

# ADDRESSING MARITIME SECURITY CHALLENGES IN THE SOUTH CHINA SEA: THE ROLE OF ASEAN

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# INTRODUCTION

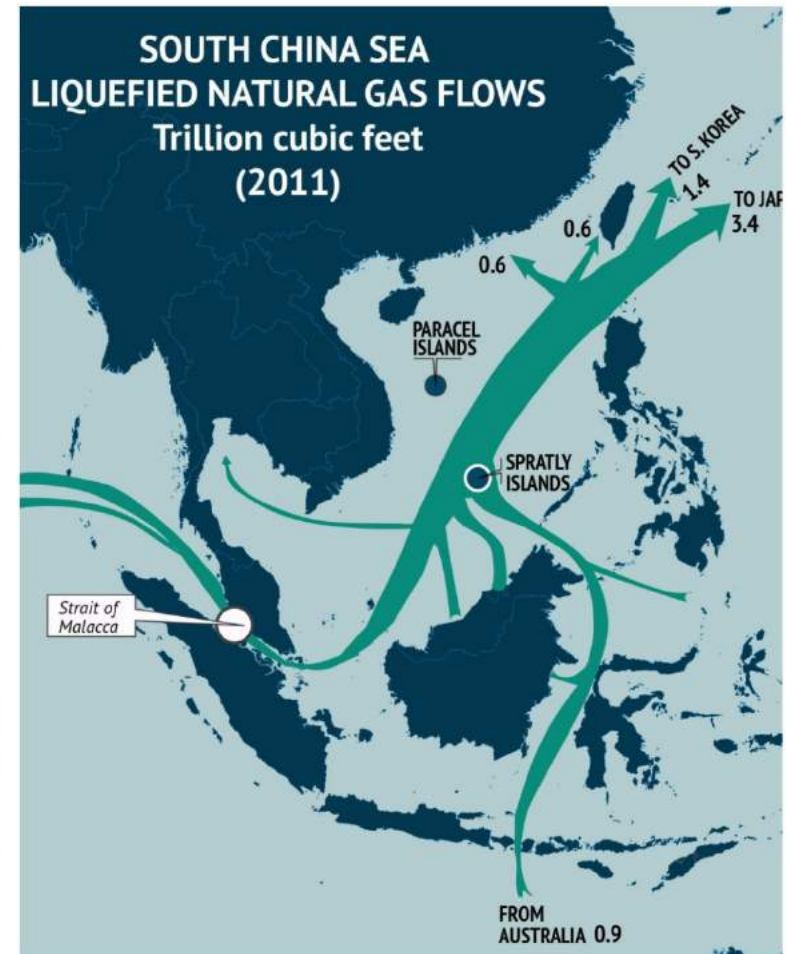
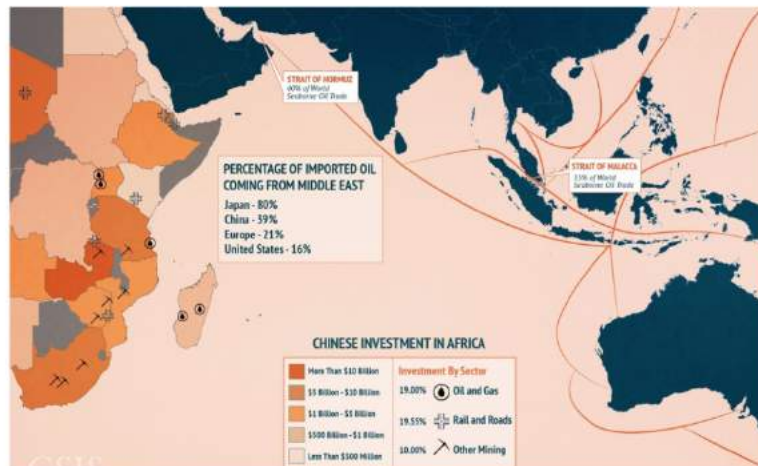
1 Maritime Security Challenges

