

## **CHAIRMAN'S REPORT OF THE NADI WORKSHOP ON MARITIME SECURITY 8 – 10 MAY 2012, GRAND HYATT, NUSA DUA, BALI, INDONESIA**

### **Introduction**

The Network of ASEAN Defence and Security Institutions (NADI) Workshop on Maritime Security was organized by the Center for Strategic Studies, Indonesian National Defence Force, at the Grand Hyatt Hotel, Nusa Dua, Bali, Indonesia. The workshop was hosted by Brigadier General Junias L. Tobing, moderated by First Admiral Dr. A. Yani Antariksa, S.E., S.H., M.M., and attended by representatives of defence and security think tanks and defence institutions from ASEAN countries. The list of participation is at **Annex A**.

### **Adoption of Agenda**

The meeting adopted the agenda for the NADI Workshop on Maritime Security as at **Annex D**. The meeting also agreed to the programme for the conduct of the NADI Workshop which is at **Annex D**.

### **Chairman's Opening Address**

In his opening speech, Brigadier General Junias L. Tobing welcomed all NADI Workshop participants. The theme of his speech is the shift of the global center of gravity and how it is influencing our region, especially in maritime domain.

Brigadier General Junias L. Tobing said that since post-Cold War, the world has witnessed the shift of the security paradigm from territorial security to human security, as well as how the global concept of security evolved from cooperation security to the current comprehensive security. The global community is currently witnessing another shift in the global center of gravity; from the West to the East, especially East Asia.

Extra-regional countries have issued a number of initiatives related to maritime security. Brigadier Junias L. Tobing gave a number of examples, including Regional Maritime Security Initiative (RMSI) and Proliferation Security Initiative (PSI) by the U.S. and the Australia's Maritime Identification Zone or AMIZ by Australia.

He further added that China with its amazing economic development continues to strengthen its military forces, especially its naval posture to fulfill its maritime strategy in order to protect its national interest.

According to Brigadier Junias L. Tobing countries in the Southeast Asia region are in the middle of a fierce competition between two major powers, giving rise to a number of security issues, including the growing tension in the South China Sea, affecting Southeast Asia's regional maritime security stability.

Both China and the U.S. have a number of bilateral cooperation and initiatives with ASEAN member countries. Since not all countries could accept these cooperation and initiatives, some have made their own arrangements, such as the Malacca Strait Patrols (MSP) by Indonesia, Malaysia, Singapore and Thailand.

He reminded the participants of the workshop on another important maritime security issue; the piracy in the Somali Basin. Although the number of pirate attacks has decreased in 2011, it is still a major threat towards global economy, energy security and trade.

**Presentation on Maritime Security Outlook in East Asia by Mr. Tan Seng Chye, Senior Fellow, S.Rajaratnam School of International Studies, Singapore.**

In his presentation, Mr Tan Seng Chye said that since Barack Obama assumed the United States Presidency in January 2009, there have been significant shifts in United States' foreign and defence policies, which affected the global strategic landscape. This has implications for the Asia Pacific region in particular East Asia. There is a shift of political and economic influence to East Asia due to the financial and economic crisis in the US and in the Eurozone. The US has enhanced its engagement with East Asia with the US "back in Asia" policy. President Obama's announcement of a web of US treaty alliances and strategic partnerships and the stationing of 2500 US marines in Darwin, Australia, during his visit to Australia and attendance at the East Asia Summit (EAS) in Indonesia in November 2011, have been perceived by China as an attempt to contain China or to constrain its rise. Thus the US enhanced engagement with East Asia and the rise of China, have created new dynamics in East Asia regional affairs including the appearance of rivalry for influence in East Asia by the two powers.

