

2017 CONCEPT PAPER ON THE GUIDELINES FOR MARITIME INTERACTION

Adopted in Manila, Philippines on 23 October 2017

Background

1. ADMM Member States are confronted with common challenges in the maritime domain that result in a range of strategic challenges to the region, including traditional and non-traditional security challenges.
2. Continued commitment to maritime confidence-building measures and cooperation among ASEAN Member States is therefore imperative to meet transnational maritime security threats and effectively direct primary maritime routes.
3. Given the above, this Concept Paper outlines the guidelines for maritime interaction among ASEAN Member States towards establishing and strengthening regional mechanisms and institutional arrangements for maritime security, and advancing maritime defence cooperation.
4. Further, this Concept Paper is anchored on the 2015 and 2016 Joint Declarations of ASEAN Defence Ministers which state that ASEAN Member States must undertake practical measures and commence work on pursuing Protocols for Maritime Interaction to maintain open communications, reduce vulnerability to miscalculations, and avoid misunderstanding and undesirable incidents at sea.

Objectives

5. The objectives of this Concept Paper include the following:
 - 5.1 To advance ASEAN's maritime security efforts in a direction that contributes to the goals of the ASEAN Member States as enunciated in the 2015 and 2016 Joint Declarations of ASEAN Defence Ministers.
 - 5.2 To establish comprehensive and feasible maritime conflict management measures on the basis of confidence-building, preventive diplomacy, and peaceful management of tensions that could arise at sea.

Scope

6. The Guidelines shall aim to address the diverse nature of maritime security challenges mutually faced by ASEAN Member States.
7. The Guidelines shall be observed by naval ships and naval aircrafts, as defined in the 1982 United Nations Convention on the Law of the Sea (UNCLOS) and the Code for Unplanned Encounters at Sea (CUES).
8. The Guidelines shall serve as an initial framework for the interaction of the defence sectoral body with other maritime agencies.

Principles

9. The Guidelines shall be based on ASEAN principles of transparency and mutual trust, and shall be in accordance with relevant national laws, rules and regulations, and international law.
10. The Guidelines shall uphold all existing maritime arrangements between ASEAN Member States, as well as between ASEAN Member States and other states and organizations including, but not limited to, UNCLOS and CUES.
11. The Guidelines shall complement various regional security fora addressing maritime security issues.
12. The Guidelines shall reaffirm the ASEAN Member States' commitment to resolve disputes through peaceful means without resorting to the threat or use of force in accordance with internationally/universally recognized principles of international law, including the UNCLOS.
13. Civil-military dialogue shall be encouraged among ASEAN Member States' naval forces, coast guards, maritime police assets, and private industries engaged in maritime activities.
14. ASEAN Member States shall, on a voluntary basis, share information such as laws, reports, rules of engagement, and other information relative to maritime security, port security, and overflight jurisdiction to avoid misunderstandings and undesirable incidents at sea.
15. On exploring the possibility of extending the Guidelines with Plus countries, ASEAN Member States shall uphold the principle of ASEAN centrality.
16. In fulfilling the technical and operational parameters of the Guidelines, an ad hoc working group composed of policy and technical officials from the ASEAN Member States' armed forces, other pertinent government agencies, and the private industry shall be established.

Form of Activities

17. The form of activities to be carried out by the ad hoc working group may be through meetings and workshops that could entail, among others, discussions on existing strategies, work plans, laws, reports, rules of engagement (ROEs), and other information relevant to maritime security, port security, and overflight jurisdiction; further modalities and procedures; and possible involvement of the Plus countries in the future.

Review and Report

18. The outcome of the meetings and workshops shall be duly reported to and assessed by the ADMM through the ADSOM and ADSOM WG.

Conclusion

19. The Guidelines for Maritime Interaction shall be the defence sector's modest contribution to the building of a peaceful and prosperous Asia-Pacific Region.