2 ASEAN & ASEAN + Efforts

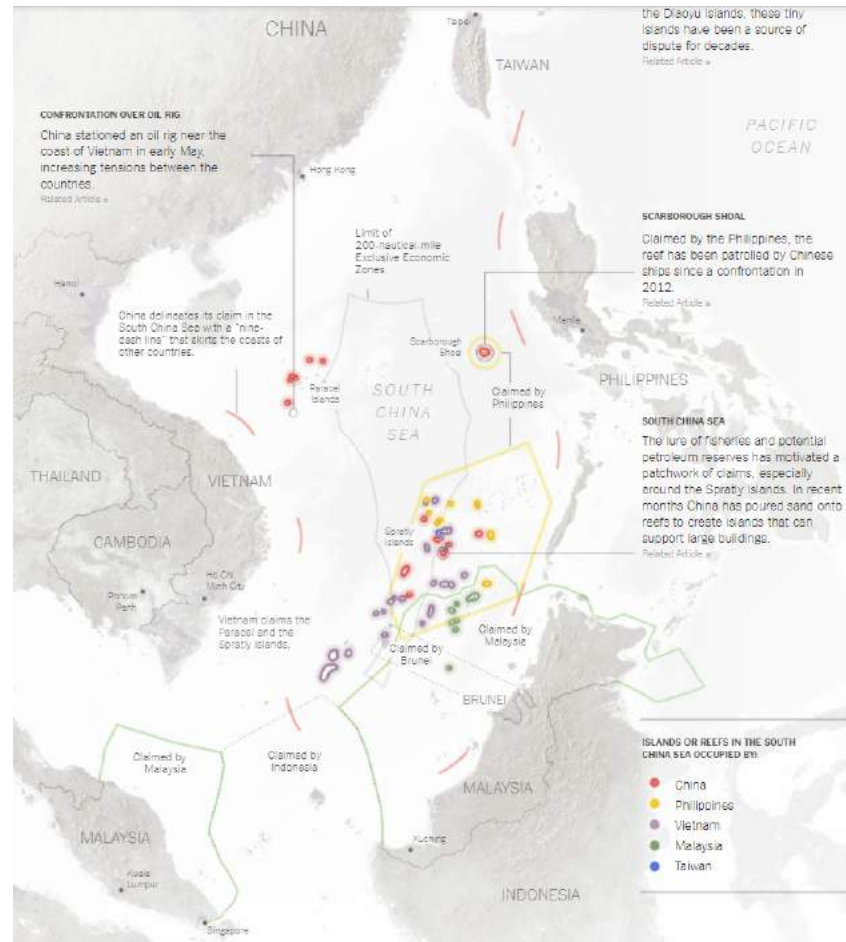
3 The Way Forward



# 1. MARITIME SECURITY CHALLENGES

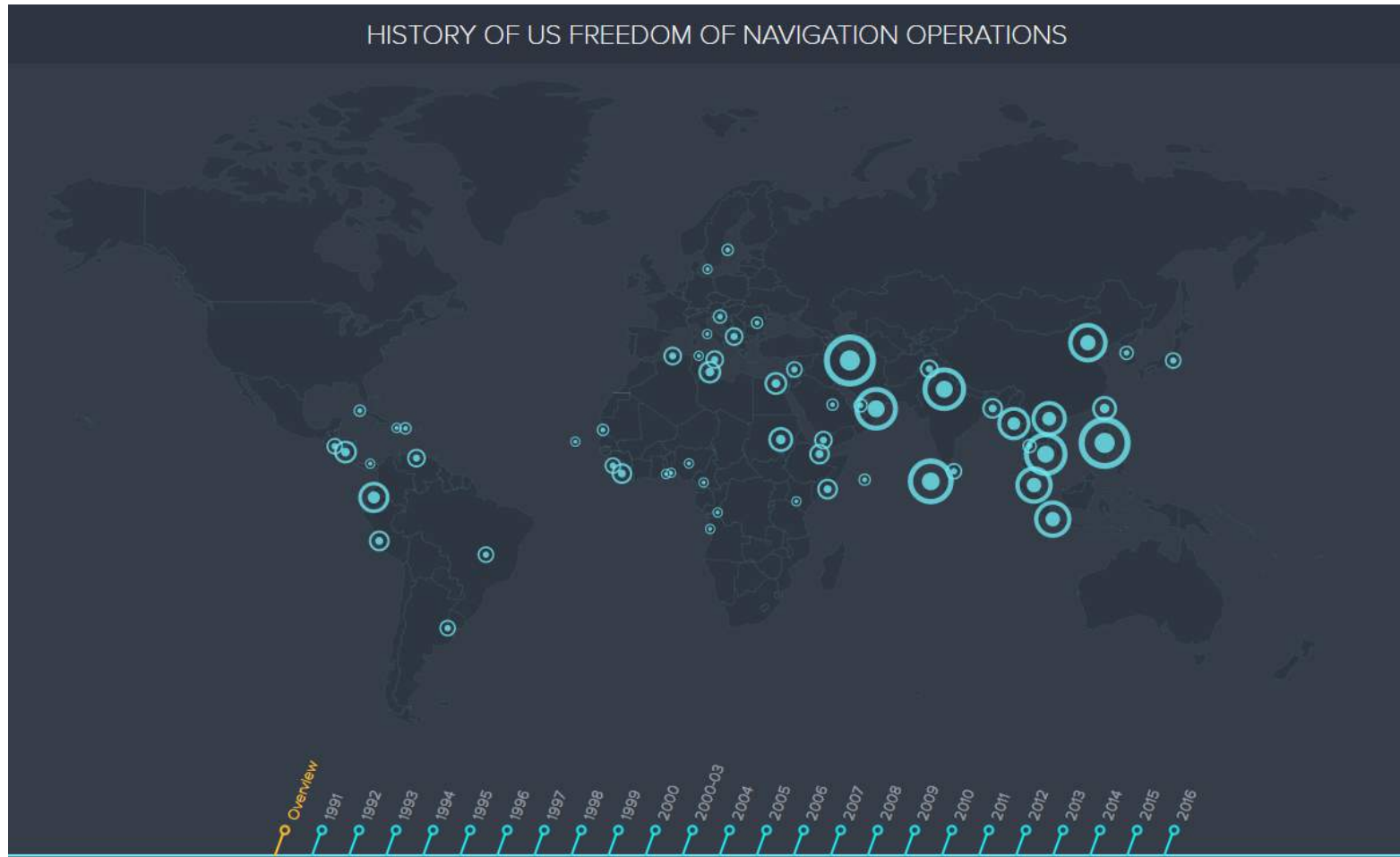


*Major sea-lanes and volume of transported trade and oil - Source: CSIS*



Sources: C.I.A., NASA, China Maritime Safety Administration

*Territorial and Maritime Disputes in the South China Sea - Source: NYT*



*US FON - Source: Lowy Institute*



## EDITOR'S PICK, REPORTS

**Probe finds PH Navy at fault in death of two Vietnamese fishermen**

## AUTHOR

BY ARIANNE CHRISTIAN  
TAPAO AND ELLEN T.  
TORDESILLAS

## DATE

SEPTEMBER 30, 2017

The Philippine Navy is at fault in the death of two fishermen during a sea chase in the waters of Pangasinan on Sept. 22, a source privy to the investigation of the incident said.

