

**NEAT Working Group on
Maritime Cooperation in East Asia**

Final Report

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1. Introduction

In East Asia, regional cooperation and integration have been in progress especially in such areas as economy, finance, education and disaster management through institutionalization of such frameworks as the ASEAN plus Three (APT) in 1997 and the East Asia Summit (EAS) in 2005 as well as the establishment of the ASEAN Economic Community which is expected to be implemented at the end of 2015. In ASEAN, efforts have been devoted to expedite smooth flow of people and goods within the region, thereby reinforcing connectivity of various kinds which would increase the level of intra-regional economic integration. One of the principal pillars of such efforts is to ensure maritime connectivity in the region based on "freedom of navigation." Not only ASEAN member countries but also Japan and other countries in East Asia should not spare efforts to realize firm establishment of observance of the international law including the "United Nations Convention on the Law of the Sea," as well as to take concrete and cooperative actions to render the sea in the region "open and stable."

With regard to maritime cooperation in East Asia on the governmental level, such joint actions and measures as to enhance maritime cooperation to secure safety of navigation and to forge closer cooperation in fighting against sea piracy, hijacking and smuggling, etc. were included in "ASEAN Plus Three Cooperation Work Plan 2013 - 2017" which was adopted at the Fifteenth ASEAN Plus Three Summit in 2013. Besides, responding to the proposal submitted by the government of Japan on the occasion of the Sixth East Asia Summit (EAS) in 2011 of the importance of creating a forum for discussion on maritime cooperation in the region, it has been so arranged that Expanded ASEAN Maritime Forum (EAMF) including the EAS participating countries are convened back-to-back with the existing ASEAN Maritime Forum (AMF). To date, three meetings of EAMF have been convened. In the past meetings of EAMF, topics including enhancement of regional cooperation on maritime issues, the idea of freedom of navigation etc. were discussed. Also, proposals have been made by the EAMF participating countries that EAMF should be so reinforced as to become a forum in which strategic and comprehensive discussions can be made on maritime issues as well as on maritime cooperation.

While efforts have been made to enhance maritime cooperation through various

frameworks on the governmental level as above described, there are issues which remain unaddressed substantially including such maritime crimes as illicit drug deals, human trafficking, smuggling and piracy, etc. As major hindrance to enhancing or ensuring "freedom of navigation" in this area, these maritime crimes are an serious issue which needs to be addressed immediately. However, according to a report by the International Maritime Bureau (IMB) the number of reported incidents of piracy has been on the steady rise in ASEAN since 2009, while that in the entire world has been on the decrease. As for the nature of the incidents, whereas theft of money and goods by sneaking in anchored ships and vessels accounted for an important percentage in the past, the number of acts of atrocity such as high jacking has been burgeoning since 2014. Besides, illegal business including smuggling of arms, illegally logged lumber, drugs, transportation of illegal immigrants and human trafficking which are conducted on extorted fishing boats on forged registry are rampant.

The characteristics of the maritime crime are that they are transnational, interconnected, displaying network-type proliferation and expansion by exploiting loopholes of the existing international institutions and countermeasures. Such being the case, these maritime crimes are not necessarily addressed as maritime issues in an comprehensive manner by the countries concerned in East Asia. Instead they are addressed under various frameworks depending on the cases. ASEAN, for example, issued "ASEAN Declaration on Transnational Crime" in 1997 and has since convened biennially "ASEAN Ministerial Meeting on Transnational Crime (AMMTC)" to discuss responses to the eight categories of transnational crime of terrorism, drug deals, piracy, trafficking in person, smuggling of arms, international economic crimes, money laundering, cybercrimes. In 2004, this framework was expanded to include Japan, China and South Korea and since then "ASEAN Plus Three Ministerial Meeting on Transnational Crime (AMMTC+3)" has been convened to discuss responses to the same eight areas under the APT framework. Additionally, in the framework of ASEAN Regional Forum (ARF), "ARF Seminar on Counter Piracy and Armed Robbery" was convened in Tokyo in March 2015 as an official event of the framework.

Thus, it is not easy to grasp the entire picture of maritime crime which is far-ranging in categories, actors and locations. While solid joint actions among countries in

the area should be taken to address this issue, in reality however, this issue is being addressed under segmentalized different frameworks, which are sometimes overlapping. In order to enhance further regional integration and cooperation in maritime affairs, thereby fostering regional growth and development, it is imperative, first of all, to streamline the current confluence of numerous frameworks, to promote unification of the information, and to discuss and study concrete measures to implement regional maritime cooperation. In so doing, prior to concrete formulation of policies on the governmental level, to attain sharing of common awareness of the issue, to nurture common understanding of the issue, and to enhance cooperation among research institutes in the region on the track 2 level are indispensable. On the track 2 level, it is quite important to attain confidence building through free and active research and study, to conduct frank exchange of views on resolution measures which it is difficult to propose on the governmental level due to restraints of domestic conditions, and to present the result of these activities to the governments and peoples of the region, thereby encouraging actual governmental level negotiations on the issue. Besides, strengthening such cooperative ties among research institutes on the track 2 level contributes not only to realizing intellectual exchange among the countries concerned focusing on "cooperative" aspects, but also to providing a forum in which in-depth discussion could be held among the countries in East Asia on issues which are extremely difficult to be discussed on the governmental level.

2. Objective

Against the background as above described, the objective of the WG is as follows:

(1) With regard to maritime cooperation to be enhanced intensively in East Asia, to comprehend and share information on the current status of the maritime crime and approaches of the respective countries (including the existing institutional frameworks) among the participating countries.

