

ASEAN MECHANISMS FOR MARITIME SECURITY COOPERATION (II) – SURVEYING PRIORITIES

Event Report

25 July 2018

RSiS

S. RAJARATNAM
SCHOOL OF
INTERNATIONAL
STUDIES

Nanyang Technological University, Singapore



**NANYANG
TECHNOLOGICAL
UNIVERSITY**
SINGAPORE

Event Report

ASEAN Mechanisms For Maritime Security Cooperation (II) – Surveying Priorities

25 July 2018

Centre for Strategic and International Studies, Indonesia

Table of Contents

Executive Summary	4
Session 1: Maritime Boundaries and Safety	5
Session 2: Southeast Asia's Ocean Economy	10
Session 3: Current Southeast Asian Maritime Security Initiatives: What Works, What Doesn't?	14
Session 4: Open Discussion: Mapping ASEAN's Shared Priorities	18
Way Forward	20
Workshop Programme	21
List of Speakers	24
About the Institute of Defence and Strategic Studies	29
About the S. Rajaratnam School of International Studies	29

Executive Summary

This workshop is the second chapter of a study on the effectiveness of existing ASEAN-led mechanisms on maritime security cooperation. This second workshop was designed to map the shared maritime priorities and common interests among ASEAN member countries. Participants from eight ASEAN member countries presented insights on their respective countries' concerns over the security and management of the maritime domain. While Brunei and Lao PDR were not represented at the workshop, efforts will be made to seek their inputs going forward. In general, workshop participants agreed that ASEAN member countries share some common maritime interests, however, not all are confident that their interests can be best advanced through a collective regional approach.

The workshop showed that ASEAN countries share certain common security and economic interests, including security in the South China Sea, the importance of international law, especially UNCLOS, and the significance of economic development in the maritime domain. There is also a common recognition that the region is filled with untapped maritime resources. Optimal and sustainable management and extraction of these resources is crucial for ASEAN countries' economic growth.

The initiative to bring these shared maritime interests and concerns to a regional level, however, could potentially be impeded by individual ASEAN countries' domestic concerns. Some ASEAN member countries are undergoing leadership change and associated recalibration of interests. These countries are re-adjusting their national maritime policies, laws, and strategies. As the sustainability of ASEAN mechanisms depends on national leadership, it is more difficult to cultivate a common awareness to address long-standing and emerging challenges amidst the existing unsettled domestic position within individual countries.

The workshop highlighted several potential common denominators to strengthen maritime cooperation at the regional level. These include a shared concern among ASEAN countries on non-traditional security issues such as terrorism, piracy, sea robbery, the need for capacity building and information sharing, the responsibility to ensure safety of navigation at sea, as well as the responsible management of maritime resources and the environment.

Session 1: Maritime Boundaries and Safety

The first session of the workshop addressed the maritime and ocean policies of individual Association of Southeast Asian Nations (ASEAN) member countries, with an emphasis on maritime boundaries and safety at sea. Questions related to the session include: What are each country's policies towards securing its maritime boundaries? How are countries protecting seafarers' safety in its territorial waters? How effective have these policies been in achieving their objectives? How do issues such as maritime disputes affect regional cooperation for safety at sea?

All ASEAN countries share a strategic interest in maintaining a stable, safe, and secure maritime region, but they differ in the way they understand and prioritise various safety and security issues. Some countries prioritise issues that touch on their sovereignty and sovereign rights. For the Philippines, the South China Sea remains the major issue, aside from the pending territoriality issues with neighboring countries, especially the Sulu-Celebes Sea, and the challenge of many armed non-state groups. Malaysia puts emphasis on the issue of military exercises and the use of nuclear-powered vessels along the lines of its maritime zones, and the delimitation negotiation with littoral states of the Malacca Strait and the Singapore Strait. Vietnam stresses that the South China Sea remains a chief concern among other troubles related to the safety and security of its maritime boundaries.

In viewing their national priorities on maritime safety and security, ASEAN countries draw upon their own distinctive "nature" and "mindset," especially in relation to the geographical aspect of their security. These mindsets, in consequence, set countries on different paths and measures to best secure its maritime boundaries. For Singapore, its orientation of safety and security is centered on the two vital sea lanes, the Strait of Malacca and the Strait of Singapore, that determine the survival of the country. The nature of the two sea lanes, particularly its importance to international navigation, means that Singapore's territorial water cannot be viewed as entirely its own. Singapore puts emphasis on taking responsibility to duly regard the users of its waters, as any disturbances in the two sea lanes could possibly impact wider-regional and extra-regional trades. As such, Singapore outlines two emerging challenges in its littoral zone. First, the concern over the volume of traffic and the means to ensure safety amidst the increasing traffic density. Second, the importance of cyber security in ensuring the safety of navigation in dense traffic due to the general use of cyber-driven navigational and traffic control

systems. This second challenge is related to the possibility of a terrorist attack on the Strait of Singapore, threatening access and potentially causing panic within the shipping industry.

In accordance to such mindset, Singapore advocates the importance of collective measures in ensuring maritime safety and security. Cooperation with neighboring countries, as well as the maritime industry is deemed crucial. Singapore therefore looks for cooperative forums, including key ones with Malaysia and Indonesia, which promote collective thinking towards the safety of the Malacca Strait and Singapore Strait. In safeguarding such “international waters,” Singapore necessitates the participation of all its national security agencies under the national security system to share a common maritime picture. Singapore holds in high regard the opportunity to promote collective measures and a common picture, through its ASEAN chairmanship, to respond to maritime safety and security challenges in the region.

For the Philippines, its maritime safety and security concerns, including the importance of the South China Sea in providing for the country’s energy demands, meant it was necessary to develop appropriate capabilities for maritime domain awareness and response. Accordingly, the Philippines is procuring military and coastguard assets, with aid particularly from the US. The Philippines is also allowing the involvement of foreign military assets within its waters, such as from the US and Australia. In combating armed groups, one participant from the Philippines noted that the government is not permitting entry for foreign military assets on the ground, except for civilian missions. This policy means that the conduct of a joint patrol is less preferred than the option of a coordinated patrol.