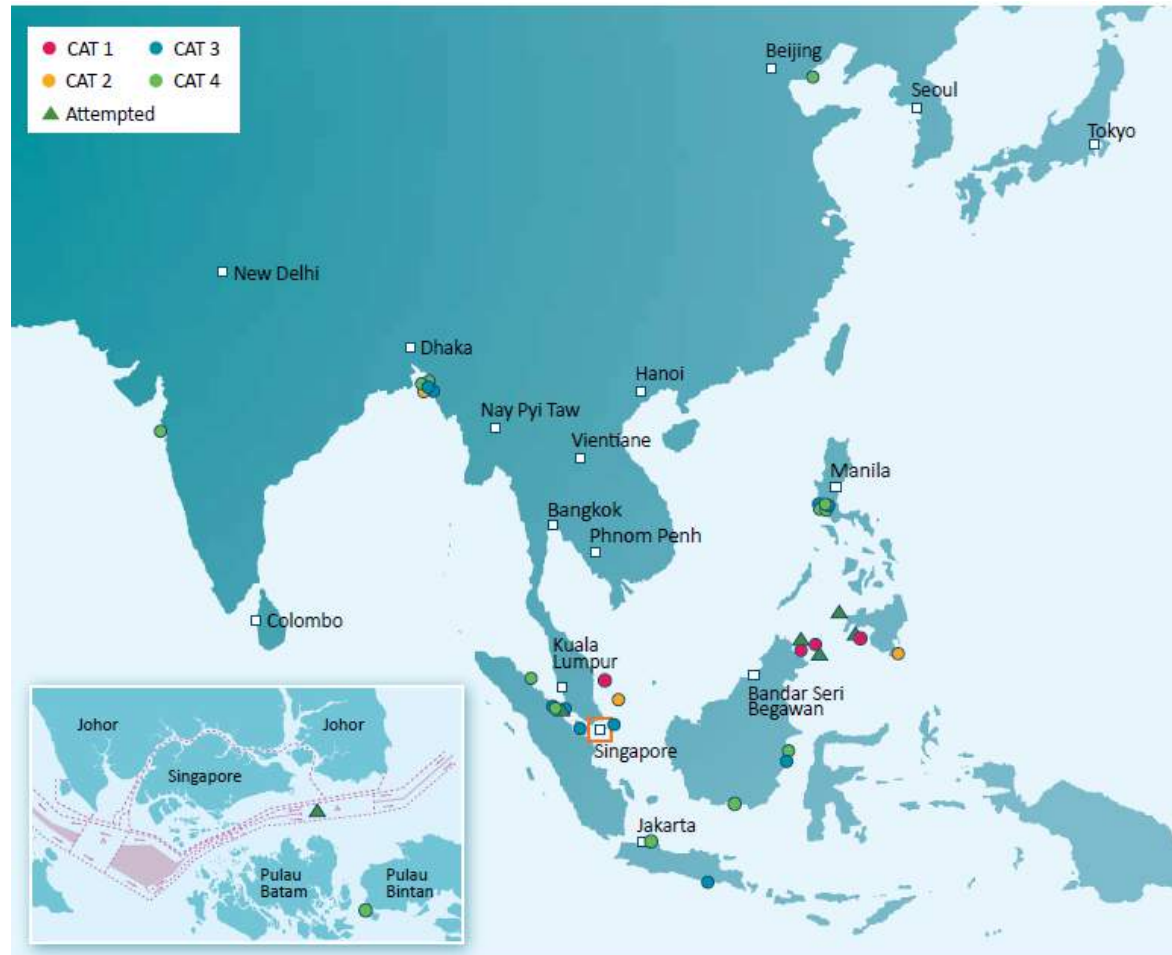
Investigators, the source said, cited a 1999 ruling of the International Tribunal on the Law of the Sea (ITLOS) that states: "In the conduct of arrest, use of excessive and unreasonable force in stopping and arresting a vessel such as firing with live ammunition using shots from large-caliber automatic guns must be avoided, and where force is unavoidable, it must not go beyond what is reasonable and necessary in the circumstances".

The Philippine Coast Guard, which is investigating the incident, took note that the incident happened 39 nautical miles off Bolinao in Pangasinan, which was within the exclusive economic zone (EEZ) of the Philippines, the source further said.

"Under the Law of the Sea Convention, in the EEZ, the Philippines does not have Sovereignty but only Sovereign Rights for the purpose of exploring and exploiting, conserving and managing the natural resources found therein. This means that the Philippines cannot enforce its laws including the Revised Penal Code except only its laws and regulations relating to fisheries and marine environmental protection," explained the source.



