracy and Other Threats to Maritime Security
2004 Statement on Strengthening Transport Security against International Terrorism

2010-2011

2010 Hanoi Plan of Action to Implement the ARF Vision Statement
2011 ARF Work Plan on Maritime Security
ASEAN Regional Forum (ARF)

Activities on Maritime Security

- Confidence Building
- Awareness Raising
- Exchange of Information
- Training
- Capacity Building
ASEAN Regional Forum (ARF)

1. ARF Inter-Sessional Meeting on Maritime Security - 2008

2. Track 1 regional mechanism on maritime security.

3. Proposal on ARF Transnational Threat Information Sharing Centre
From being not on ASEAN agenda, maritime security is now addressed by ASEAN at the highest level.

From being considered an issue of state security, maritime security is now perceived a part of ASEAN security.

From having no forum to be discussed, MS cooperation is now institutionalized and addressed by different bodies.

From general discussion to specific activities and instruments, especially the 2004 Treaty on MLAT and the 2007 Convention on Counter-Terrorism.
Thank you!

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