For Malaysia, ensuring balance of power in the seas is very important. To ensure safety at sea and to protect Malaysian sovereignty, Malaysia argues that the United Nations Convention on the Law of the Sea (UNCLOS) does not authorise other states to conduct military exercises or maneuvers within Malaysian territorial waters and exclusive economic zones (EEZs) without its prior consent. To implement this policy, Malaysia will send protests notes to corresponding parties should they not inform Malaysia of their activities, and be on standby while monitoring the situation from afar.

Malaysia also believes that prohibiting nuclear-powered vessels in its waters is necessary for the state’s interest in the long run. Moreover, Malaysia prohibits access of foreign warships to its maritime zones, including those in the name of the freedom of navigation – in line with the government’s ‘no warship in the South China Sea’ policy. With regards to the Strait of Malacca and Strait

of Singapore, Malaysia acknowledges their importance for international navigation and is exploring best practices to ensure safety of navigation. Lastly, in solving sovereignty issues such as the Batu Putih/Pedra Branca Island, Malaysia prefers a bilateral approach.

Since 2007, Vietnam has focused on economic development. Vietnam, however, faces the difficult balance between spending for economic development while paying attention to security and sovereignty protection in the South China Sea, which is crucial for economic development in the first place. For now, Vietnam is handling any disputes in the South China Sea on a case-by-case basis, instead of employing a systemic mechanism to discuss the delicate balance between security and economic interests.

One of Vietnam's concern over securing its maritime boundaries is the depletion of maritime resources. For Vietnam, no decision has been made as to how it can maintain healthy maritime economic development. Embarking from these concerns, Vietnam sees four points to focus on: (i) uphold international law, follow international practices, and adjust domestic laws to meet the standard of UNCLOS; (ii) continue economic development as the general priority; (iii) address security and sovereignty issues for the sake of a sustainable and stable condition for economic development; (iv) uphold the role of diplomacy, particularly of ASEAN and ASEAN mechanisms in maritime cooperation.

The prioritisation of economic development, meanwhile, has pushed the Philippines into choosing ambivalent policies to deal with sensitive territorial issues. In handling the South China Sea dispute, the Philippines has postponed formal invocation of the 2016 international tribunal ruling and drawn closer to China. At the same time, it has also tried to capitalise on the material benefits of the ruling during bilateral discussions and used it as a confidence building measure with China. It has further pushed for a multilateral code of conduct to manage the dispute with China.

ASEAN countries vary in their reliance on ASEAN to address their maritime safety and security concerns. Sensitive maritime sovereignty issues could still limit the progress of maritime cooperation at the regional level. Vietnam, for instance, believes ASEAN mechanisms help to “foster maritime cooperation.” Vietnam suggested that ASEAN needs to focus more on sectoral cooperation on specific issues like fisheries and environmental protection. For Vietnam, it is vital to start from less sensitive issues before moving forward to more difficult ones. For the Philippines, ASEAN barely features in its political discourse, as it maintains the primacy of the US as an ally. Singapore, in

comparison, promotes the need for a common regional picture.

Participating member states identified at least three shared interests: the South China Sea disputes, the importance of UNCLOS, and economic development through the maritime domain. For the Philippines, its National Security Policy expresses the country's deep concern over the South China Sea. The Philippines also attempts to strengthen alignment of its domestic laws with UNCLOS. Vietnam highlighted the nexus between the security of the South China Sea and economic development, as well as full adherence to international law. Malaysia highlighted its respect to international law while also maintaining concern over the importance of safety, sovereignty, and sovereign rights to Malaysia. Singapore highlighted the importance of access and order to maritime safety and security that includes particular attention towards trade, cyber security, maritime terrorism, and the visibility of actions taken in the maritime domain.

For most ASEAN countries, there remains a process of reassessment and adaptation of their national policies. Vietnam is reviewing and revising its first national ocean policy. The Philippines is undergoing extensive legal changes as it re-evaluates its national priorities in the maritime sector, with normative implications that include a redefinition of its maritime zones. It formed a central maritime policy and coordination entity called the National Coast Watch Council, created a national task force in response to the South China Sea disputes, made its coastguard an independent service from the Navy under the Department of Transportation, established an authority on maritime industry, and amplified measures in combating illegal, unreported, and unregulated (IUU) fishing.

The lack of coordination among national agencies dealing with maritime issues is also an issue facing many ASEAN countries. The Philippines acknowledges the need to improve agency-to-agency coordination and harmonise institutional mechanisms to reduce overlap and improve inter-agency capability support. Its National Coast Guard Watch System, which was created back in 2011, is working to ensure coordination and harmonisation of the roles of government agencies, especially in law enforcement. In the meantime, Malaysia's coastguard faces an institutional reorganisation that will integrate the agency into one of the existing ministries. Vietnam is also considering having a coordinating body to manage maritime safety and security. The possibility of creating a regional level maritime coordinating agency was also discussed.

On the issue of regional coordination, ASEAN countries have differing priorities on specific issues. Maritime terrorism is one such example. Throughout the session, it was evident that maritime terrorism does not feature highly as a maritime security threat for all ASEAN member countries. While Singapore and the Philippines see maritime terrorism as a top priority, other ASEAN countries, especially Cambodia, Myanmar, and Vietnam, do not consider it a national priority.

On cyber security, Singapore has led the call to recognise its growing danger in areas such as the hacking of autonomous vessels. However, physical security issues still dominate the perception of problems among other ASEAN countries. One participant from the Philippines suggested that attention to cyber security still differs from one country to another due to the difference in exposure. ASEAN countries could move forward in so far as setting a common regional standard in cyber security, such as the prevention of the use of internet as platform for radicalisation or political manipulation.

ASEAN countries generally agree on the value of cooperating in assuring safety of navigation for seafarers in the region. For Singapore, accidents at sea is one of the issues that its Information Fusion Center is concerned with. For the Philippines, maritime safety complements the effort to increase connectivity in the region. The sea-worthiness of vessels, maritime navigational aids, and coordinated operation on Search and Rescue operations are seen to be some of the appropriate areas to enhance cooperation on.

