

MARITIME CHALLENGES AND PRIORITIES IN ASIA

20-21 JANUARY 2010
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REPORT OF A CONFERENCE ORGANISED BY
S.RAJARATNAM SCHOOL OF INTERNATIONAL STUDIES (RSIS)
NANYANG TECHNOLOGICAL UNIVERSITY, SINGAPORE

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S.RAJARATNAM SCHOOL OF INTERNATIONAL STUDIES
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This report summarizes the proceedings of the conference as interpreted by the assigned rapporteurs and editor of the S. Rajaratnam School of International Studies. Participants neither reviewed nor approved this report.

The conference adheres to a variation of the Chatham House rules. Accordingly, beyond the points expressed in the prepared papers, no attributions have been included in this conference report.

EXECUTIVE SUMMARY

Asia is a distinctive maritime region. The region sits astride key choke points for shipping between the Indian and Pacific Oceans, which are economically and strategically important to the economies of Northeast Asia, the United States, and the emerging maritime powers of Asia. Most regional countries have extensive maritime interests. Many of these have trans-boundary and regional dimensions that should facilitate cooperation.

Regional cooperation is fundamental to the maintenance of good order at sea, but at present this is underdeveloped in Asia. Particular problems that inhibit cooperation include inadequate resources, poor coordination between national agencies, and the lack of maritime boundaries in parts of the region, as well as a concern that cooperation may involve some loss of sovereignty or independence. Many countries

see themselves as stakeholders in good order at sea in Asia, but ultimately it depends on the actions of regional countries to ensure it.

This conference aimed to look at ways to improve good order at sea by first examining the challenges and the different priorities that regional countries place on maritime affairs. By acknowledging these interests, we will be able to examine areas of collaboration and cooperation that could be feasible. Hopefully we were able address the interests of most states and not undermine the core interests of any particular state. Of course, not all states shared the same interests, and mapping these individual interests and priorities can also facilitate bilateral cooperation as long as it doesn't undermine the collective interest of the entire group.

SESSION I

Opening Remarks



*Mr. Kwa Chong Guan, Head of External Programme,
S. Rajaratnam School of International Studies*

In his opening remarks, Kwa Chong Guan outlined the agenda for the two-day workshop. He noted that the shipping lanes and the key choke points of Asia make the waters of Southeast Asia strategically important to the economies of Northeast Asia, the United States and the

emerging maritime powers of Asia. Many countries consider themselves to be stakeholders in ensuring good order at sea in Asia, but ultimately it depends on the regional countries to ensure the safety and security of shipping, so that countries can pursue their maritime interests and develop their marine resources in accordance with the principles of international law.

Kwa noted that the primary threats to good order at sea include piracy, armed robbery at sea, maritime terrorism, illicit trafficking in drugs and arms, people smuggling, illegal fishing, marine natural hazards and inter-state maritime conflict. He added that most of these issues have trans-boundary dimensions, which should facilitate cooperation. However, he acknowledged numerous obstacles to cooperation, which have complicated good order at sea. These obstacles include inadequate resources, poor coordination between national agencies, unresolved maritime boundaries, and the concern that cooperation comes with the price of a loss of sovereignty.

Managing Good Order at Sea



Dr. Sam Bateman

Sam Bateman began by defining “good order at sea” as the need to ensure the safety and security of shipping, and permit countries to pursue their maritime interests and develop their marine resources in an ecologically sustainable and peaceful manner in accordance with international law. He highlighted that cooperation between countries was necessary to ensure good order at sea.

Bateman outlined the major threats to good order at sea as: marine pollution that originates from sea-based or land-based sources; piracy and sea robbery; illegal movement of people and goods; illegal, unregulated and unreported (IUU) fishing; climate change that will likely affect many people directly or indirectly, through the loss of fish stocks and marine habitats or an increased prevalence of natural disasters; lack of maritime boundaries between neighbouring states that could lead to a breakdown in bilateral ties; maritime terrorism; proliferation of WMD; potential causes of conflict at sea like the Korean Peninsula, across the Taiwan Strait or over disputed territories; and increased naval defence spending that creates an environment of increased military activity, which is potentially destabilizing.

