

# INDONESIA-MALAYSIA-PHILIPPINES COOPERATION IN COMBATING MARITIME CRIMES: LESSONS FROM THE MALACCA STRAITS PATROL AND THE ROLE OF ASEAN

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# SULU SEA & SULAWESI (CELEBES) SEA



Source: scribblemaps.com



Source: maps.google.com

# MARITIME CRIMES IN SULU-SULAWESI SEAS

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WORLD NEWS | Mon, Aug 28, 2016 | 10:58am EDT

## Philippines' Abu Sayyaf abducts 10 Indonesian sailors



Ten Indonesian crew members on board a tugboat were kidnapped by Abu Sayyaf militants in the Philippines at the weekend, officials in Manila said late on Monday.

Two Philippine military officials said the militant group had demanded an undisclosed ransom amount from the boat's owners. The officials declined to be identified because they are not authorized to speak to media.

The crew were operating a privately owned Taiwanese tugboat on its way from Jakarta to Manila when it was hijacked near the Malaysian border.

The crew managed to call their employer to inform them of the hijacking, but the exact location of the incident remains unknown, officials said.

Indonesian officials said they were investigating the incident, without elaborating.

Abu Sayyaf, known for kidnappings, beheadings, bombings and extortion, is one of the most hardline Islamist militant groups in the Muslim south of the largely Christian Philippines.

(Reporting by Manuel Mogato; Writing by Karupriya Kapoor; Editing by Mark Trevelyan)

## 5 Malaysian crewmen kidnapped by Abu Sayyaf: Philippine official

Printed: 23 Jul 2016 10:37 Updated: 23 Jul 2016 10:40



This photo shows a Malaysian navy ship anchored near Sipadan Island, in Sabah state. (AFP/Anadolu)



SINGAPORE: Five Malaysian tugboat crewmen who went missing of Sabah's waters on Monday (Jul 18) have been kidnapped by the Abu Sayyaf militant group, according to Philippine presidential peace adviser Jenia Duzan.

"I heard today that they took five more Malaysians in Lahad Datu," Philippine news

ASIA PACIFIC

## Philippines Confirms Killing of Robert Hall, Canadian Hostage, by Abu Sayyaf

By FLOYD WHEELER and IAN ALSTED | JULY 14, 2016



Robert Hall of Canada in a still image taken from an abductee militant video. (AP/Associated Press)

MANILA — Philippine officials confirmed on Tuesday that a Canadian man held captive by the militant group Abu Sayyaf had been decapitated, the second hostage from Canada killed in the war-torn southern Philippines this year.

The man, Robert Hall, was abducted in September with three other people — one of dozens of such abductions carried out in the last few decades by Abu Sayyaf, an organization of several hundred fighters that has functioned as a *hostage-for-ransom* gang. The group has pledged allegiance to the Islamic State.

The severed head of a man believed to be Mr. Hall was found in a plastic bag near a Roman Catholic church on the southern Philippine island of Jolo on Monday night, the Philippine police said on Tuesday.

A one-minute, 35-second video of Mr. Hall's beheading was released on Tuesday, according to the SITE Intelligence Group, which monitors extremist activity online. The video shows a masked man recite the Quran

RELATED COVERAGE

- Indonesia, Malaysia and Philippines to Bolster Security at Sea 08/17/2016
- Abu Sayyaf Releases 10 Indonesian-Sabahan Held Hostage in Philippines 08/11/2016
- Abu Sayyaf Militants Turning to Hostage-Takers in Philippines 07/26/2016

Source: reuters.com, 28/03/2016

Source: channelnewsasia.com, 20/07/2016

Source: nytimes.com, 14/06/2016

# MARITIME CRIMES IN SULU-SULAWESI SEAS (2016)

ReCAAP ISC Annual Report 2016 (pg.22):