Overall, ASEAN countries share some common interests, especially on ensuring a safe environment for economic development. Collective efforts on the regional level could be initiated by promoting a common regional picture and acknowledging that issues do exist with cross-boundary and regional implications.

Session 2: Southeast Asia's Ocean Economy

The second session of the workshop attempted to outline the current maritime and ocean policies of Southeast Asian states, particularly with regards to resource management. The topic is important for two specific reasons: the inevitable nexus between economic development and maritime security, and its potential to disrupt ASEAN consensus over certain issues. While all speakers agreed that sustainability is the key priority for the ocean economy, they also highlighted the uneven awareness among national policymakers. There were some related questions on the table: What are the country's core interests and policies relating to the management of marine resources? How effective have they been in achieving their objectives? What are the challenges in their implementation? What are the regional implications of these policies?

One of the key issues intensely discussed during this session was that of IUU fishing. Since Indonesian President Joko Widodo came into power, some serious measures have been undertaken to protect Indonesian maritime resources. It included pushing regional colleagues to acknowledge the IUU fishing as a transnational organised crime. Indonesia also highlighted the connection between IUU fishing and other crimes. However, there is no consensus within ASEAN on the issue. Myanmar is paying greater attention to it as they endure illegal fishing problems from its neighbors and suffer the extinction of some fish stocks. Yet, it is difficult for them to deal with it due to the absence of a coast guard. Myanmar expressed interest in looking to Indonesia on the maritime law enforcement transformation. Similarly, Cambodia spoke of its four-point maritime security policy, one of which is to safeguard territorial waters and resources under its EEZ. Lack of capacity and capability was highlighted as the major obstacles possibly hampering this vision. Cambodia placed a bold emphasis on the importance of non-traditional maritime security cooperation among ASEAN members, particularly with regards to IUU fishing.

Thailand, the Philippines, and Vietnam, on the other hand, were vague in their respective stances towards the issue. Thailand is concerned with seeking a better image for the Thai fishing industries. The issue of the EU's yellow card is considered as potentially damaging to its economy as the EU is Thailand's top trading partner for seafood products. Therefore, some "cosmetic reforms" were reportedly carried out by the government to recover its international profile. However, these cosmetic changes are insufficient to fix Thailand's IUU

fishing and related issues due to the intense pressure of domestic businesses. In the case of the Philippines, it is ambiguous whether Manila wants to join Jakarta in the regional fight against the IUU Fishing due to the relative lack of support from its fishery industries. The Philippines questioned the data and study which has been used to support Indonesia's treatment of IUU fishing as a transnational organised crime. One Vietnamese speaker also clearly stated that Hanoi cannot recognise IUU fishing as a transnational organised crime. Vietnam highlighted that IUU fishing will only become a crime if it is carried out on a large scale, and not by individual vessels. For Vietnam, it is also important for the issue to be discussed at the Regional Fisheries Management Organization (RFMO) before IUU fishing is branded as a crime. Some ASEAN countries consider IUU fishing as more of a management rather than security issue.

There were still some questions left unanswered. How can ASEAN have a better common understanding on IUU fishing, given the two competing narratives on the issue? What are the basic principles in tackling it? How can ASEAN cooperate to create a common fisheries regime? Are we going to differentiate the treatment between external illegal fishing vessels, and those from ASEAN countries? Is it possible to broaden the Senior Officials Meeting on Transnational Crime on sea piracy to non-traditional maritime security issues in order to accommodate the substantial discussion on IUU fishing? These questions are worthy of further discussion, otherwise, ASEAN could risk a potential intra-members conflict on the issue of fisheries.

Another key issue discussed was the environmental aspect of Southeast Asia's ocean economy. Important questions include: How has environmental degradation affected ASEAN countries' ocean economy? Is ASEAN willing to consider a moratorium on fishery fields to rehabilitate the environment? Although all the participants agreed on the importance of preserving the marine environment, different countries focus on different aspects of preservation. Under its national ocean policy, Indonesia has made marine pollution its focus, which includes marine plastic debris. Indonesia is concerned that pollution could endanger marine life and also humans who consume fish and other seafood. Numerous initiatives have been put forward by Jakarta such as calling for awareness as well as cooperation among East Asia Summit (EAS) member states on the issue of plastic waste, developing waste-to-energy plants, and endorsing the plastic-based asphalt system. Countries which actively participated in the discussion were Myanmar, Thailand, and Singapore. Myanmar briefly raised concerns over eco-tourism along its coast. Thailand highlighted that environmental-related issues were

apparently marginalised by the bigger topic of development. Singapore highlighted the issue of marine pollution brought about by big ships that frequently pass through Southeast Asian waters. Singapore called for more attention on preserving the marine environment.

The growing concept of the blue economy was also discussed during the session. The discussion generally covered the infrastructure projects, renewable energy, and other potential maritime resources beyond oil and gas. Related to that, many questions also specifically sought answers concerning the progress of the Chinese Belt and Road projects, its strategic impact on Southeast Asian countries, and the existing domestic sentiments of various ASEAN countries. Five countries, namely Cambodia, Indonesia, Myanmar, Thailand, and the Philippines, actively spoke up on the issue. Cambodia started the discussion by sharing on the developments of the Koh Kong Port. This port, together with the airport and virtual city in Koh Kong, is a China-backed project. A closed economy exclusively for the Chinese, the speaker stated that the local people will not be able to access the area unless they have modern cars. Following this socioeconomic discrimination, Cambodian locals also feel uncomfortable with behaviors of the Chinese including smoking in public, speaking loudly, being ignorant towards traffic laws, and lengthy concessions for China. However, this concern is unlikely to be settled in the near future due to a number of reasons, including the permission granted by the Cambodian government for these projects, lack of human resources and technology domestically, the absence of a national plan, and the lack of alternative investors. The Cambodian speaker also underscored the potential nexus between the economic and strategic component in the Chinese projects. There were some who forecasted that Koh Kong will eventually contribute to the establishment of a Chinese naval stronghold throughout the region. Vietnam concurred with this assessment.

