

Sustainable Maritime Security Measures in South-East Asia

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Name of Author : Dr SUN Zhen
Organization : Centre for International Law NUS
Designation/Academic Post : Research Fellow

Abstract of Paper

World trade, including especially a big part of the world's energy resources, passes through the marine areas surrounded by the South-East Asian States, stretching from the Straits of Malacca and Singapore in the southwest to the Strait of Taiwan in the northeast, including the two largest archipelagic States Indonesia and the Philippines. Safe and secure maritime transport is not only a precondition for uninterrupted energy supplies and international trade between the west and the east, but also the key to the economic growth and sustainable development of the littoral States. The South-East Asian waters bear opportunities but also great risks for regional and world trade. Piracy and armed robbery, illegal immigrants, people- and drug-trafficking, information security and maritime terrorism, among others are probably the main risks that could disrupt world trade and create disturbance within the region.

The legal regimes to address maritime security are laid down by the 1982 United Nations Convention on the Law of the Sea and other relevant international conventions adopted by the International Maritime Organization, including International Convention for the Safety of life at Sea, 1974 Chapter XI-2, The International Ship and Port Facility Security Code, Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, 1988 and Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf, 1988. These are the legal basis for South-East Asian States to enhance maritime security in order to counter piracy, armed robbery against ships and other illicit activities and to support the development of a vibrant, sustainable maritime sector in this region. The major issue for them to use these legal regimes is that not all of the States have ratified and even less have effectively implemented these Conventions. This may be caused by lack of political willingness and/or lack of capabilities to enforce these laws.

This paper examines the current and emerging State practice in respect of preventing and combatting maritime security threats in South-East Asia, and discusses the prospective co-operation and measures to improve the capacity of the littoral States to monitor their maritime domains and enforce relevant laws. It is divided into four Parts. Part I defines the concept of maritime security, and examines the current international legal framework for combatting seven threats to maritime security. Part II discusses the major maritime security threats in South-East Asia and reviews the measures taken by littoral States to combat these threats. Part III explores examples of international and regional cooperation taken in Somalia waters, and West and Central Africa to enhance maritime security, and examines the feasibility of implementing these practice in South-East Asia. Part IV concludes with recommendations.

Brief Biography of Author

Dr. Zhen SUN is a member of the CIL Ocean Law and Policy team where she focuses on legal issues in the Arctic and the protection of submarine cables. Her other research interests include maritime security, jurisdictional conflicts within the law of the sea and international dispute resolution. Zhen received her LL.B from the Hainan University Law School, an LL.M in International Law from the China University of Political Science and Law, a further LL.M (Distinction) in International Law from the University of Edinburgh, and a Ph.D from the University of Cambridge, United Kingdom. She is admitted to the bar in the People's Republic of China.