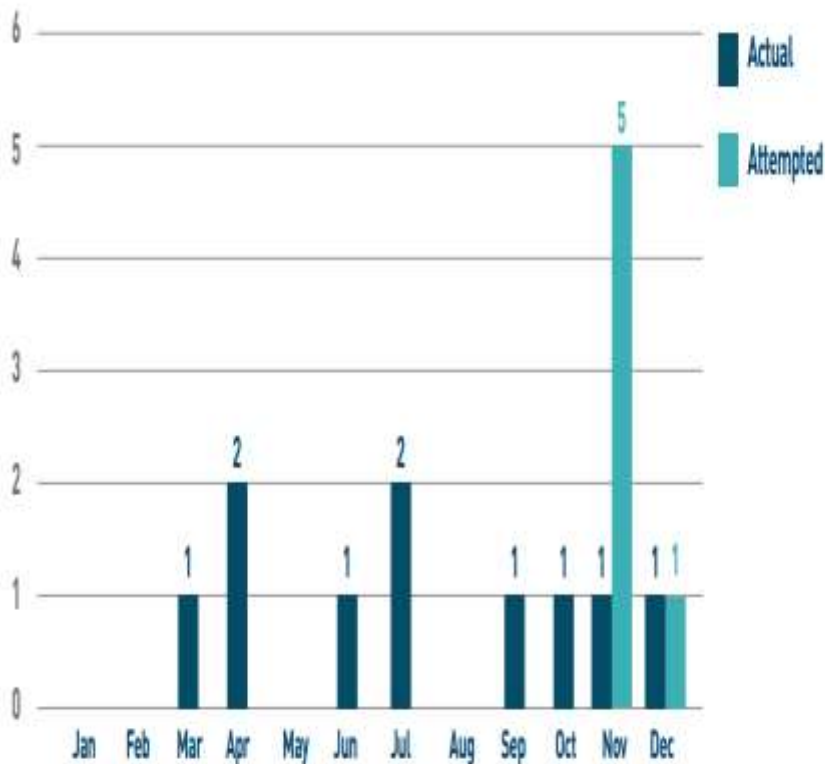


Chart 9 - Number of incidents (2016)



Map 7 - Location of incidents and status of crew (2016)



# INDONESIA-MALAYSIA- PHILIPPINES COOPERATION (IMPC)



Source: kemlu.go.id , 05/05/2016  
**1<sup>st</sup> Milestone: 5 May 2016**

## Joint Declaration:

- Patrol using existing mechanisms
- Assist immediately those in distress
- Facilitate timely sharing of intelligence & information
- Establish nat'l focal point
- Meet regularly & draft SOP



Source: dnd.gov.ph , 21/06/2016  
**2<sup>nd</sup> Milestone: 20 June 2016**

## Joint Statement:

- Coordinated military activities
- Trilateral maritime & air patrols
- Database sharing
- Trilateral Maritime Patrol Working Group
- **MSP may be adopted as a model**



Source: pacificsentinel.blogspot.com ,  
31/03//2017

## **3<sup>rd</sup> Milestone: 14 July 2016**

### Signing of the Framework on Trilateral Cooperative Arrangement in Jakarta (FTCA)

- Laid the foundation of the trilateral maritime security cooperation



Source: [globalnation.inquirer.net](http://globalnation.inquirer.net) ,  
04/08/2016

## 4<sup>th</sup> Milestone: 2 August 2016

- 1) Reiterated commitment to the FTCA
- 2) Agreed to finalise & implement SOPs on:
  - Maritime Patrol & Rendering Immediate Assistance
  - Operating Guidelines on Information & Intelligence Sharing
  - Combined Communication Plan



Source: [globalnation.inquirer.net](http://globalnation.inquirer.net) ,  
09/09/2016

## 5<sup>th</sup> Milestone: Duterte – Widodo Meeting, 9 September 2016

Joint Declaration:

- 1) Committed to ensuring the security of the Sulu Sea
- 2) Encouraged the implementation of:
  - The 5 May 2016 Declaration
  - The FTCA
  - The 2 August 2016 Statement



Source: [dnd.gov.ph](http://dnd.gov.ph) , 03/10/2016

## 6<sup>th</sup> Milestone: 1 Oct 2016

Agreed to explore joint air patrols while the SOP for maritime patrol was being finalised



Source: AFP, published in [straitstimes.com](http://straitstimes.com), 11/11/2016

## 7<sup>th</sup> Milestone:

### Razak – Duterte Meeting, 10 Nov 2016

PM Najib Razak announced that President Duterte will allow Malaysia & Indonesia to exercise hot pursuit. There will also be an SOP on hot pursuit.