Indonesia has highlighted the blue economy principle within its National Ocean Policy. The manifestations of this principle include fisheries-centered development at the outer islands of Indonesia, connecting all regions through the Sea Highway programme, easing the bureaucracy in maritime projects, and tapping on all potential renewable energy sources from the ocean in order to power up national industries. Indonesia is currently also considering producing high-quality local salt. However, this is still subject to national debate as it concerns the future livelihood of local salt farmers. Regarding the Belt and Road initiative, it was highlighted that Indonesia predominantly accepts cooperation projects in the form of railways, but not in the maritime industry and fishery sector. Indonesia emphasised a balanced approach in

order to reduce potential dependency on a particular investor, as well as to keep the quality of investment high. Indonesia noted that the Belt and Road Initiative is helpful, but the concern lies in its terms and conditions.

Myanmar highlighted that the blue economy is a term used at the national level, and is barely known by domestic business communities. The term is mostly used by their Ministry of Environmental Conservation and Natural Resources to address issues related to wildlife. Therefore, the speaker from Myanmar highlighted the necessity of ensuring the coordinated conversation on the “blue economy” among domestic stakeholders.

Thailand noted that the blue economy is not commonly used at the national level due to an existing umbrella concept known as “sufficiency economy” introduced by the late king. Sufficiency economy by nature covers the development both on land and at sea. However, the Thai government has attempted to mainstream the “blue economy” term at the beginning of this year, with considerable emphasis on sustainable growth and development.

The speaker from the Philippines also provided some comments on the possibility of tapping on renewable energies, such as ocean thermal, to support the blue economy. A few hindrances were noted. First, the cost of extraction is highly expensive. Second, the government will be obliged to allocate subsidies over the use of renewable energies. This notion could also potentially prompt a national political debate between cost and environmental protection.

It was also noted that the Malaysian government consistently uses the term blue economy in their speeches.

In general, participants agreed that the implementation of blue economy at the regional level must go beyond oil, gas, and fisheries, and consider other issues related to the livelihood of the maritime community. A question that needs to be answered in the future is how does the blue economy fit into the regional maritime security agenda?

Session 3: Current Southeast Asian Maritime Security Initiatives: What works, what doesn't?

The third session of the workshop discussed several maritime-related initiatives and proposals under various ASEAN mechanisms. The discussion had three focuses; (i) the development of the ASEAN Regional Forum (ARF), ASEAN Defence Ministers Meeting (ADMM)/ADMM-Plus, ASEAN Maritime Forum (AMF), and Expanded ASEAN Maritime Forum (EAMF); (ii) international norms concerning the South China Sea including the tribunal award and the ASEAN-China Code of Conduct (COC); and (iii) the ASEAN centrality vis-à-vis engagement with great powers in the era of uncertainty. Prior to the discussion, participants were encouraged to be aware that maritime security is discussed through ASEAN mechanisms in a cross-cutting and overlapping manner. The main problem is these mechanisms' lack of coordination, and this situation consequently leads to the lack of effectiveness amidst limited resources. Important questions include: Which proposals do ASEAN member states support and oppose, and on what grounds?

Maritime security is increasingly gaining more prominence within the ASEAN agenda, as signaled by the inclusion of a maritime security section under the ASEAN Political-Security Community Blueprint 2025. It covers both traditional and non-traditional security issues. Nevertheless, there are different priorities among ASEAN states. One of the speakers noted that Vietnam, Singapore, and the Philippines are more driven by traditional security issues especially the management of maritime interaction and prevention of incidents at sea, as well as freedom of navigation. Meanwhile, Indonesia is more concerned with specific non-traditional security challenges like IUU fishing and marine plastic debris. Other countries prefer broader maritime cooperation, choosing to focus on economic development and avoid sensitive issues.

ADMM/ADMM-Plus appear to be the only mechanisms with significant positive developments. The ADMM/ADMM-Plus have gradually moved their discussions to more complex security issues. Some examples include the development of the ASEAN Direct Communications Infrastructure in the form of hotline to reduce the risk of incidents at sea; ongoing discussions on guidelines for maritime interactions and air encounters between military aircraft; and the ASEAN-China inaugural maritime exercise. Meanwhile, the ARF continues to face longstanding hindrances due to a lack of geographic cohesiveness and logistical resources. ARF is also hindered by the fact that most areas it covers fall under the expertise of non-Ministry of Foreign Affairs

(MFA) sectors, making it difficult for the ARF to sustain interest, engagement, and coordination with necessary agencies in the process. One example is the discontinuation of the ARF Disaster Relief Exercise (DIREX) in 2015. The issue of duplication was also highlighted by several participants. For instance, the presence of several ASEAN-level disaster relief exercises has rendered ARF DIREX obsolete.

The AMF and EAMF were central to the discussion. The relevance of the AMF has been brought into question recently with the difficulty of finding the next host for the forum. One Indonesian participant pointed out that only five ASEAN member states (Indonesia, Malaysia, the Philippines, Vietnam, and Thailand) were willing to organise the AMF. First, the AMF attempts to address too many maritime issues, resulting in a lack of core focus to sustain its momentum. Second, the AMF is mainly MFA-driven, and there is a lack of support from relevant stakeholders such as defense ministries. Despite the numerous shortcomings, the AMF continues to exist for several reasons. First, one of the speakers emphasised that from the standpoint of organisational psychology, the idea of closing something down means failure. No one, including ASEAN, wants to admit that. Second, some participants argued that the existence of these processes help foster confidence building within ASEAN.

Discussions about the EAMF appear more robust and substantial due to the support from dialogue partners. However, some participants questioned the potential impact on ASEAN centrality brought about by the relative effectiveness and progressiveness of the dialogue partner-driven EAMF vis-à-vis the AMF.

On the South China Sea, several participants highlighted the importance of adhering to international norms. Three benefits of a rules-based order were highlighted: (i) it maintains stability and predictability; (ii) constrains the exercise of power by the great powers; and (iii) promotes regional integration. In particular, UNCLOS helps maintain peace at sea, including in the South China Sea, through establishing a fair order at sea that promotes the rule of law and peaceful settlement of disputes. The current trend shows that countries in the region are relying more on UNCLOS to resolve their disputes. With regards to the tribunal award, one of the speakers highlighted its significance in clarifying existing ambiguities, rejecting excessive claims, and encouraging disputants to go back to the negotiation table. In addition, it was noted that the tribunal award has more deterrence on China's behavior than often acknowledged, as seen from Beijing's tendency to tone down its

activities within the EEZs of the Philippines and Vietnam in the past several years, as the award has a reputational cost for any country that disregards it. One participant pointed out that China dislikes being portrayed as “the bad guy.” A suggestion was made for ASEAN to continue mentioning the award to maintain an element of restraint on Chinese behaviour.