*Source: Vera Files*



*Incidents of Piracy and Armed Robbery against Ships in Asia  
reported during 1st Half of 2017 (January-June 2017)- Source: ReCAAP ISC*



### The Abu Sayyaf group

Islamic militant group in the southern Philippine region of Mindanao

#### Origins

- Established in the 1990s, offshoot of a Muslim separatist insurgency that has claimed more than 100,000 lives

#### Members

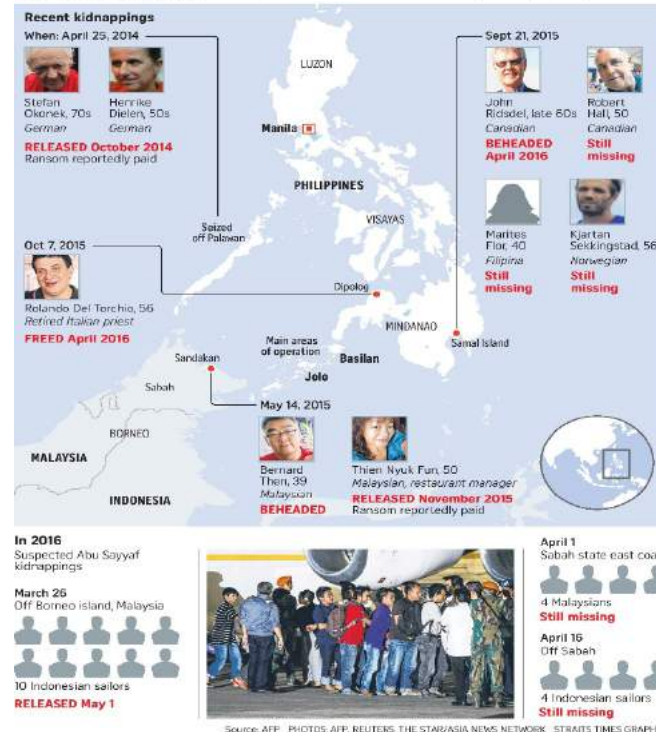
- Originally around 1,000 fighters
- Now about 300 gunmen remain

#### Methods

- Trail of bombings, kidnappings and beheadings
- Demand ransom for local and foreign victims in exchange for their freedom

#### Terror group

- Listed as "foreign terrorist organisation" by the US
- In recent years, several Abu Sayyaf units have publicly pledged allegiance to the Islamic State in Iraq and Syria group