It was noted that managing good order at sea requires consideration of oceans management, which includes arrangements for managing the various uses of the sea, its living resources and protection of the marine environment, as well as maritime security. A comprehensive approach to maritime security that includes measures for protecting sovereignty, preventing illegal activity at sea, protecting SLOCs, maritime safety, search and rescue, and mitigating marine natural hazards, is also necessary. Bateman concluded that countries in the Asia-Pacific region have an enormous

interest in ensuring that new threats and risks in the oceans are addressed, and that focus must be on achieving real outcomes and not just talk. On Track II level initiatives, he mentioned CSCAP’s establishment of a study group to investigate the implications of naval enhancements in the region; however, he noted that Track I level efforts like the ARF, also needs to address these issues.

The Historical Attributes of the Sea and Maritime Developments in the Asia Pacific



Prof. Geoffrey Till

Geoffrey Till began his presentation quoting Alfred Thayer Mahan, “Control of the sea by maritime commerce and naval supremacy means predominate influence in the world... [and] is the chief among the merely material elements in the power and prosperity of nations.” He then summarized the four interconnected attributes of the sea in human history, which would become the focus of the latter half of the workshop.

The Sea as a Resource: The sea has been crucial to the development of world civilization. Mankind still harvests 20 per cent of its daily protein intake from the sea, and more recently oil and gas extraction from the maritime environment has also been economically crucial. Competition for valuable sea resources has always played an important part in human history. There is a fear that the gross energy shortages expected in the future by some could become a significant source of instability and conflict in the Asia Pacific.

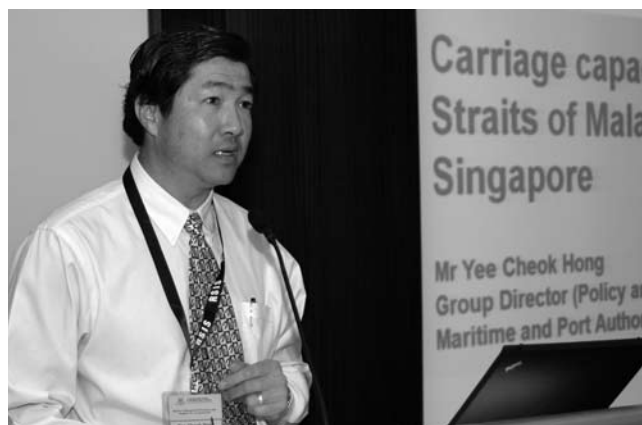
The Sea as a Medium of Transport and Exchange: Water transport was initially very localized, but as marine technology improved, local and regional transport systems

linked up to a “system of systems” which spanned the world, allowing for colonizations and the exchange of goods. It was noted that today, cargo ships, and their cargo itself, are an agent of connection, with an important role in globalization.

The Sea as a Medium for Information and the Spread of Ideas: Through interactions in the maritime domain, ideas and cultures have been spread both consciously and unconsciously. For centuries, the waterfront was a source of the latest information about one’s country as well as the wider world, similar to the role of the Internet today.

The Sea as a Medium for Dominion: Most societies have been subject to attacks from forces by sea. The sea provides both a means for defence and attack, and not surprisingly, peer competition has been the main driver behind naval development. Globally, strong economic performance has also led to high levels of naval construction, and as the Asia Pacific region continues to see high GDP growth levels, it is expected that naval expenditures may exceed those in the west, excluding the U.S.

Carriage Capacity of the Strait of Malacca and Singapore



Mr. Yee Cheok Hong

Yee Cheok Hong outlined the Maritime and Port Authority of Singapore’s simulation study on the Carriage Capacity of the Strait of Malacca and Singapore (SoMS). As global trade has been projected to increase by 44 per cent by 2020 and double by 2031, the computer simulation has been used to systematically determine the current level of traffic and assess the carriage capacity of the SoMS, which is being evaluated on the basis of efficiency and safety of navigation

within the straits. The study is a work-in-progress, and the full results will be reported in due course.