With regards to ongoing ASEAN-COC negotiations, one speaker highlighted two key parameters for an effective COC: (i) self-restraint by parties involved; and (ii) the legal status of the COC. There is also a lack of consensus on the geographical scope of the disputed area. Moreover, China has not ceased militarisation of its controlled features. As such, one of the speakers argued that the success of the negotiation will be dependent on China’s willingness to use the COC process to showcase its willingness to work with ASEAN, to buy some goodwill from ASEAN counterparts, or to give some credentials to its peaceful-rise narrative.

The issue of managing great powers’ engagement in the region vis-à-vis preserving the ASEAN centrality was also discussed. It was noted that the interests of great powers may not necessarily be in line with ASEAN’s interest - when these interests clash, it could generate negative geopolitical effects on ASEAN and Southeast Asia. As such, it is important for ASEAN to assert its centrality in the management of regional issues. ASEAN centrality is crucial to preserving its convening power which enables it to legitimately set the regional agenda. However, as noted by one of the participants, convening power neither guarantees regional leadership nor problem-solving power. As such, it is important to engage as many external players as possible.

The effectiveness of ASEAN-China MFA-to-MFA hotline, as well as responses to the US freedom of navigation operation (FONOP), were also discussed. In the case of the former, a participant pointed out the difficulties of contacting China when incidents happen. The problem lies not in the technology and technicalities, but on the political will of parties involved. In response, one of the participants highlighted that regardless of its actual usefulness, the hotline has inherent value in helping to improve trust and confidence between ASEAN member countries and China.

In the case of responses to FONOP, one of the speakers highlighted that a common ASEAN position on the issue is unlikely as it is too sensitive and there exists divergent strategic interests among ASEAN members. One participant highlighted that the US appears critically disappointed with its closest allies in Asia, namely Japan and Australia, because of their reluctance to join FONOP; and to some extent, the US FONOP has failed to stop China

from militarising the islands and from finalising the reclamation of artificial islands. However, while the US cannot change China's behavior in the South China Sea, China also cannot declare victory as the US continues to question the legitimacy of China's actions.

Session 4: Open Discussion: Mapping ASEAN's Shared Priorities

This session sought to address the remaining concerns among workshop participants. Three major issues were actively discussed, namely that of IUU fishing, the nexus between maritime security and cyber security, and the development of common understandings through ASEAN mechanisms. As predicted, different perspectives continued to emerge.

On the topic of IUU fishing, an Indonesian participant started the discussion by noting some pessimistic views regarding the possibility of having a consensus among ASEAN members to address the issue. The participant highlighted several related problems involving the elements of territoriality and political-economics. As these problems do not appear to have a solution in the near future, there is a growing trend among Indonesian officials to bypass ASEAN and rely on other regional mechanisms to combat crimes related to fishery which involve market states as well as coastal states. In response, a participant from Singapore encouraged other participants to still have faith in ASEAN to get something done on IUU fishing. The Singaporean participant argued that the main problem is the lack of consensus on the definition of IUU fishing within ASEAN, resulting in the ongoing competing narratives at the regional level regarding whether IUU fishing should be categorised as security or management issue. As a first step, it was suggested that ASEAN countries should work towards implementing their respective Fisheries Law, to better govern the fishing industry. Effort should also be made to identify and learn from best practices, ensure compliance of ASEAN member countries to all rules related to the flag registration, and develop regional capacity-building programmes to combat IUU fishing. In line with this, a participant from Vietnam also encouraged the workshop to start comparing all fishery-related legal documents in each country and combine it into a regional document on fishery cooperation.

On the topic of the nexus between maritime security and cyber security, several questions were discussed. These include: What is the best way to integrate the issue of cyber security into established maritime security mechanism? How can we ensure that cyber security and maritime security move cooperation forward in terms of increasing the effectiveness of ASEAN maritime security mechanisms? These are worthy to be answered as ASEAN faces growing threats related to the safety of navigation such as the use of electronic jam to disrupt the GPS of ships passing through Southeast Asian waters. Therefore, the technological capacity of wrongdoers needs to be

prevented by immediately championing ASEAN cybersecurity cooperation in the maritime domain. However, challenges also exist. First, maritime security scholars lack expertise in the field of cybersecurity. Second, duplication needs to be avoided in the area of cooperation. The North Atlantic Treaty Organization's regulations and cooperation on cybersecurity provides a model for ASEAN to learn from.

On the topic of enhancing the effectiveness of ASEAN mechanisms, a crucial question remains unanswered: Is the AMF or EAMF still relevant? Most of the participants agreed that ASEAN is still a work in progress and should not be compared with other regional organisations. It takes time for ASEAN members to develop a common consensus on issues. Nevertheless, this workshop has identified several maritime security issues of common concern among ASEAN countries, namely piracy and sea robbery, capacity building, information sharing, and sustainable use of marine economic resources.

Way Forward

The workshop highlighted some areas of common concern and shared interest among ASEAN member countries. It also emphasised the importance of avoiding duplication in cooperation efforts. As such, a follow-up workshop to facilitate in-depth discussion of the maritime priorities identified in this workshop, with the aim of formulating practical recommendations to Track I and the ASEAN Secretariat, was proposed to be held in the future.