*Kidnap Incidents 2014 – 2016 - Source: Straits Times*



*Major Drug Trafficking Routes - Source: CIA*

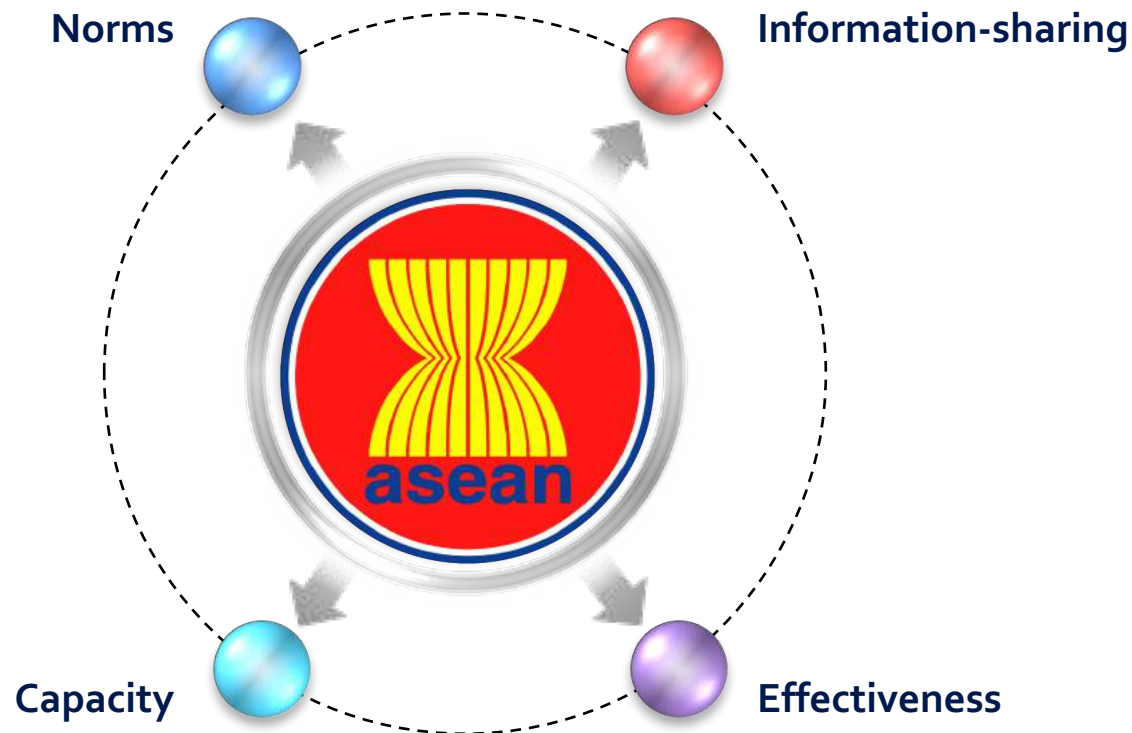
# 1

## MARITIME SECURITY CHALLENGES

**CIL**

CENTRE FOR INTERNATIONAL LAW  
National University of Singapore

### Cooperation



In conformity with UNCLOS, IMO conventions and other relevant treaties

## 2. ASEAN & ASEAN + EFFORTS

## ASEAN Political Instruments



**ASEAN treaties**

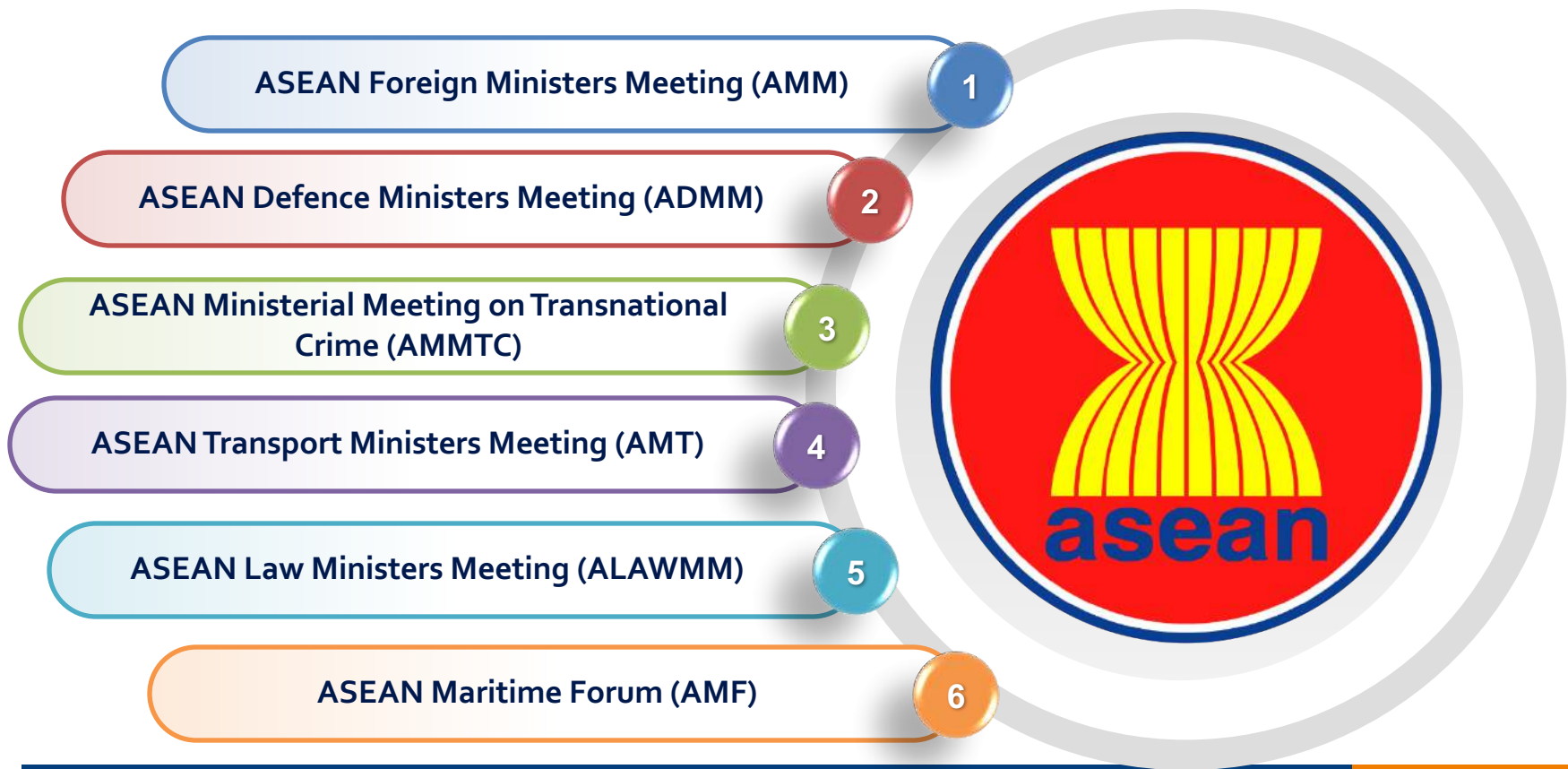
**2004 Treaty on Mutual Legal Assistance in Criminal Matters**

