

SECOND MEETING OF CSCAP STUDY GROUP ON MARITIME SECURITY COOPERATION IN THE ASIA PACIFIC

Study Group Objectives

The agreed objectives of the CSCAP Study Group on Maritime Security Cooperation in the Asia Pacific are to refine the notion of capacity in the context of maritime security cooperation in the Asia Pacific, to identify the requirements of cooperation at the national, sub-regional and regional levels, to identify weaknesses in the present arrangements and to see how these can be overcome, to support links between CSCAP and relevant Track I organizations dealing with maritime security and finally, to produce an edited monograph(s) for consideration by the CSCAP Steering Committee for being sent out as a CSCAP Memorandum to relevant Track I organizations.

Second Study Group Meeting

The second meeting of the Study Group was held in New Delhi on 6th and 7th April, 2005. Earlier, its first meeting was held in Kunming, China on 7th and 8th December, 2004 and a brief report on that meeting was presented to the CSCAP Steering Committee soon thereafter.

31 delegates from Australia, Canada, China, Europe, India, Indonesia, Japan, Malaysia, New Zealand, Phillipines, ROK, Singapore, Thailand and USA attended the meeting. As always, two participants also came from Chinese Taipei. All the three co-chairs, India, Australia and Indonesia were represented.

It will be recalled that at its first meeting, the Study Group considered various scoping papers identifying key issues meriting detailed examination. Much of the discussion during that meeting focused on how the Group's work could 'value add' to Track I activities already ongoing at different levels e.g. IMO, APEC, ARF. Following the decisions reached at the meeting in Kunming, it was decided by the Co-Chairs to structure deliberations at the second meeting around four core issues:

- Creation of Maritime Awareness.
- Legal frameworks relevant to maritime cooperation.
- Role of Maritime Forces in facilitating regional cooperation.
- Mechanisms to promote cooperation.

Accordingly, papers were invited from all participating CSCAP nations on one or more of these issues and the response was heartening. In preliminary discussions between the Co-Chairs, it was agreed that the first two issues should be debated at length at the second meeting and agreed positions on them finalized in the form of Maritime Study Group memoranda at the third meeting, while the remaining two issues should be discussed more generally, with similar action taken at the third and fourth meetings.

Creation of Maritime Awareness

Three papers were presented for discussion on this issue from CSCAPs New Zealand, Europe and China. The thrust of these was that maritime awareness in the CSCAP

nations, barring a few, was marginal and there was need to take several steps to enhance it through training and educational programmes, holding of conferences and seminars, assistance from UN agencies working in this area and so on. It was also noted that many CSCAP nations neither have the forces nor the infrastructure and institutions needed for effective ocean governance and to deal effectively with the threats of piracy and maritime terrorism.

It was suggested by some that even as developing countries should play a greater role in ensuring maritime security, developed countries should assist through transfer of technologies under the aegis of international institutions like the IMO and ARF with funding, technical assistance and training. There was need to build up cooperation in capacity building gradually, and within the overall purview of UN agreements and international law. After considerable discussion it was decided that a memorandum highlighting inadequacies, and setting out some sort of an action plan, at the Track I as well as Track II levels, be drafted by a sub group comprising representatives from New Zealand, China and Europe and presented for finalization at the next meeting.

In this context, concern was also expressed on two counts. The first related to compromise of national sovereignty which could arise during maritime security operations in restricted waters, particularly those of the Malacca and Singapore Straits. While this concern had some validity, many felt that under a cooperative paradigm, such sensitivities could be managed and should not be exaggerated. Concerns were also expressed, mainly from the developed countries, that fishery resources had been over-exploited and there was some need for regulation. However, in many developing countries, fishing forms the primary means of livelihood for large segments of the weaker sections of society and no public authority would easily agree to impose restrictions. Pollution at sea, especially in coastal waters, including through disposal of a variety of wastes, was also an area of concern.

Legal Frameworks relevant to Maritime Security Cooperation

The second issue debated extensively was the need for legal frameworks which would facilitate regional maritime cooperation. Papers were presented by CSCAPs Canada and Singapore. It was brought out that some CSCAP nations have still to ratify international agreements relating to maintenance of good order at sea. Thus, the Suppression of Unlawful Activities (SUA) Convention of 1988 has not yet been ratified by all member states. Similarly, others have not yet accepted the provisions of the new Seafarers Document Convention. The Search and Rescue (SAR) Convention of 1979 also remains un-ratified by some CSCAP nations. Some states have, possibly, not done so because they may not have organizations and structures which can facilitate this process. It is also possible that these agreements are not seen as sufficiently important by some as they, themselves, are not so vitally affected. It is desirable that these, essentially, uncontroversial international agreements should be pressed for early compliance at the Track I level as they are important in the context of safety of shipping. It has been agreed that representatives of Singapore and Canada will, together prepare a draft memorandum for consideration and approval of the Maritime Study Group at the next meeting.

It was also suggested that a sub committee should continue to look at issues having a bearing on legal frameworks needed at the national and regional levels to facilitate cooperation, and the interfaces that might be needed between institutional and legal mechanisms. Funding for these meetings would, however, need to be arranged by the convener of this committee, the representative from Canada.

Role of Maritime Forces and Mechanisms for Cooperation

There was good discussion on these two issues also. Papers were presented by CSCAPs Japan, India, ROK, Phillipines, Indonesia, Malaysia, Thailand, USA and Australia. As indicated earlier, more substantive consideration on them is scheduled at the next two meetings of the Study Group. Generally, the views were spread across a wide spectrum including division of responsibility for security at sea between navies, coast guards or marine police forces. It was also suggested that in the absence of well defined national policies relevant to maritime security, crimes such as piracy and hijacking were not being dealt with as firmly as was necessary while a view was expressed that the social environment in the less developed countries had also to be taken into account. Some felt that progress in adopting a cooperative regime had to be graduated and in steps, with external assistance being non-intrusive. Others felt that more proactive measures were needed and that cooperation and coordination was necessary to cope with the developing threats. Capacity building was important, for which awareness of the maritime domain was essential, and this was an area of weakness almost in the entire region.

There was a view that the Study Group's work would be productive if it identified viable mechanisms for cooperation based on assessments of what had been successful. An important element would be the acceptability of its recommendations at various Track I levels (APEC, ARF, WPNS etc). In this context, interactions and discussions with Track I authorities, as had been programmed at the New Delhi meeting, and earlier, had enabled a better understanding of the complexities involved. It was the responsibility of the Study Group to recommend clear, precise and viable measures which could add to, and facilitate, the work of various official agencies.

As highlighted earlier, these issues will be debated at length at the third meeting of the Study Group, likely to be held towards the end of this year and focused papers will be asked for. There are sensitivities to be recognized and many complexities to be resolved but discussions at the New Delhi meeting have been frank and positive and there is reason to believe that it will be possible to formulate concrete and workable recommendations in all of the four areas identified for study.

Future Plans

The next meeting of the Study Group is likely to be held at Bali in Indonesia later this year. At this meeting, subject to further discussion between the Co-Chairs, memoranda on Maritime Awareness and Legal Frameworks for Maritime Security Cooperation will be finalized based on the drafts that have been asked for. More focused discussion on the two remaining issues will also be programmed based on which drafts for finalization at the next and last meeting will be asked for. In this manner, it is hoped that the work of this Study Group, in the specified areas of study, would be completed by the end of next year as envisaged. However, it is obvious that maritime issues are going to dominate the Asia Pacific security environment in the foreseeable future and the CSCAP Steering Committee may well find it necessary to keep them under continuing consideration and review.