Workshop Programme | Wednesday, 25 July 2018

08:00 – 08:30

Registration

08:30 – 09:00

Welcome Remarks

Dr Philips J. Vermonte

Executive Director, Centre for Strategic and International Studies (CSIS)

Ambassador Ong Keng Yong

Executive Deputy Chairman, S. Rajaratnam School of International Studies (RSIS)

Scoping Address

Dr Shafiah Muhibat

Head of Department of Politics and International Relations, CSIS

Assistant Professor Daniel Chua

Assistant Professor, Maritime Security Programme, Institute of Defence and Strategic Studies, and Deputy Head of Graduate Studies, RSIS

09.00 – 11.00

Session 1: Maritime Boundaries and Safety

Panellists are asked to present their country's maritime and ocean policies, with a particular focus on issues relating to maritime boundaries and safety at sea. What are the country's policies towards securing its maritime boundaries? How is the country protecting seafarers' safety in its territorial waters? How effective have these policies been in achieving their objectives? How do issues such as maritime disputes affect the regional cooperation for safety at sea?

Philippines

Mr Neil Simon Silva

Law Reform Specialist, Institute for Maritime Affairs and Law of the Sea, University of the Philippines, Law Center

Singapore

Ms Jane Chan

Research Fellow and Coordinator, Maritime Security Programme, Institute of Defence and Strategic Studies, RSIS

Malaysia

Ms Jalila Abdul Jalil

Senior Researcher, Maritime Institute of Malaysia (MIMA)

Vietnam

Dr Anh Tuan Ha

Director, Center for Policy Analysis, Bien Dong Maritime Institute, the Diplomatic Academy of Vietnam

11.00 – 11:15

Coffee break

09.00 – 11.00

Session 2: Southeast Asia's Ocean Economy

Panellists are asked to present their country's maritime and ocean policies, with a particular focus on resource management issues such as fishery and marine biodiversity. What are the country's core interests and policies relating to the management of marine resources? How effective have they been in achieving their objectives? What are some of the challenges in implementation? What are the regional implications of these policies?

Cambodia

Mr Sam Seun

Head of Public Affairs, Royal Academy of Cambodia

Indonesia

Mr Gilang Kembara

Research Assistant, CSIS

Myanmar

Mr Thuta Aung

Senior Fellow, Myanmar Institute of Strategic and International Studies

Thailand

Mr Thapiporn Suporn

Lecturer, School of International Affairs, Faculty of Political Science and Public Administration, Chiang Mai University

13.15 – 14.00

Lunch

14.00 – 15.30

Session 3: Current Southeast Asian Maritime Security Initiatives: What works, what doesn't?

Some initiatives have recently been proposed in different ASEAN mechanisms, such as (but not limited to) the adoption of the Code for Unplanned Encounter at Sea (CUES) to the region and the extension of it to civilian coast guards, diplomatic hotlines for maritime emergencies, adoption of a regional statement on IUU fishing, and mechanisms for dispute settlement. Maritime security is discussed in these ASEAN mechanisms in a cross-cutting and overlapping manner. There is lack of coordination, thus bound to be an overlap of efforts as the scope of discussions and activities expands, thereby putting the effectiveness of those frameworks at risk and creating a drain on resources. This session seeks to gather insights on how ASEAN member states view these recent initiatives/proposals. Which proposal does the country of study support? Which proposal does the country have strong opposition against?

ASEAN, ARF, AMF, EA

Ms Hoang Thi Ha

ISEAS-Yusof Ishak Institute

International Norms and Southeast Asian Maritime Security

Professor Ralf Emmers

Professor of International Relations and Associate Dean, RSIS

External Powers and Southeast Asian Maritime Security

Assistant Professor Daniel Chua

Assistant Professor, Maritime Security Programme, Institute of Defence and Strategic Studies, and Deputy Head of Graduate Studies, RSIS

15.30 – 15.45

Coffee break

15:45 – 17.00

Session 4: Open Discussion - Mapping ASEAN's Shared Priorities

Ms Jane Chan

Research Fellow, and

Coordinator of the Maritime Security Programme, Institute of Defence and Strategic Studies, RSIS

Dr Shafiah Muhibat

Head of Department of Politics and International Relations, CSIS

17.00 – 17.15

Closing Remarks

Dr Philips J. Vermonte

Executive Director, Centre for Strategic and International Studies (CSIS)

Ambassador Ong Keng Yong

Executive Deputy Chairman, S. Rajaratnam School of International Studies (RSIS)

List of Speakers

Jalila ABDUL JALIL is a Senior Researcher with the Maritime Institute of Malaysia (MIMA) and has previously served with the Ministry of Foreign Affairs, Malaysia. She graduated with an LLB (Hons) Bachelor of Laws from the University of Glamorgan, Wales, United Kingdom and is an alumni of the Rhodes Oceans Scholar in Law of the Sea, Rhodes Academy of Oceans Law and Policy. She is also a Member of the Honourable Society of the Middle Temple, Inns of Court, London. Her research interests include law of the sea, maritime boundaries issues and legal matters pertaining to International Maritime Organisation (IMO) Conventions.

Thuta AUNG has represented Myanmar at ASEAN and South Asia Regional fora in the area of inclusive business and MSME Development. He still continues his academic career started from England by regularly giving lectures as a Senior Fellow at Myanmar Institute of Strategic and International Studies and Central Institutes of Civil Service where he curates a programme on Leadership and Coordination.

He is also actively involved in start-up development, having set up the first PPP operated Incubation Centre with the Department of SME Development of the Myanmar Ministry of Industry. With his artist wife Shwe Thiri Khit, Thuta is part of an initiative to build the fashion brand AmaraKhit. Selected into the ASEAN Young Business Leaders Initiative of the Asia New Zealand Foundation and subsequently selected as a Member of the Leadership Network of the Foundation. Having founded HamsaHub Consulting in 2012, the firm has emerged as a pioneer in designing CSR projects within a Myanmar context and in reforming local firms for international partnerships.

Jane CHAN is a Research Fellow and Coordinator of the Maritime Security Programme at the S. Rajaratnam School of International Studies (RSIS) in Nanyang Technological University (NTU), Singapore. She has a LLB from University of Tasmania in Australia and she also holds a MSc. in International Relation from Nanyang Technological University, Singapore. Her main research interests include maritime security issues in Southeast Asia, law and order at sea, regional maritime cooperation and confidence-building measures. She is also an affiliated faculty at the Singapore Arm Forces (SAF)-NTU Academy (SNA). Her publications include Vijay Sakhuja and Jane Chan (eds.), *China's Maritime Silk Road and Asia*, (VIJ Books India Pvt Ltd, 2016), Geoffrey Till and Jane Chan (eds.), *“Naval Development in Southeast Asia”* (Routledge, 2014). She is a regular commentator on maritime security issues and has presented at various international conferences and seminars.