Three objectives of the simulation were presented: (i) Evaluate the carriage capacity of the SoMS, taking into account the historical volume and pattern of maritime traffic in the area, as well as existing navigational routes and rules employed in the area; (ii) Identify the narrow/choke points and possible congestion areas in the SoMS in terms of carriage capacity; and (iii) Examine possible measures that could enhance carriage capacity, while maintaining navigational safety in the SoMS.

Yee noted that two separate models were built. One for the Singapore Strait, which required a more detailed investigation as it is the narrower of the two straits, and the Strait of Malacca, which has a much less detailed record of traffic. The total number of vessels above 300 gross tonnes transiting and calling at port for the year 2007 was 257,000. In the absence of complete data for the Strait of Malacca, an approximation of 126,000 was used, based on known traffic for the Singapore Strait and available information for the Strait of Malacca.

The preliminary results of the study showed that in the Singapore Strait, when traffic level increases, there is a corresponding increase in travel time. When traffic is doubled from the base year of 2007, not only did travel time rise by 13 per cent, increasing a seven-hour transit through the Singapore Strait to nearly eight hours, the number of interactions between vessels also increased from one interaction every 10 nautical miles, to 15 every 10 nautical miles. However, this increase in interactions is not uniform throughout the length of the Strait. Preliminary results for the Malacca Strait suggest that as traffic level increases, there is no significant change in travel time, even with a five-fold volume scenario. When traffic is increased three times, each vessel would have about five interactions for every 100 nautical miles, an increase from the base year in which each vessel would encounter three interactions per 100 nautical miles. This implies that the Malacca Strait can sustain traffic up to five times the current level, assuming that the traffic numbers and patterns used in the model for the Malacca Strait are reasonably close to reality and that all technology, processes and operations remain the same as that of today. In contrast, for the Singapore Strait, there is a gradual increase in the vessel travel time and number of

interactions per mile travelled as traffic volume is increased by up to 75 per cent of the base year level, beyond which, the increase becomes more pronounced.

In conclusion, Yee mentioned that the capacity of the SoMS can be increased further with improved traffic management

measures and technological advances. He also noted that if traffic volume and pattern details obtained for the Malacca Strait could be as comprehensive as the data used for the Singapore Strait, the model could be adjusted, generating new, more reliable results.

SESSION II – COUNTRY PRESENTATIONS

America's Maritime Challenges and Priorities



Prof. James Kraska

Taking a theoretical approach to the history of Ocean Law, James Kraska spoke on America's perspective on the Law of the Sea. One hundred years before the Treaty of Westphalia, Europe was consumed with religious wars. It was hoped that the maritime domain would provide access to the riches of India and China, while avoiding the Ottoman Empire. Intending to reserve the maritime domain for themselves, Spain and Portugal signed the Treaty of Tordesillas. By controlling maritime access to the New World and exporting vast amounts of wealth, Spain rose to become a preeminent power, and was able to fund its occupation of the Dutch. Unable to compete with the Spanish on land, the Dutch turned to the sea instead, and established their sea power. As the predominance of sea power rose, it facilitated legitimate globalization and the multiplier effect of creating wealth through trade, rather than merely extracting and importing it from the New World.

Due to its history of establishment and geographical nature, the U.S. has always looked "with one eye on the frontier and one eye on the oceans". The U.S. fought its first four

wars over maritime security and the freedom of the sea, and challenged Portugal and Spain's lock on the oceans. Kraska noted that there are two paths of jurisprudence generally followed by nations: the more liberal common law system, with Dutch and Anglo-Saxon origins and the more heavily regulated system based on the Napoleonic code. The U.S. normally follows the more liberal path, and with regard to Asia, is at odds with the heavily regulated view. The challenge for the U.S. is to navigate between the two competing paradigms in the Asia Pacific.