Source: [dndph.org](http://dndph.org), 2016 Releases

## 8<sup>th</sup> Milestone: 16 Nov 2016

- Sideline meeting during the ASEAN Defense Ministers retreat in Lao PDR
- Tasked the trilateral joint working group to finalise SOP on maritime patrol
- The trilateral cooperation must commence soon

# IMPC: SELECTED RELEVANT TREATIES

## 1) Agreement on Information Exchange & Establishment of Communication Procedures (2002)

- establish “communication cum liaison centre”
- establish communications procedures & network
- 19 projects to be implemented by a Joint Committee, including:
  - sharing airline passenger lists and blacklists
  - access to computerized fingerprint databank
  - exchanging information on forged documents

## 2) Treaty on Mutual Legal Assistance in Criminal Matters (2004)

- taking of evidence/statements & arrange for persons to provide evidence or assist
- execute searches and seizures
- recover, forfeit & confiscate property
- establish Central Authority

## 3) ASEAN Convention on Counter-Terrorism (2007)

- take steps to prevent terrorist attacks
- prevent & suppress terrorist financing
- prevent terrorist movement by strengthening border control
- intelligence & information exchange
- research & development on counter-terrorism measures

## 4) United Nations Convention on the Law of the Sea (1982)

- hot pursuit



# IMPC: LATEST DEVELOPMENT

- **9 March 2017:** PH Defence Secretary Delfin Lorenanza announced that the patrol will start “sometime in April or May”
- **14 March 2017:** MY Navy Chief Ahmad Kamarulzaman said that the patrol will start from Sandakan, MY “sometime next month [April]”
- **3 April 2017:** MY Eastern Sabah Security Commander Dato Wan Abd Bari Wan Abd Khalid gave an exact date on which the patrol will start: 11 April
- **9 April 2017:** MY Defence Minister Hishammuddin Hussein announced that the patrol had been postponed because of the inability of PH Defence Secretary to attend the launch. Secretary Lorenanza was tasked with accompanying President Duterte to the Middle East
- **27 April 2017:** Minister Hussein assured IMP will go ahead with the plan
- **16 May 2017:** MY Navy Deputy Chief Datuk Anuwi Hassan said the patrol will start in June



# MALACCA STRAITS PATROL (MSP)

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- Started informally in 2004 between Indonesia, Malaysia, and Singapore as MALSINDO patrols: coordinated sea patrols → now known as Malacca Straits Sea Patrol (MSSP)
- Aerial patrols launched in 2005: “Eyes in the Sky” (EiS)
- Thailand joined as observer in 2005
- Formalised in 2006 by virtue of Joint Coordinating Committee TOR & SOP
- Intelligence Exchange Group (IEG) established in 2006
- Thailand became full member in 2008
- First Information Sharing Exercise: 2010
- Patrol Exercises: 2011, 2013, 2014, 2016