**2007 ASEAN Convention on Counter-Terrorism**

**2015 Convention against Trafficking in Persons**



## ASEAN Sectoral Bodies



## ASEAN Regional Forum (ARF)

1

## Instruments

- 2003 Statement on Cooperation against Piracy and Maritime Security Threats
- 2004 Statement on Strengthening Transport Security against Terrorism
- 2010 Action Plan and 2012 Work Plan on Maritime Security
- 2016 Statement on Cooperation of Maritime Law Enforcement

2

## Institutions

- ARF Inter-Sessional Meeting on Maritime Security

3

## Activities

- Information/Experience Sharing
- Capacity building

## ASEAN Defence Ministers Meeting Plus (ADMM-Plus)



Special Forces teams from Brunei, the Republic of Korea, Singapore and Thailand closing in on simulated hijacked merchant vessel MV Avatar via rigid-hull inflatable boats as part of a scenario-based counter-terrorism exercise during the ASEAN Defence Ministers' Meeting-Plus (ADMM-Plus) Exercise this afternoon.

*2016 ADMM-Plus Exercise on MS and CT (3500 personnel, 18 naval vessels, 25 aircraft and 40 Special Forces teams from all 18 ADMM-Plus countries). Source: Mindef Singapore*

## Expanded ASEAN Maritime Forum



*Third Expanded ASEAN Maritime Forum 2014 - Source: VNA*

## ASEAN – China Instruments on the South China Sea

1

2002 Declaration on Conduct of Parties in the South China Sea  
2011 DOC Implementation Guidelines  
2016 Joint Statement on Full and Effective Implementation of DOC



2

2016 Guidelines for Hotline Communications among Senior Officials of the Ministries of Foreign Affairs of China and ASEAN Member States in Response to Maritime Emergencies

3

2016 Joint Statement on the Application of the Code for Unplanned Encounters at Sea in the South China Sea

4

2017 Draft Framework on Code of Conduct of Parties in the South China Sea



## ASEAN – China Cooperation on Non-traditional Security

2002 Joint Declaration on  
Cooperation on Non-  
traditional security issues

2004, 2009 and 2017 MoUs on  
Cooperation on Non-  
traditional security issues



ASEAN, China sign memorandum of understanding on cooperation in non-traditional issues

Signing Ceremony of the Memorandum of Understanding between ASEAN and the People's Republic of China on Cooperation in the Field of Non-Traditional Security Issues (19/9/2017, 21 September 2017, Manila, Philippines)

The MOU is intended to foster exchange and deepen the mutual cooperation in combating international crime, transnational crime and crime through electronic of terrorism, capacity building, law enforcement cooperation and joint research among others. The Secretary-General of ASEAN was represented by ASP Min Han, Deputy Secretary-General of ASEAN for Community and Corporate Affairs. China was represented by Li Jie, Vice Minister of Public Security of China.