Australia's Maritime Challenges and Priorities



Dr. Robin Warner

Robin Warner began her presentation by noting that Australia is extremely reliant on the sea for communication, security, resources and future development, but is still in the early stages of realizing the potential of the sea. The scope of her presentation covered three areas of challenges: defining Australia's maritime jurisdiction; protecting Australia's national interests at sea; and understanding the oceans and their relationship to global climate.

Warner noted that Australia has reached an advanced stage in defining its maritime boundaries and has negotiated delimitation agreements, or joint resource development agreements with each of its neighbours. Australia's extended continental shelf contains living and non-living resources including sedentary species, marine genetic resources, seabed oil and gas, and seabed minerals. She emphasized that the exploitation of these resources must take into account established shipping routes, conservation of marine biodiversity, location of submarine cables and pipelines, and the existence of equipment related to marine scientific research.

The challenges Australia faces in protecting its national interests at sea range from preventing potential aggressors from crossing Australia's maritime approaches and deterring criminal activity in Australia's offshore zones, to supporting regional and global security initiatives that help maintain freedom of use and access to the ocean. Australia's 2009 Defence White Paper announced plans for a significant naval force modernization. The ability of Australia's maritime surveillance and enforcement resources to respond to illegal activity will be enhanced through a proposed consolidation of maritime law enforcement powers in a Commonwealth Statute, which will integrate the legal mechanisms contained in 35 separate pieces of Commonwealth legislation. Australia has also been active within other regional and global initiatives, including the Australia France Cooperative Maritime Surveillance and Enforcement treaties and operations in the Southern Ocean, reinvigorating the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime, and counter piracy operations off the Horn of Africa.

Australia is addressing the emerging challenge of harnessing the oceans to combat climate change by identifying ocean-based energy sources, such as wind, tidal, wave, and ocean thermal and currents, as well as investigating the potential for using the ocean's capacity to absorb greenhouse gases. In conclusion, she remarked that a reassessment of Australia's Oceans Policy is required to address the addition of substantial new areas of maritime jurisdiction, the presence of ongoing threats to resources and border security, and necessary investments in ocean-based technologies to combat climate change.

Brunei's Maritime Challenges and Priorities



Mr. Hamzah Sulaiman

Hamzah Sulaiman stressed that Brunei's economic concerns dictate its maritime priorities. As its economic and political survival is heavily dependent on offshore oil and gas production, it considers maritime security to be of utmost importance. He noted that Brunei Darussalam has ongoing maritime boundary disputes with Malaysia; but negotiations have resulted in the signing of an agreement in March 2009, and the consideration of joint gas exploration. He also mentioned concerns regarding maritime terrorism. Although no attacks have yet been experienced, as nearly all Brunei's national economic interests are located in the maritime environment, a terrorist attack at sea would be a catastrophic event for the country. It was noted that there were emerging concerns regarding illegal fishing, drugs and piracy. He added that the coordination of maritime issues between several agencies, and the lack of a national forum to discuss maritime challenges was a major problem for Brunei.

In his conclusion, Brunei's response to these challenges was outlined: the country has a stable defence budget of 46 per cent of GDP, and is committed to a steady build-up of its naval capacity, which has facilitated a series of monitoring and response capabilities; preparatory efforts have been made towards the establishment of a Maritime Coordinating Centre; and finally, it hopes to improve its maritime capacity through participation in regional maritime regimes such as ReCAAP.

Brunei's Maritime Challenges and Priorities



Prof. Wang Hanling

Wang Hanling discussed China's concerns regarding the impact of climate change on the maritime environment. China's National Climate Change Programme of June 2007 highlighted that the greatest climate change-induced threats to the marine environment include coastal erosion and seawater intrusion, mangrove and coral reef degradation, increased frequencies of typhoons and storm surges, and its heavily populated, low-lying coastal regions, which are particularly vulnerable to these natural disasters. He also noted that China's lack of capacity in marine environmental monitoring, early warning and emergency response, and a low standard of coastal anti-tide engineering are likely to exacerbate the effects of these vulnerabilities.