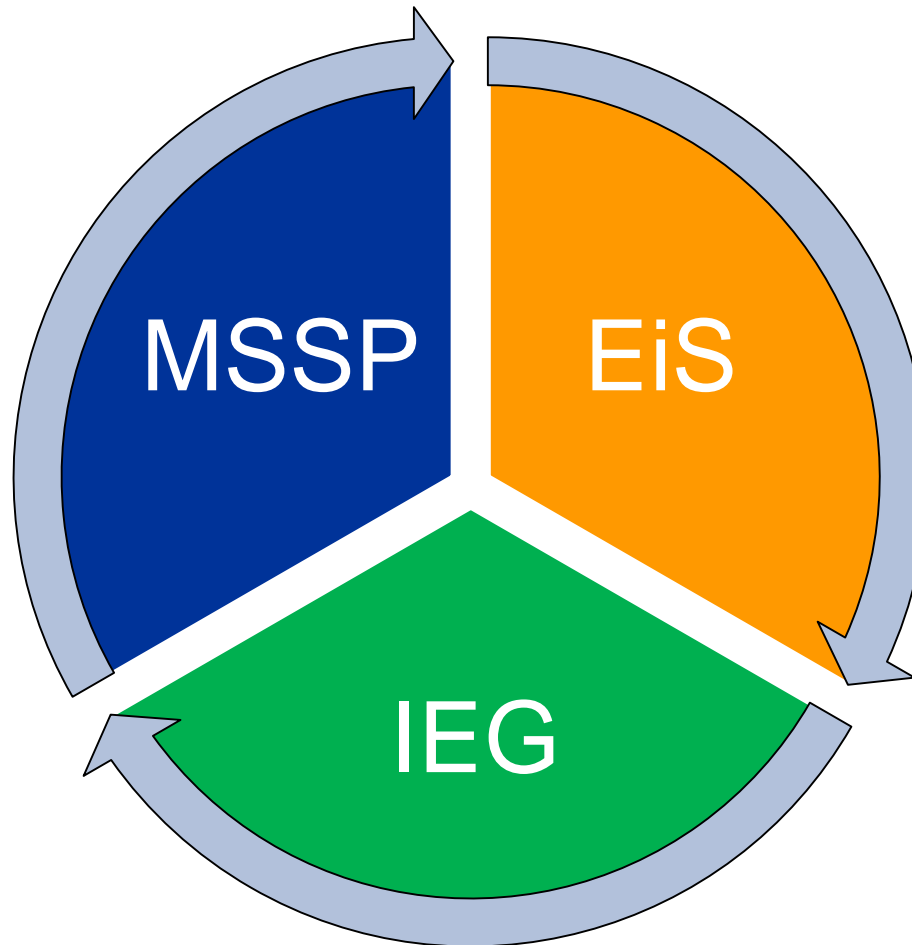


Source: [mindef.gov.sg](http://mindef.gov.sg), 21/04/2016

# MSP

## MSSP:

- Coordinated sea patrols
- Facilitate information sharing between vessels and navies' operational centres



## EiS:

- Aerial patrols
- Combined patrols: commander from host country, officers from other countries.

**IEG:** Intelligence exchange (MSP Information System); managed by Information Fusion Centre (IFC); consists of OASIS & SMART; relayed on a real-time basis



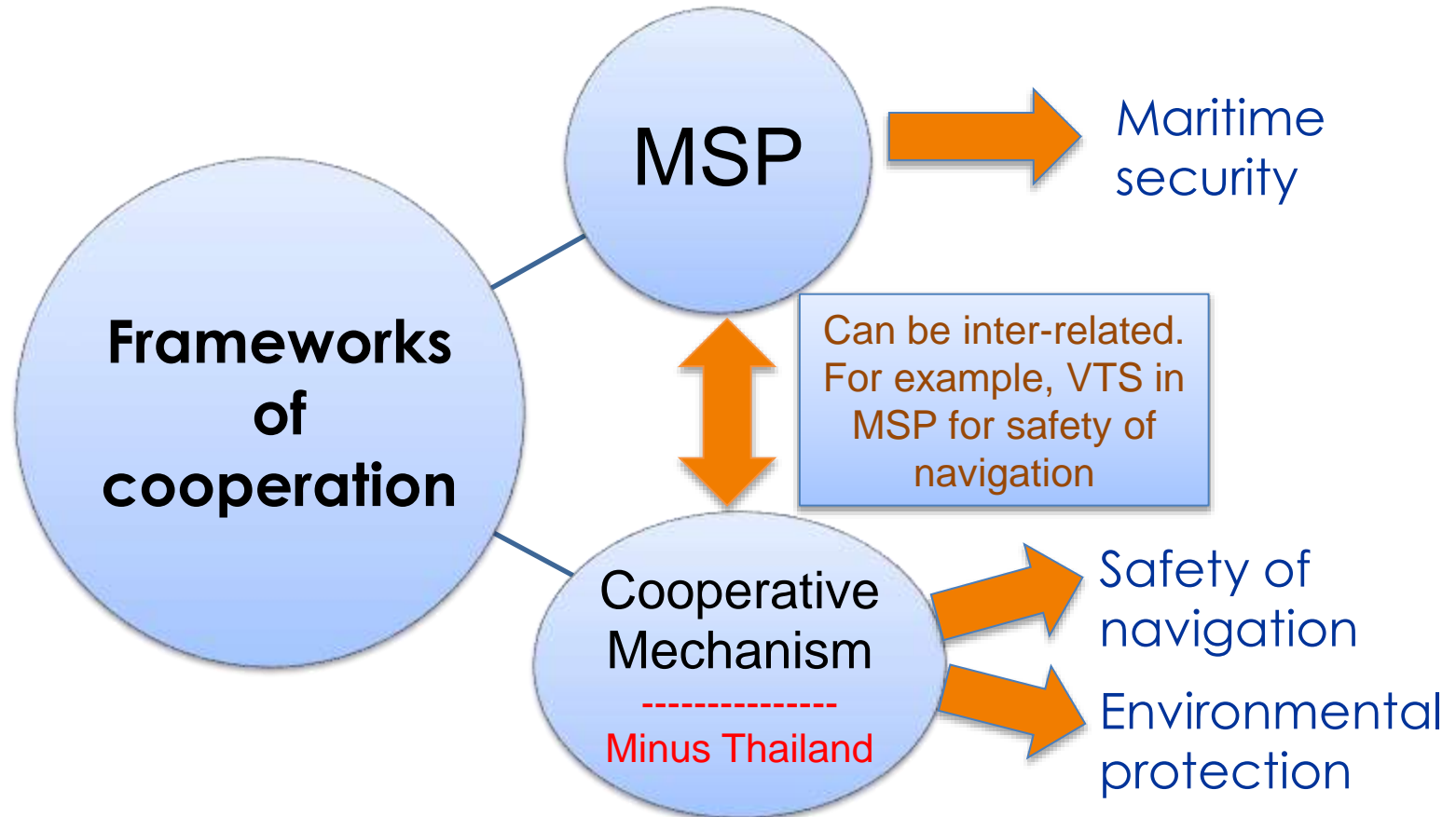
# MSP: INFORMATION FUSION CENTRE (IFC)