Daniel CHUA is Assistant Professor with the Maritime Security Programme at the Institute of Defence and Strategic Studies (IDSS), RSIS. He is also the Deputy Head of Graduate Studies and Coordinator of the Asia Pacific Programme for Senior Military

Officers (APPSMO), a summer programme for senior military officers from the Asia Pacific region and beyond. He currently teaches a course on the International History of Asia in the Master of Science (Asian Studies) at RSIS. Prior to his appointment at RSIS, Daniel taught courses in Asian Studies, Strategic Studies and Military History at the Australian National University, as well as in the Australian Defence Force Academy at UNSW, Canberra.

Daniel's research focuses on the history of foreign relations between the United States and Southeast Asia during the Cold War, traversing fields such as International History, Asian Studies, Cold War Studies and International Relations. His research on the history of Singapore-US relations has been published in journals such as Asian Studies Review, the Australian Journal of Politics and History and The International History Review. He is the author of *US-Singapore Relations, 1965-1975: Strategic Non-alignment in the Cold War* (NUS Press, 2017) and co-author of *ASEAN 50: Regional Security Cooperation through Selected Documents* (World Scientific, 2017). He is currently working on a book project about US naval presence in Southeast Asia during the Cold War, and another on US foreign policy towards overseas Chinese during the early Cold War period.

Ralf EMMERS is Professor of International Relations and Associate Dean at the S. Rajaratnam School of International Studies (RSIS), Nanyang Technological University (NTU), Singapore. He concurrently heads the Centre for Multilateralism Studies (CMS) at RSIS. Prof Emmers completed his MSc and PhD in the International Relations Department of the London School of Economics (LSE). His research interests cover security studies, the international institutions in the Asia Pacific, and the security and international politics of Southeast Asia. Prof Emmers is the author and editor of 11 books and monographs. His books include *Cooperative Security and the Balance of Power in ASEAN and the ARF* (RoutledgeCurzon, 2003), *Geopolitics and Maritime Territorial Disputes in East Asia* (Routledge, 2010), *Resource Management and Contested Territories in East Asia* (Palgrave Macmillan, 2013) and *Security Strategies of Middle Powers in the Asia Pacific* co-written with Sarah Teo (Melbourne University Press, 2018). He has published articles in peer-reviewed journals such as *The Pacific Review*, *International Relations of the Asia-Pacific*, *Asian Survey*, *Australian Journal of International Affairs*, *Global Change, Peace & Security*, *Asian Security*, *TRaNS*, *Contemporary Southeast Asia*, *Asian Journal of Peacebuilding Political Science* and *Contemporary Politics* as well as numerous book chapters in edited volumes.

HA Anh Tuan is a senior researcher and Director of Center for Policy Analysis, Bien Dong Maritime Institute, the Diplomatic Academy of Vietnam. Tuan completed his Masters Degree at the Australian National University and PhD Degree at the University of New South Wales (Australia). In the past decade, Tuan has been a frequent

commentator in Vietnam's news media. He has authored or co-authored many articles on international relations and security issues in the South China Sea. To name some: "Vietnam's Regional Security Challenges" in *Line in the waters: The South China Sea dispute and its implications to Asia*, edited by Abhijit Singh, ORF, 2016; "Navigating through troubled waters: A Vietnamese Perspective on Sino-Vietnamese relations in the South China Sea", *The Indonesian Quarterly*. Vol.48(3), 2016; "Managing disputes in the South China Sea: The DOC, COC and Maritime Security Architecture in the Asia-Pacific", *The Indonesian Quarterly*. Vol.43(2), 2015; "China's South China Sea play: The end of Beijing's 'peaceful rise'?", *The National Interest*, 2014; "The tragedy of Vietnamese fishermen: The forgotten faces of territorial disputes in the South China Sea", *Asia Journal of Global Studies*, Vol.5(1), 2013; "ASEAN and the disputes in the South China Sea", in Dang D. Quy (Ed.), *Disputes over the South China Sea: Law, geopolitics, and international cooperation*. Hanoi: World Publishing House, 2012.

Hoang Thi HA is Lead Researcher (II) for Political & Security Affairs and her research interests focus on political and security issues in ASEAN, ASEAN's external relations and its institutional building. Ms. Ha joined the ASEAN Department of the Ministry of Foreign Affairs of Viet Nam in 2004. She then moved on to work at the ASEAN Secretariat for nine years with her last post being Assistant Director, Head of the Political Cooperation Division. Ms. Ha holds an MA in International Relations from the Diplomatic Academy of Vietnam.

Gilang KEMBARA graduated from the University of Birmingham, earning a B.Sc in Management in 2013. He continued his studies at the University of Birmingham, taking International Relations in Contemporary Asia-Pacific, and received his Master of Arts (MA) degree in 2014.

Gilang Kembara is currently a Researcher at the Centre for Strategic and International Studies (CSIS) in Jakarta, Indonesia. He began his career with CSIS in 2015. Ever since then, he has assisted in various research projects, namely "Partnership for Regional Peace: Operationalising ASEAN-China Comprehensive Strategic Partnership in Southeast Asia" and "By Sea and Democracy: Operationalising the Indonesia – Japan Strategic Partnership." Gilang has collaborated with a variety of domestic and regional think tanks. His recent work had him working with the National Institute of South China Sea Studies (NISCSS) in China to establish the China Southeast Asia Research Centre on South China Sea (CSARC). He has also managed to contribute several writings in local journals and newspapers. His background is on strategic studies & Asia-Pacific and is currently expanding his knowledge towards the maritime sector.