Wang went on to outline the measures under China's national plan for coping with climate change in targeted coastal zones and regions. Improvements in relevant legislation are aimed to aid in the formulation of management regulations and detailed rules in accordance with the Marine Environment Protection Law. In addition, an integrated coastal zone management system is to be established as a comprehensive decision-making and coordination mechanism. Technological developments will focus on research and development of technologies for the protection and restoration of marine ecosystems, mangroves, reefs and wetlands; the construction of marine natural reserves; and improving protection capabilities for marine biodiversity. The plan also seeks to improve China's marine environment monitoring and early warning capabilities by setting up observation sites in coastal areas and on islands, constructing high-tech observation systems,

improving the capability of aerial remote sensing, building early warning and response systems for tidal disasters, and strengthening the service capability of early warning systems. Finally, adaptation strategies to address rising sea levels are to be strengthened by combining engineering and biological measures for slope and shore protection, raising design standards for sea dyke engineering, preventing the over-exploitation of groundwater and land subsidence in coastal areas, restraining or diluting intruding sea water in estuaries, and promoting coastal shelterbelt systems with multi-species, multi-function forests.

Cambodia's Maritime Challenges and Priorities



Mr. Chheang Vannarith

Chheang Vannarith noted that Cambodia's coastal areas are semi-enclosed by Thailand and Vietnam, and have a mean depth of 45 metres and a maximum depth of 80 metres. Cambodia's difficulties in exploiting sea resources are complicated by unresolved maritime boundary disputes with its neighbours. Although he mentioned that Cambodia's sea is relatively peaceful, he noted that weaknesses in maritime governance and naval forces could lead to the potential of Cambodia being used as a transit point for terrorism or illegal activities such as human trafficking. He also discussed the country's lack of hard infrastructure such as the limited number of patrol boats, and the lack of ships that have blue-water capability. He expressed concern for environmental challenges, including the deforestation of mangroves forests and the export of sand to Singapore, which adversely impact the ecology of the sea.

He concluded by discussing the challenges Cambodia faces in addressing these concerns, highlighting that the country has no mechanism for responding to maritime boundary claims as of yet, and will not be able to avoid conflict with Thailand on the issue of oil and gas exploration. He noted that there is a recent plan to establish a national committee on maritime security in order to coordinate rules, regulation and maritime policy, but that it is still in the drafting stage. He also suggested that tourism can play a role in preserving the country's ecological heritage, but that if not properly monitored, it could also have an adverse impact on the maritime environment. Finally, he noted that Cambodia is in need of external support in order to strengthen its maritime security, and that international cooperation on maritime issues is essential.

The Evolution of Chinese Maritime Security Discourse



Assistant Prof. Wang Dong

Discussing the evolution of strategic discourse in China, Wang Dong noted that though land power has always been the main priority, there has also been a long history of maritime discourse that covers economic and security concerns, and even non-traditional security, which includes trafficking and fisheries disputes.

In his evaluation of maritime security discourse in China, he highlighted that three unique Chinese translations exist for the term “sea power” (haiquan). According to a poll conducted by a leading Chinese newspaper, 79 per cent of the Chinese public polled endorsed a legalistic interpretation of haiquan, which includes exclusive rights of navigation, fishing, sea-farming, exploration of energy resources in territorial waters and exclusive economic zones,

rather than more defensive or offensive interpretations, which view haiquan as the power to control or dominate the sea.

Examining patterns of scholarly discourse between 1990 and 2009, he found 12 articles on sea power written during the period of 1990–1994, compared to 164 between 2005 and 2009. He also noted that a study of scholarly priorities show that the Diaoyu Islands have emerged as a key problem. A cross-examination of Master's and Doctoral dissertations written during the same period reveals similar trends. He concluded that his study demonstrates that although scholarly and policy discourse on maritime security in China has traditionally focused on military dimensions, since the end of the Cold War, non-traditional security issues have attracted growing attention. This, in addition to China's varying conceptualizations of “sea power,” which suggest differing intellectual orientations on maritime issues, needs to be addressed in the development of a comprehensive maritime strategy for the country.