Source: [mindef.gov.sg](http://mindef.gov.sg), 13/02/2015

- Established in 2009
- Based in Singapore & hosted by Singapore Navy
- Information sharing centre linked to 71 operation centres in 38 countries
- 111 International Liaison Officers (ILO) from 23 countries have been stationed
- ASEAN Member States' ILOs collectively serve as the Permanent Secretariat of ASEAN Navy Chiefs' Meeting

# PROTECTION OF THE SOMS



# SOMS: FROM DIFFICULTIES TO SUCCESS

1994-2006

- 274 incidents of piracy & armed robbery at sea
- Attacks increased every year between 1998-2000 & 2002-2004
- 1998-2000: attacks increased between 5-8 times
- 2005: Lloyd's Joint War Risks Committee: "high-risk war zone"

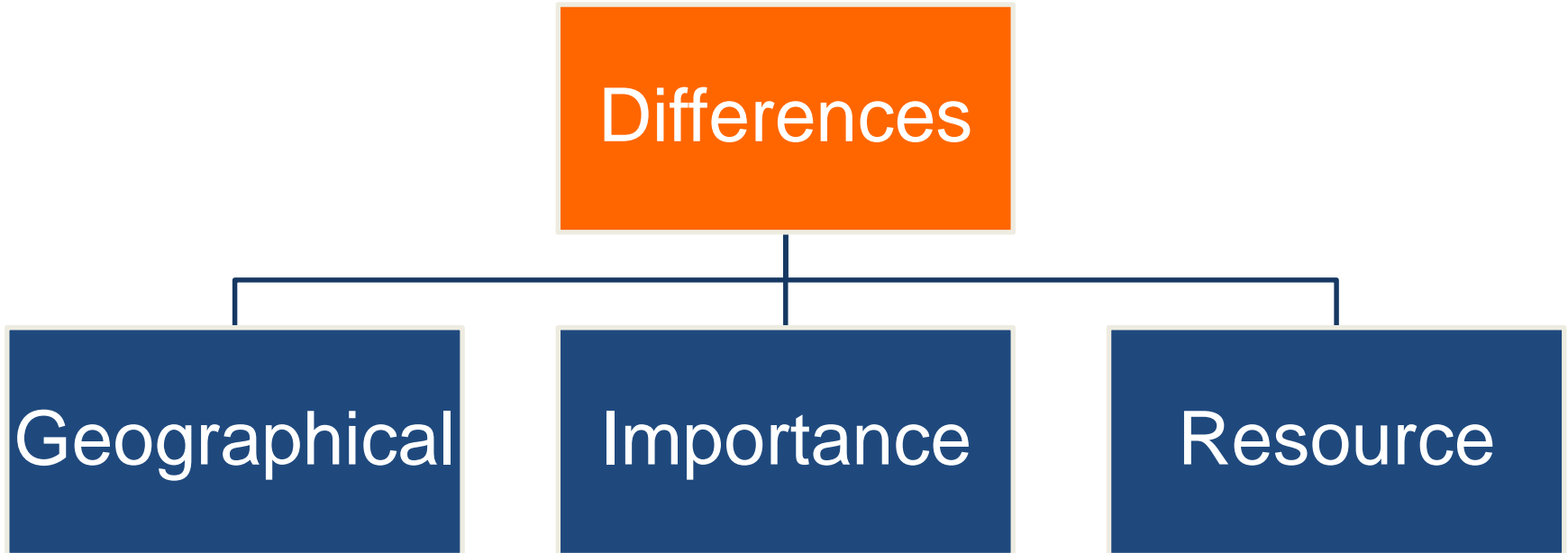
2006-2015

- Attacks declined nearly every year
- SOMS was removed from Lloyd's "high-risk war zone" list
- Ex-IMO Sec-Gen. Efthimios Mitropoulos: MSP model may solve piracy in the Gulf of Aden