Shafiah F. MUHIBAT is the Head of Department of International Relations, Centre for Strategic and International Studies (CSIS) Indonesia. She was recently a Senior

Fellow at the Maritime Security Programme, S. Rajaratnam School of International Studies (RSIS) Singapore from January to December 2017. She has done and taken part in extensive research projects on politics and regional security in Southeast Asia and the Asia Pacific since 2000. She has special interest in issues of regional security in East Asia, maritime security, Indonesia's foreign policy, and regional cooperation. In addition to her interest in security issues, in the recent years she has also looked into issues related to development cooperation. She was the Chief Editor of The Indonesian Quarterly, a quarterly academic journal published by CSIS, from 2013 to 2016. She was also a lecturer at two private universities in Jakarta from 2005 to 2009. She obtained a Master's degree from the London School of Economics and Political Science (LSE) and a PhD in Political Science from the University of Hamburg.

ONG Keng Yong is Executive Deputy Chairman of the S. Rajaratnam School of International Studies at the Nanyang Technological University in Singapore. Concurrently, he is Ambassador-at-Large in the Singapore Ministry of Foreign Affairs and Singapore's non-resident High Commissioner to Pakistan and non-resident Ambassador to Iran. He was High Commissioner of Singapore to Malaysia from 2011 to 2014. Mr Ong was Secretary-General of ASEAN (Association of Southeast Asian Nations), based in Jakarta, Indonesia from January 2003 to January 2008.

Sam SEUN was born in Kampongcham province of Cambodia, he graduated his Doctorate Degree in the major of Political Science. At the present time he is working as director of public affairs of Royal Academy of Cambodia. Sam has worked as governance officer and then promoted as quality assurance officer for SILAKA, non-governmental organisations in Phnom Penh. He also worked as lecturer of English language at Chea Sim University of Kamchaymear and Khemarak University in Phnom Penh for many years.

Until now Dr Sam has conducted research on Rice Crisis in 2016 in Cambodia, Cambodian's Behaviour on General Election in Cambodia, and Financial Crisis in Cambodia, the three research projects have been submitted to the Royal Government of Cambodia. Sam has also conducted research on access to just for Cambodian Child-Girl, published by Women's Legal and Human Rights Bureau in the Philippines, and he will finish another research on Challenges of Cambodian Workers in Thailand, under the support of Raoul Wallenberg Institute (RWI).

Neil Simon SILVA graduated from the University of the Philippines College of Law in 2004, and was admitted to the Philippine Bar in 2005.

From 2008 to 2015 he served in various capacities with the Philippine Department of Justice, working mainly on maritime law and policy, peace-building with non-state armed groups, international security and defence cooperation, and programs against

transnational crimes.

Afterwards, from 2016 to 2017, he briefly worked on electric power industry regulation, including the implementation of the renewable energy law.

Since 2017 he has been a Law Reform Specialist in the Institute for Maritime Affairs and Law of the Sea in the University of the Philippines Law Center. In that capacity he conducts legal studies, advises government agencies, and provides training for lawyers and uniformed officers on maritime law and security issues and on other key policy areas, such as the southern Philippines peace process.

Thaiporn SUPORN is a lecturer in the School of International Relations, Faculty of Political Science and Public Administration, Chiang Mai University, where he has been a faculty member since 2016. He worked for Centre for European Studies, Chulalongkorn University, and taught international politics, globalisation, as well as Thai politics before joining the School.

Thaiporn completed his M.A. in International Relations from Chulalongkorn University and his B.A. (Hons.) in Political Science from Kasetsart University. He was also the recipient of Bhumibol Scholarship.

His research interests lie in the area of security studies, International Relations theory, great power politics, and US foreign policy.

Philips J. VERMONTE is the Executive Director, Centre for Strategic and International Studies (CSIS) Jakarta. He finished his doctoral study at Department of Political Science, Northern Illinois University in the US, funded by Fulbright scholarship. His research interest includes comparative politics, voting behavior, electoral politics and political parties in Indonesia. He is the principal investigator of public opinion surveys conducted by CSIS.

His recent publications include "The Increased Number of Female Members of Parliament: Identifying its origins and obstacles in Indonesia, the Philippines and Timor Leste," Working Paper (published by USAID and Kemitraan, 2014), "What Happened in the Early Years of Democracy: Indonesia's Experience" (co-authored with Rizal Shiddiq), Middle East Development Journal (vol.5/1,2013).Peer-reviewed; "Indonesia's 2014 Elections: Practical Innovations and Optimistic Outcome," Journal of Asian Politics and Policy (vol.7/2,2015), Book Review of The Institutionalization of Political Parties in Post-Authoritarian Indonesia: From the Grass-Roots Up by Ulla Fiona,(Amsterdam University Press,2013),published in Bulletin of Indonesian Economic Studies (BIES), 2015.

About the Institute of Defence and Strategic Studies

The **Institute of Defence and Strategic Studies (IDSS)** is a key research component of the S. Rajaratnam School of International Studies (RSIS). It focuses on defence and security research to serve national needs. IDSS faculty and research staff conducts both academic and policy-oriented research on security-related issues and developments affecting Southeast Asia and the Asia Pacific. IDSS is divided into three research clusters: (i) The Asia Pacific cluster – comprising the China, South Asia, United States, and Regional Security Architecture programmes; (ii) The Malay Archipelago cluster – comprising the Indonesia and Malaysia programmes; and (iii) The Military and Security cluster – comprising the Military Transformations, Maritime Security, and Humanitarian Assistance and Disaster Relief (HADR) programmes. Finally, the Military Studies Programme, the wing that provides military education, is also a part of IDSS.

For more information about IDSS, please visit www.rsis.edu.sg/research/idss.

About the S. Rajaratnam School of International Studies

The **S. Rajaratnam School of International Studies (RSIS)** is a think tank and professional graduate school of international affairs at the Nanyang Technological University, Singapore. An autonomous school, RSIS' mission is to be a leading research and graduate teaching institution in strategic and international affairs in the Asia Pacific. With the core functions of research, graduate education and networking, it produces cutting-edge research on Asia Pacific Security, Multilateralism and Regionalism, Conflict Studies, Non-traditional Security, Cybersecurity, Maritime Security and Terrorism Studies.

For more details, please visit www.rsis.edu.sg. Follow us at www.facebook.com/RSIS.NTU or connect with us at www.linkedin.com/school/rsis-ntu.