Discussion



From left to right: Judge Paik Jin-Hyun, Prof. Hasjim Djalal

The discussion that followed the presentation centred on three points. The first was the reiteration that both the transit passage regime and the archipelagic sea lane passage regime could not be suspended in accordance to the UNCLOS. However, it was recognized that issues relating to the use of the EEZ for military activities was still a controversial one; not all states agree on whether there was freedom of the high seas or not. The second point was that Indonesia's interests in the India and the Pacific Oceans centred on the management of the resources, environment and security in these oceans. Also, over the

years, a mechanism has been developed to address the challenges in the South China Sea and these include: promoting dialogue with the parties involved, confidence building through dialogue, and developing concrete programmes through collaboration. A good example of this process was the recent agreement between Chinese Taipei and Beijing to conduct a joint work programme, which did not include the issue of military activities in the EEZ. The last point was on dispute resolution mechanisms among states that have ratified the UNCLOS and it was

noted that disputes must be settled with all parties coming to an agreement. If the parties cannot agree, after a certain period of time, they can then move on to a provisional agreement by cooperating without prejudice to the claims through joint development. If a joint development is not feasible, then a judicial settlement process could be pursued either through the International Courts of Justice (ICJ) or the International Tribunal for the Law of the Sea (ITLOS). However, at this stage, legality will come into play and not expediency as in the case of joint development.

SESSION III – COUNTRY PRESENTATIONS

Europe's Maritime Challenges and Priorities in Asia



Dr. Eric Frécon

Eric Frécon shared that it was not an easy task to speak about European maritime challenges and priorities for three main reasons. Firstly, the structure of the European Union is currently going through many changes due to the coming into force of the Treaty of Lisbon in 2009. Secondly, Europe is primarily a continental power and hence it is difficult to talk about maritime priorities. Thirdly, it is difficult to speak of an EU strategy due to the number of sovereign interests involved. However, the EU cannot be ignored as it is the world's largest single economy at present and countries in it also have extensive historical links with Asia due to colonization.

The primary priorities of the EU in Asia include: securing the flows to and from Asia, especially trade flows; ensuring the security and safety of ship crews; and the protection of its tourists. EU's long term interests on the other hand include preventing illegal trafficking, promoting biodiversity,

preventing ship-source pollution, creating a fair international trading regime with access to markets, and creating good labour relations.

For Asia, the EU can be seen as another actor in the balance of power game, as a partner in the fight against non-state criminality, like in the case of the Gulf of Aden, and as a friend to provide relief from disasters that arise from the sea, for instance the 2004 Tsunami. However, despite the many roles that the EU could play in Asia, there are two main constraints. The first is a diplomatic constraint, as the EU does not want to interfere in areas where its ally, the U.S., has an interest in, and second, a material constraint, as it does not have many naval ships to provide assistance from.

There are two documents that provide policy guidance for EU maritime engagement with Asia, namely the Regional Programming for Asia—Strategic Document (5/2007) and the Guidelines on the EU's Foreign and Security Policy in East Asia (12/2007). Although there is a paucity of policy documents stipulating the EU's maritime interests, especially in relation to Asia, the Progress Report on the EU's Integrated Maritime Policy published in 2009 seeks to fill this gap with. One of the eight themes in this document is to promote Europe's leadership in international maritime affairs. To put this policy into action, the EU has been participating in the CSCAP meetings and has also conducted high-level visits to Asia. However, more effort is required to improve the EU's knowledge of Asia and to provide more communication channels between the naval powers. In conclusion, Frécon mentioned that perhaps the best role for the EU would be to set an example for Asia on how progressive regional cooperation can lead to peace.

India's Maritime Challenges and Priorities



Prof. Prabhakaran Paleri

Prabhakaran Paleri mentioned that the maritime challenges that India faces is similar to those faced by other nations. Perhaps one of the more pressing challenges is trafficking in wildlife. In addition to that, history would show that India has always faced challenges at and from the sea in the form of colonial invasion, illegal immigration, rampant smuggling leading to a parallel economy, large-scale human smuggling in the post-independence period, insurgencies and terrorist support chains, espionage and intelligence gathering, and the carrying out of crimes at sea.