2016

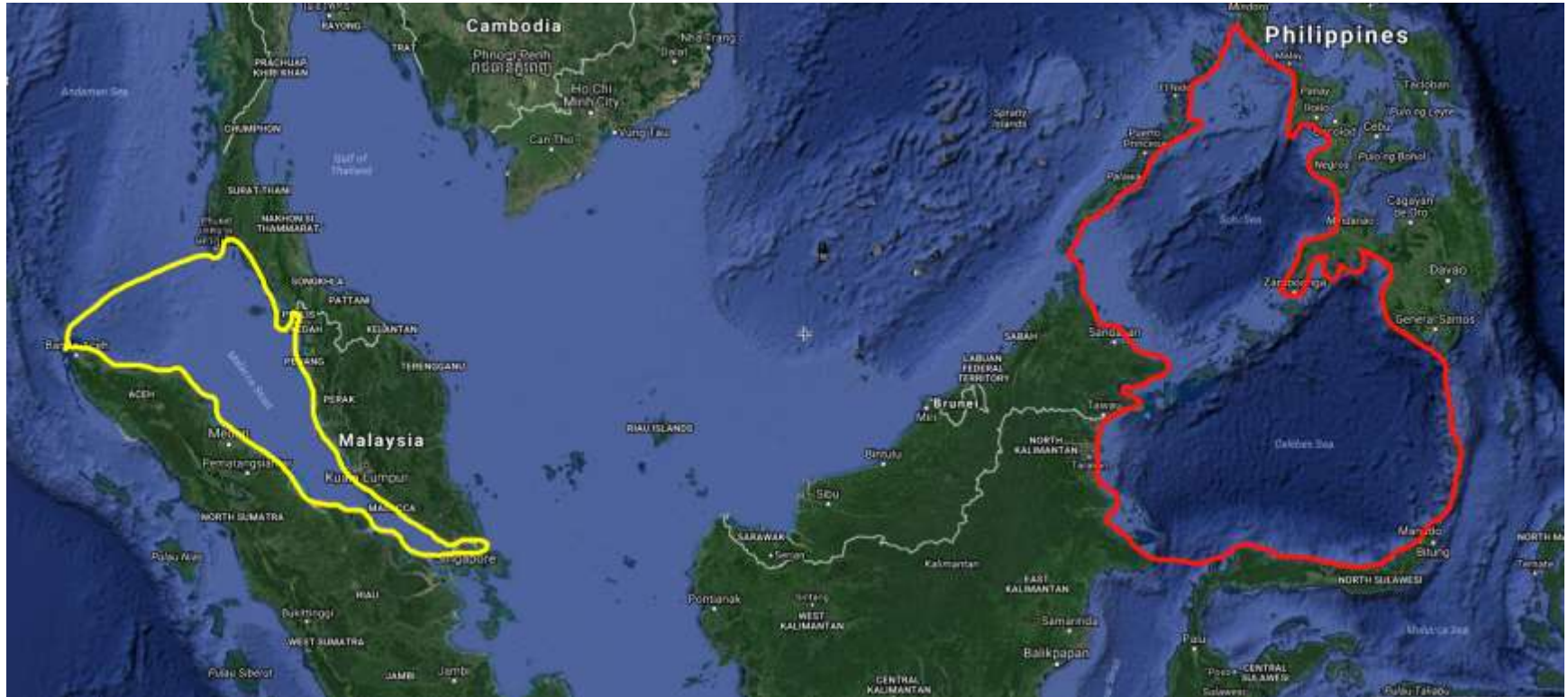
- Malaysian Navy Chief Ahmad Kamarulzaman: "almost zero" attack
- 2016: only 2 attacks: 1 actual, 1 attempted

# MODELLING IMPC ON MSP?





# GEOGRAPHICAL DIFFERENCES BETWEEN IMPC & MSP



Source: scribblemaps.com

- 1) Sulu-Sulawesi Seas (SSS) are much larger
- 2) SSS are remote from capitals
- 3) Islands in SSS have rugged coastlines & lack infrastructure

# IMPORTANCE OF SOMS VS. SSS

## SOMS

- One of the world's busiest straits.
- Connects Indian Ocean and Pacific Ocean
- 8,678 ships make 75,510 annual passages
- 11-12 million oil barrels daily
- 60-90% of energy imports to Japan, China, and S. Korea annually
- 1/4 to 1/3 of world trade
- ± US\$ 390 billion
- Goods come from Middle East, South Asia, Africa, Europe.