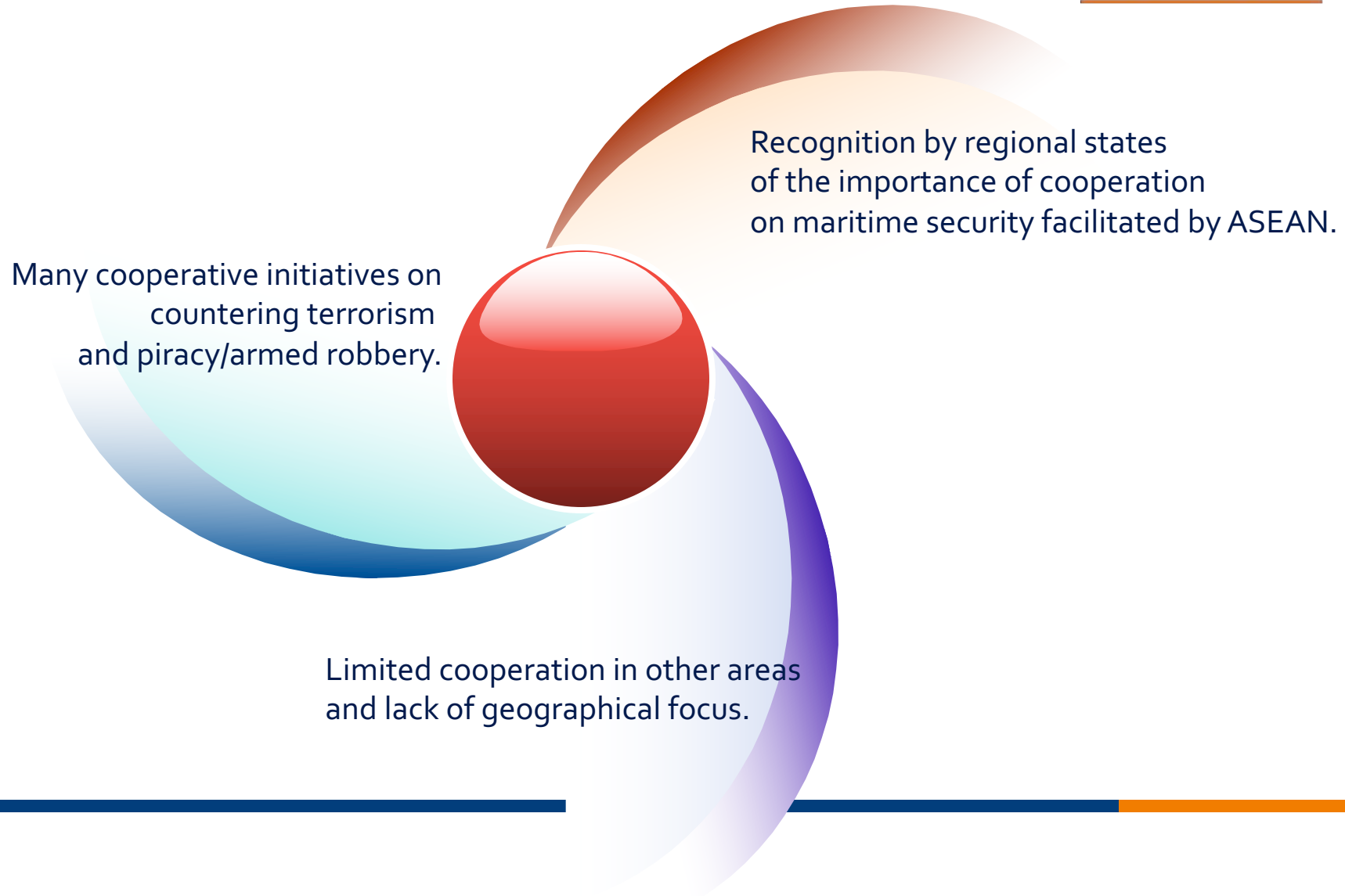
Updated on 11/11/2017 by ASEAN Secretariat

2010 MOU on Maritime  
Consultation Mechanism

ASEAN China Ministerial  
Meeting on Transnational  
Crime (5<sup>th</sup> meeting held in  
Manila on 21 September 2017)



## 3. CONCLUSION





## Adherence to UNCLOS and Rules of Conduct

DOC

COC

CUEs/Code of Conduct  
for Coast Guards?

## Practical Areas for Further Cooperation

Maritime crimes

Pollution (land-based  
and ship-source)

Fisheries

**THANK YOU!**

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