It was noted that the economy of India is gaining influence amid the backdrop of a wider Asian economic renaissance. Because of this, there are tremendous opportunities for India-ASEAN trade, most of which will traverse by sea, making the sea an important domain for both India and ASEAN, and for increased maritime cooperation between India and ASEAN. Besides cooperation with external partners, India also has other maritime challenges to contend with due to its extensive coastline.

To deal with its domestic challenges, Indian has in place many maritime forces and agencies, and part of the challenge is to optimize and enable coordination between these agencies due to the overlapping nature of some of the challenges. Of the agencies, the primary ones are the Navy and the Coast Guard. The Navy is certainly crucial in preventing war and the Coast Guard is essential to law enforcement and services at sea. The Indian government therefore needs a clearer understanding of its maritime interests to optimize the forces for maximum operational effectiveness. With clear and understandable objectives, India will be better prepared to face its maritime challenges.

In conclusion, Prabhakaran stated that the maritime challenges in Asia are real and present and they collectively add a new dimension to the overall challenges that each of the nations face. If the political establishments fail to appreciate maritime challenges as part of the overall challenges, the decisions made by national governments can go awry. As such, the solution requires Asia to act as a collective entity and put aside differences, and in this regard, India can be a strong and dependable partner.

Indonesia's Maritime Challenges and Priorities



Prof. Hasjim Djalal

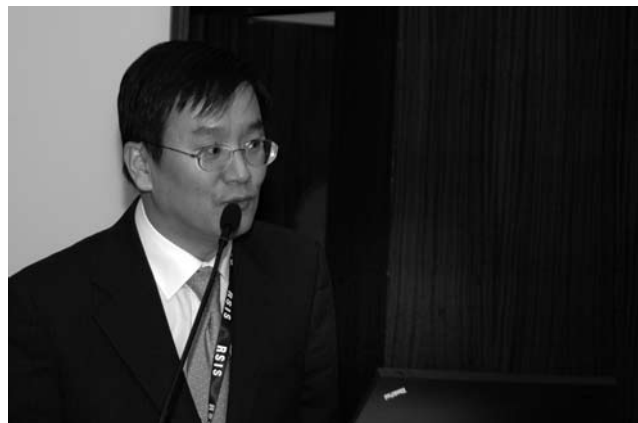
For Hasjim Djalal the first challenge Indonesia needs to tackle is identifying its national boundaries. These boundaries include airspace, land, and maritime boundaries. Although there were many agreements dating back to the colonial period, locating these boundaries have proven to be a challenging task, and has led to a number of territorial disputes. Being an archipelagic nation Indonesia has a complicated maritime boundary, which generates many maritime zones. These zones include internal waters, archipelagic waters and territorial sea, the contiguous zone, the exclusive economic zone (EEZ), and the continental shelf.

Indonesia has so far been unable to demarcate its internal waters as stipulated under the United Nations Convention on the Law of the Sea (UNCLOS), but has fixed its archipelagic waters. There are also problems with delimiting territorial sea. The delimitation negotiations with Malaysia, Singapore, Vietnam, Australia and Papua New Guinea have shown some success, though progress with the Philippines is slow. The next problem is the contiguous zone of 12 nautical miles.

Currently, no discussion has taken place between Indonesia and its neighbours on how to exercise their rights in the overlapping contiguous zones. With a large EEZ, Indonesia faces the challenge of delimiting its EEZ boundaries with all of its neighbours except Australia, although the agreement has yet to be ratified by both sides. With regards to the continental shelf, Indonesia has made gains with its neighbours, like Malaysia, Vietnam and the Philippines but there is still a lot of work to be done on the submission for the extended continental shelf beyond the 200 nautical miles EEZ.