## SSS

- Important trade route between Australia and SE & NE Asia
- 418 ships make 604 annual passages through Makassar Strait, many of which continue to Sulu-Sulawesi Seas
- Very important trade in coal
- Indonesia exports 70% of Philippines' coal
- Trade in coal is worth ± \$800 million
- One of the tugboats hijacked by Abu Sayyaf in March 2016 was carrying 7,500 tonnes of coal worth US\$ 300,000.
- Not many major ports in the area.
- Not as many interested stakeholders, hence less international pressure.

# RESOURCE CONSTRAINTS

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Source: tni.mil.id



Source: army.mil.ph

- **2005: Lack of military capacity & budget**
- **Used to be perceived as the “weak link” in MSP**
- **2017: Highest defence budget in 12 years**
- **Unclear what % of the budget will be used for patrolling Sulu-Sulawesi Seas**

- **Before 2010: deficiencies in military resources**
- **After 2010: major military reforms; new military assets in large number**
- **How much PH will deploy its assets to protect Sulu-Sulawesi Seas is unknown**
- **Other pressing security issue: South China Sea**
- **Resources to support National Coast Watch System are still lacking**

# TOWARDS AN IDEAL MODEL OF COOPERATION

IMPC should be modelled on MSP, subject to the following:

1. Maritime & aerial patrols should be joint, not only coordinated
2. IMP decision to designate a specific sea lane for civilian vessels should only be a short-term solution.
3. IMP should require vessels to have good navigation systems
4. IMP should have fully functional resources for aerial patrols, especially nocturnal surveillance
5. IMP should enhance capacity building and welfare of their human resources
6. IMP should enhance their IT capacity & resources in order to have an effective management of intelligence exchange, such as IFC. In the meantime, IMP should continue implementing the projects laid out under AIEECP.
7. The SOP on hot pursuit that IMP will adopt should be based on Art. 111 UNCLOS, and should also specify the limits and modalities of the exercise of such pursuit.
8. IMP might want to consider whether the SOPs should also: a) include cooperation with external parties (e.g. for funding & capacity building); b) include provisions on monitoring & dispute settlement; c) be upgraded to legally binding treaties.
9. IMPC must be in conformity with all the relevant treaties, including AIEECP, MLAT, ACCT & UNCLOS. IMP might also want to ratify treaties against maritime terrorism, such as the 1988 SUA Convention (PH has ratified).



# ASEAN MECHANISMS AGAINST MARITIME CRIMES



ASEAN logo source:  
[asean.org](http://asean.org)

# CONTRIBUTION OF THE ASEAN MECHANISMS TO IMPC?

- The existing ASEAN mechanisms and fora on maritime security run parallel with each other, but are not necessarily coordinated or harmonised.
- Most of them are consultative mechanisms with varying degrees of policy-making capacity.
- Most of their outcomes are not legally binding.
- ADMM-Plus and ARF are effective capacity building mechanisms. ADMM-Plus has facilitated various military training exercises and ARF may provide financial assistance.
- In the context of what the ADMM-Plus and ARF can do above, ASEAN mechanisms on maritime security can greatly benefit IMPC.
- However, the lack of institutionalisation & legalisation of these mechanisms and lack of coordination & harmonisation of these mechanisms may challenge the provision of training & financial aid.
- It is therefore not surprising that IMP decided to pursue a trilateral cooperation instead of an ASEAN-level cooperation in protecting the Sulu-Sulawesi Seas.
- However, IMP should not completely abandon those ASEAN mechanisms, because they could help fund the IMPC and build the capacity of IMP personnel.

# CONCLUSION

- IMPC should be modelled on MSP, subject to the above conditions.
- ASEAN should endeavour to deal with maritime security issues in a harmonised, integrated, and comprehensive manner.

As stated in the 2003 Declaration of ASEAN Concord II (Bali Concord II):

“Maritime issues and concerns are transboundary in nature, and therefore shall be addressed regionally in holistic, integrated and comprehensive manner.” (emphasis added)

# THANK YOU

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