(2) Based on the outcomes of the process described in the above section as well as challenges deriving from it, to discuss ways to strengthen and enhance cooperative ties among research institutes and to develop a network of them.

(3) Based on the outcomes of the processes described in the above two sections, to prepare a set of concrete and detailed policy recommendations on the ways to strengthen cooperative ties among research institutes specialized in issues related to maritime cooperation, and on the challenges to be addressed on the working level.

3. Discussions on Maritime Cooperation in East Asia

26 experts from ASEAN +3 member countries and the sponsoring organization, the Japan Forum on International Relations (JFIR), took part in the WG meeting. The WG meeting had the following three sessions.

In Session I “Current Status of Maritime Cooperation in East Asia,” the WG discussed the importance of sharing and nurturing common awareness and understanding of issues related to maritime cooperation among research institutes in the region. There have been various yet segmented bilateral and multilateral mechanisms on maritime cooperation existing in the region. Among others, the UNCLOS as a “constitution for the oceans” establishes the legal framework for all uses of the oceans and seas and enhanced cooperation in the uses of the oceans and seas is a key to achieve peace and prosperity of the region. To that end, exercising maximum restraint among the concerned countries in the South China Sea is crucial to strengthen a confidence-building process in the region. We discussed the importance of freedom of navigation in accordance with the international law and the need to speed up consultations towards the early conclusion of the Code of Conduct (COC) in the South China Sea. Based on the understanding that maritime security threats are syndicated crimes and it is imperative to deter and disrupt transnational organized crimes in the region, the WG discussed that technical assistance and capacity building on safety of navigation should be enhanced as described in the ASEAN+3 Cooperation Work Plan 2007-2017. The issue of illegal migration and human trafficking in the region was raised as seen in recent incidents in the Bay of Bengal and the Andaman Sea. The WG discussed that a humanitarian approach itself is not sufficient to tackle the issue but concerned countries need to strike a balance between humanitarian needs and the practicability of the situation. This is an opportunity for all the countries in the region to work together, and there is a need to create policy and legal infrastructures as well as legal enforcement mechanisms with a more holistic approach to mitigate illegal migration in the region.

In Session II “Prospects and Challenges of Maritime Cooperation in East Asia,” the WG discussed the importance and prospects of seeking areas of potential cooperation in non-traditional maritime security issues that could serve as a foundation to promote a confidence-building process in the region. We acknowledged that enhanced cooperation is

necessary to combat threats to non-traditional maritime security in such areas as human trafficking, illegal migration, piracy, drug smuggling, port security, illegal, unregulated and unreported (IUU) fishing and sustainable management of maritime resources through information sharing. IUU fishing remains as a serious concern affecting the fishery industry as well as an impediment to sustainable fisheries and ecosystem in the region. In addition to those challenges, the WG shared potential areas of cooperation in rescue and aid delivery operations in response to natural disasters, live tracking of commercial aircrafts over the air space above the territorial sea and maritime surveillance on the movement of nuclear materials in the wake of nuclear disasters. Also, the WG addressed the needs to build and enhance capacities among the countries in the region to monitor and control illicit activities at sea, which included sustaining sufficient maritime human resources. Furthermore, in light of the importance of creating a safe and sustainable environment for the maritime industry in the region, the WG discussed the issue of ships registered under flags of convenience and the regulation on workers on ships.

In Session III “Towards Closer Cooperative Ties in Maritime Cooperation in East Asia,” the WG first discussed the need to intensify efforts to mitigate nationalism and promote regionalism in maritime cooperation in East Asia by going beyond a nation-centric thinking way. Second, as global climate change has affected sea level rise, threats posed by climate change to the seas in East Asia is an emerging issue and many countries in the region do not have sufficient capacities to deal with. Third, the WG discussed the importance of the conservation of maritime ecosystem and the responsible utilization of marine resources. To effectively utilize marine ecosystem services available in the region, we need to standardize methods and data sharing on marine ecosystem for sustainable resource management and to establish communities of marine resource users by applying an “area-capability cycle,” which could serve as a local surveillance system to facilitate mutual trust among marine resource users.

4. Policy Recommendations

Based on the discussions above, this Working Group on “Maritime Cooperation in East Asia” summarized the following policy recommendations;

1. To establish a framework of cooperation and cross-sectoral information sharing among the countries in the areas of maritime crime#, navigation safety, environment protection, disaster management and maritime development in East Asia.
2. To establishing an information sharing framework among the countries, to enhance human and institutional capacity building for relevant bodies in charge of maritime safety and security in order to combat maritime crimes.
3. To foster development of human resources on maritime management and maritime policy to address maritime issues in accordance with international law in each country of the region and facilitate cooperation among the countries for such efforts.
4. To seek the possibility of establishing a single point of contact in each country on maritime management in the region and pursue streamlined communication channels.
5. To jointly promote the development of the East Asia maritime cooperation, to explore the possibility of holding an APT Oceans-related Ministerial Meeting and holding a maritime experts' meeting to strengthen maritime cooperation among East Asian countries. Also to promote research exchange among research institutes in East Asia.
6. To advance discussions on the governmental level towards the establishment of an integrated information sharing center on maritime cooperation in East Asia.
7. To pursue the conservation of maritime ecosystem and biodiversity and the effective usage of maritime resources in the region through methodologies, such as Area Capability Cycle.

Major examples of maritime crimes are piracy, maritime terrorism, drug trafficking, human smuggling, maritime theft and fraud, illegal fishing and offences against the marine environment..

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