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Maritime Security Cooperation The ARF Way

Mushahid Ali*

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The ASEAN Regional Forum has taken a big collective step towards combating piracy and other threats to maritime security in the Asia-Pacific region. Although the regional media, preoccupied by the Myanmar situation, paid scant attention to it, the ARF issued a Statement on Cooperation Against Piracy and Other Threats to Maritime Security, in Phnom Penh on 19 June 03.

The ARF Statement was based on certain shared assumptions. The participating states and organizations recognised that piracy and armed robbery against ships and the potential for terrorist attacks on vulnerable sea shipping, threaten the Asia-Pacific region and the stability of global commerce. As ARF countries represent some 80% of the world's trade and even more of the maritime or container shipping trade, maritime security was an indispensable and fundamental condition for the economic security and well-being of the ARF region. They therefore agreed that ensuring this security was in the direct interest of all countries, particularly the ARF countries.

The ARF participants also noted that most maritime armed robberies in the Asia-Pacific region tended to occur in the coastal and archipelagic waters and that piracy and armed robbery against ships continued to be a significant threat in the region. In order to deal with the violent attacks it was necessary to step up broad-based regional cooperative efforts to combat transnational organised crime. Such cooperation would include coordination among all institutions concerned, such as naval and coast guard units, law enforcement agencies, shipping companies and port authorities.

Acknowledging the need to base such cooperation on relevant international law, the statement notes that effective responses to maritime crimes required regional security strategies and multilateral cooperation in their implementation. They also accepted that national, regional and international efforts to combat terrorism also enhanced the ability to combat transnational organised crime and armed robberies against ships. This has added a new security dimension to what had been traditionally viewed as criminal acts at sea.

Commitments

The ARF participants committed to undertake a series of measures to deal with the "increasingly violent international crime" of piracy and armed robbery against ships. Some of the measures can be implemented right away, eg. encourage bilateral and multilateral cooperation among ARF members, including personnel contacts, information exchanges and anti-piracy exercises.

They would take steps to

- enhance their ability to share information internally and internationally;
- institute regional cooperation and training in anti-piracy and security measures;
- cooperate with the world maritime university (under IMO) in education and training of personnel in anti-piracy and security; and
- provide technical assistance and capacity-building to countries that need help in developing laws, extending training and providing equipment.

The ARF participants also endorsed ongoing efforts to establish a legal framework for regional cooperation to combat piracy and armed robberies against ships, and to consider proposals to have prescribed traffic lanes for large super tankers with coast guard or naval escort, wherever possible, on the high seas.

The ARF participants pledged to enhance cooperation in implementing the relevant international instruments for the suppression of piracy and armed robbery against ships. They would work together to protect ships engaged in international voyages in the region by cooperative efforts between their shipping and such organizations as the International Maritime Organisation (IMO) and the Piracy Reporting Centre of the International Maritime Bureau (IMB).

Qualifications

There are some important qualifications though. Cooperation would be on the basis of respecting territorial integrity, sovereignty, sovereign rights and jurisdiction and voluntary participation. Also nothing in the statement, nor any action carried out in pursuance of it, should prejudice the position of ARF countries with regard to any unsettled dispute concerning sovereign or other rights over territory. The statement does not spell out the mechanisms and processes to implement the anti-piracy measures, beyond working individually with existing institutions like the IMO and IMB.

Sceptics may say the ARF Statement merely sets out the measures already being undertaken by countries in the region or puts together a list of good intentions, which may not be translated into action. Also the qualifications about sovereignty and jurisdiction could place limits on the potential effectiveness of collective actions against piracy and even terrorism.

Significance

The significance of the ARF statement however, is broader than the modest measures committed by the participants. This was underlined by Singapore's Foreign Minister S Jayakumar when he reviewed the evolution of the Forum over the past decade. Speaking in Phnom Penh on 19 June, he noted that among the global and transnational issues that ARF now had to address were terrorism and maritime security. Members must pay serious attention to threats to maritime security because Southeast Asia and the Asia-Pacific contain vital sea lanes. All countries had a stake in the safety and integrity of those sea lanes.

To illustrate this he pointed out that the uncovering of the Jemaah Islamiya network in Singapore revealed that their plans had envisaged carrying out terrorist attacks on US vessels traversing the waters off Singapore. Therefore ARF's adoption of the Statement on Cooperation Against Piracy and Other Threats to Maritime Security was extremely timely.

The anti-piracy statement complements another ARF Statement on Cooperative Counter-Terrorist Action on Border Security that was also issued by the Phnom Penh meeting. In that statement, ARF participants undertook, among other things, to encourage major trading nations and relevant international organizations to extend effective assistance to ARF participating states in their efforts to improve the security and facilitation of the international trade chain.

They acknowledged that terrorism, including its links with transnational organised crime, such as illicit drugs and arms trafficking, people smuggling as well as illegal movements of nuclear, chemical, biological and other potentially deadly materials, form part of a complex set of new security challenges, which have to be addressed urgently by all forums, including ARF.

An ASEAN Security Community?

The ARF statements represent building blocks in the ongoing ASEAN effort to enhance security in the region through such means as instituting joint maritime patrols to check piracy in their archipelagic seas and tighten border security.

They also complement an Indonesian initiative to bring about an ASEAN Security Community, which was reported to have been tabled at the Phnom Penh AMM and being studied by ASEAN senior officials.

Some elements of the concept are set out in a paper presented at an Indonesian-sponsored conference on ASEAN Cooperation in New York in early June. It proposes that ASEAN evolve into an ASEAN Security Community over the next 20 years, to complement the ASEAN Economic Community envisaged by Singapore. Among the institutions that it proposes is an ASEAN Maritime Surveillance Centre to respond to growing transnational threats and challenges with maritime dimensions.

While the Indonesian initiative may be unconnected, the ARF statements do add a broader dimension to the multi-pronged approach being made by ASEAN to enhance security cooperation in the Asia-Pacific. Cooperation in fighting piracy and threats to maritime security could underpin the development of a loose security framework that involves the major powers in the ARF, and yet is based on the long-held ASEAN principles of non-interference in internal affairs, and respect for sovereignty and territorial integrity of member countries. If ASEAN members were to implement the agreed measures in a way and at a pace they are comfortable with, while accepting the help of their developed partners where required, they could well be creating a form of cooperation that could become the ARF Way.

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