The US is concerned about China's military modernisation and its growing political and economic influence in East Asia. The US also viewed China's military modernisation and its military exercises in the South China Sea as a possible challenge to US dominance and its military primacy in the future. The US enhanced engagement with East Asia especially the US announcement of national interest in the South China Sea and its proposal of a multilateral approach to resolve territorial claims in the South China Sea as well as its expressed interest to join the EAS at the ARF in July 2010, have raised tension in the South China Sea and US-China relations, and caused differences among ASEAN countries. There is concern that big power rivalry could result in conflict in the South China Sea. In the latest stand-off in Scarborough Shoal between China and the Philippines, the US stance was that the US would not take sides in sovereignty claims in the South China Sea and would oppose claimants' use of force or threat of force to advance their claims. This US position has eased tension. Notwithstanding this US position, if any stand-off among claimants should result in conflict, it would affect maritime security in the region.

Maritime security issues and challenges in the East Asia region were highlighted including the littoral states to ensure security and navigational safety in the Straits of Malacca and Singapore, the safety of the vital SLOC, the many transnational issues like piracy, armed robbery, terrorism and the various transnational crimes and the provision of Humanitarian Assistance and Disaster Relief (HADR) due to more frequent occurrence of earthquakes and tsunamis. ASEAN has a number of institutions and mechanisms to respond to these maritime security issues and challenges. They included the Information Fusion Centre (IFC) at Singapore Changi Command and Control Centre, ReCAAP Information Sharing Centre, joint patrols in the sea and air by littoral states of the Straits of Malacca and Singapore, individual ASEAN countries' national coordination centre to deal with their maritime security issues and transnational crimes, and cooperation in ADMM Plus on maritime security. The ASEAN militaries and related security agencies which have the assets and capabilities could cooperate to play a significant role in providing HADR and combating maritime security issues and transnational crimes. ASEAN countries should be more cohesive and develop a common vision to deal with maritime security. ASEAN countries could use the IFC which is already an information hub participated by some ASEAN countries and the Plus countries, to share information

and to build capacities, to maintain ASEAN's "driver" role in their cooperation with the Plus countries.

**Presentation on Emerging Maritime Security Issues and Challenges on Immigration Matters by Mr. Rindang Napitupulu, Director of International Cooperation, Directorate General Immigration, Ministry of Legal and Human Right Affairs, Indonesia.**

Mr. Rindang Napitupulu briefed the meeting on the immigration issues faced by Indonesia along its national waters, which are people smuggling, human trafficking, and illegal migrants. In 2011 there was a significant increase in the number of illegal migrants passing through Indonesia per month. Most of them were bound for Australia.

Mr. Napitupulu further explained that as the main route of these illegal migrants, Indonesia is vulnerable as a transit point, where weakness of control and monitor along Indonesian maritime boundaries has given ideas to refugees and asylum seekers to believe that Indonesia would be a good entry point in terms of access of funding, shelter, and protection of rights. He then explained to the meeting on actions taken by the Indonesian government in preventing and controlling the illegal migrant actions.

**Presentation on Emerging Maritime Security Issues and Challenges: International Law Perspective on Human Trafficking and People Smuggling by Sea by Mr. Ahmad Ghazali Abu Hasan, Senior Fellow, Faculty of Defence Studies National Defence University Kuala Lumpur, Malaysia.**

Referring to the earlier presentation by Indonesia on the refugee problem faced by the country, Mr Ahmad Ghazali highlighted the fact that human trafficking and people smuggling by sea could well be the next emerging maritime security issue in the region.

He went on to explain that Southeast Asia by virtue of its position has become a potential transit region for human smugglers. Customary human rights law, the existing international laws pertaining to refugees, human trafficking and people smuggling, and the various maritime laws tend to provide the perpetrators of these

crimes the advantage, benefit of the doubt and the opportunity to exploit the laws to their advantage at the expense of security interests of the littoral states.

Mr Ahmad Ghazali concluded his presentation with the recommendation that ASEAN level convention be established to look into the issue by taking into consideration of the existing shortcomings in the international law in dealing with the problem.

**Presentation on Responses to Emerging Maritime Security Issues and The Role of ASEAN Militaries and Related Security Agencies: Indonesia's Case by Rear Admiral (Retd.) Robert Mangindaan, Chairman of Forum for Defence and Maritime Studies, Republic of Indonesia.**

Rear Admiral (Retd.) Robert Mangindaan explained that in order for Indonesia to deal with the maritime security related issues, it has formulated a number of strategies with the aim of improving national security policy and maritime security policy.

He pointed out that globalization, energy security, and climate change have affected Indonesia and the region. One of the challenges in the present and future maritime cooperation is that there are differences of understanding of maritime security issues and threats. He explained that there are three areas that would require cooperation, which are the formulation of an agreed definition on maritime security, marine scientific research, and protocols for surveillance.

He concluded by proposing three steps to develop concrete cooperation. First, to develop regional common perceptions on a number of threats, including piracy, environmental pollution, transnational crime, and impacts of climate change. Second, identifying the requirements of effective cooperation, followed by discussions on actions needed to be taken while referring to binding legal documents and conventions. Third, to discuss the type of capacity building required and should be programmed to support future actions.

**Presentation on Role of ASEAN Armed Forces in Dealing with Maritime Security Challenges and Measures to Enhance Their Cooperation by Senior Colonel Nguyen Hong Quan, Vice Director General, Institute for Defence Strategy, Ministry of National Defence, Vietnam.**

Senior Colonel Nguyen Hong Quan spoke about the role of the armed forces in dealing with maritime security issues and on measures for enhancing cooperation. Armed forces have played a crucial role in dealing with disasters at sea.

Senior Colonel Quan then proposed a number of measures that could be taken by the ASEAN armed forces to further enhance this cooperation in capacity building, improve means of communication among the maritime agencies to share information and exchange experiences, and to launch joint sea patrols.

**Proposed Recommendations to Respond to the Emerging Maritime Security Issues and Challenges.**

Following the presentations, the NADI participants had a lengthy exchange of views on a number of issues including the importance on maintaining the centrality of ASEAN.

They considered a number of ideas and issues on which they made the following recommendations:

**1. Strengthening ASEAN Centrality through Enhanced Cooperation and Capacity Building.**

ASEAN countries should be more cohesive and develop a common vision on how to deal with the evolving maritime security threats, and challenges. Practical recommendations include frequent exchanges, dialogues and training of naval personnel in military and non-military issues; encourage regional exercises on non-military operations such as for HADR, Search and Rescue (SAR) to enhance cooperation, and most importantly, enhance regional information sharing efforts through their participation in the ASEAN Information-Sharing Portal (AIP) to be launched later this year.

In order to maintain ASEAN centrality and its driver role in cooperation with the Plus countries, ASEAN should continually enhance its cooperation and cohesiveness among the member states and to continue to build its capacity.

## **2. Enhancing Cooperation in Humanitarian Assistance and Disaster Relief**

In view of the more frequent occurrences of natural disasters within the region, it is agreed that ASEAN countries should develop their own capabilities in tackling this issue. In its cooperation with the Plus countries, ASEAN should take stock of its strengths and weaknesses and to enhance its capacity in order for it to play a leading role in managing HADR at sea in the region.

## **3. Peaceful Resolution to Regional Maritime Disputes**

ASEAN should continue to adopt the existing norms in dealing with conflicts among its member states to ensure peaceful resolution to maritime disputes. They should adhere to the principals of international law, UNCLOS III (1982), the Declaration of Conduct of Parties in the South China Sea (DOC), 2002, and the Implementing Guidelines of 2011, and to strive for the establishment of the Code of Conduct (COC).

## **Concluding Remarks**

The representatives of ASEAN Defence and Security Institutions expressed their sincere appreciation and gratitude to the Center for Strategic Studies, Indonesian National Defence Force for their warm hospitality and the excellent arrangements, which ensured the success of the Network of ASEAN Defence and Security Institutions (NADI) Workshop on Maritime Security.