Besides the various maritime zones, Indonesia also has several interests on the high seas. The first is the management of resources that include fisheries and the seabed resources. The second is cooperation with its neighbours in semi-enclosed seas like the South China Sea, the Celebes Sea, the Arafura Sea, the Timor Sea and possibly the Andaman Sea. The maritime zones also pose other challenges. The first is related to national unity and integrity, as it is a large and diverse archipelagic country, unsound policies can lead to internal conflict. The second challenge is to eliminate illegal, unreported and unregulated (IUU) fishing as Indonesia loses more than US\$2 billion a year as a result of illegal fishing. The third challenge is the rampant illegal smuggling of natural resources, like logs, which costs Indonesia US\$3 billion a year. Smuggling has not only increased but now encompasses endangered and protected animals. The fourth challenge is to determine the passage of shipping through the archipelago. Although archipelagic sea lanes have been designated, there has been no stipulation of the extent that shipping can deviate from these lanes. Other challenges include law enforcement within Indonesia as well as cross-boundary law enforcement, which require bilateral or multilateral cooperation. But perhaps the greatest challenge is to balance the national interests of Indonesia and the interests of the user states, as these do not always coincide.

Korea's Maritime Challenges and Priorities



Judge Paik Jin-Hyun

Paik Jin-Hyun stated that Korea has many maritime interests, as it is heavily dependent on crude oil import via the sea as well as seaborne trade. The seas around the Korean Peninsula are semi-enclosed thus many maritime jurisdictional issues arise due to overlapping maritime boundaries. Because of the overlapping zones, there is an imperative for states to cooperate with each other in the exercise of their rights and in the performance of their duties in accordance to Article 123 of the UNCLOS, especially with respect to the sustainable use of resources and the protection of the marine environment. Being a divided nation is also a major issue for Korea. Although there is some progress towards reconciliation, the relationship is still dominantly shaped by confrontation. Korea also sits at the intersection of great power interests like those of China, Japan, the U.S. and Russia, and hence its geostrategic environment is not benign.

Paik elaborated on Korea's maritime challenges. The first is the increase in naval arms build-ups in East Asia to which Korea has responded with its Defense Reform 2020, which states that Korea will transform itself from a coastal defence navy to a regional navy to safeguard its interests on all fronts. The second challenge is related to North Korea's nuclear development, which has substantial maritime

security implications. For example, the UN Security Council Resolution 1874 has a substantial maritime dimension that requires member states to inspect vessels. Likewise, the Proliferation Security Initiative (PSI) places additional responsibilities on South Korea since it became a full member of PSI in 2009. The third challenge is the serious border disputes between North and South Korea in the Yellow Sea. There have been three naval skirmishes to date with the most recent one in 2009, which has resulted in casualties for both sides. The fourth challenge is the protection of its sea-lanes, to which Korea has responded by participating in the Combined Task Force 151 off the coast of Somalia and has actively contributed to the Regional Cooperation Agreement on Combating Piracy and Armed Robbery Against Ships in Asia (ReCAAP). The next challenge is territorial/jurisdictional issues with its neighbours, in particular the Dokdo/Takeshima dispute between Korea and Japan. There have been five major diplomatic rows spanning the past 15 years over this island. There has also been very little progress in maritime boundary delimitation negotiations with Japan and China.

Conversely, there have been major breakthroughs on the issue of sustainable management and utilization of marine resources around the Korean Peninsula. This has been accomplished through a joint development zone agreement with Japan and bilateral fisheries agreements with both China and Japan. Despite the success of bilateral agreements, there is still a lack of a multilateral cooperation for the management of marine resources or marine environmental protection. Paik concluded by stating that Korea needs to be proactive in dealing with the changing maritime strategic environment. In order to safeguard its maritime territory and interests, Korea needs to cooperate to enhance the security of its sea lanes, the sustainable utilization and management of marine resources, and the protection and preservation of the marine environment. Finally, it is important that Korea enhances trust and cooperation through confidence-building measures (CBMs), like the exchange of information

and joint training in humanitarian assistance, enhancing the openness and transparency of maritime activities and reducing risks at sea through bilateral and regional incidents at sea (INCSEA) agreements.

Malaysia's Maritime Challenges and Priorities



Mr. Mohd Nizam Basiron

Mohd Nizam Basiron noted that in 2001, the then Malaysian Prime Minister Tun Dr Mahathir had described Malaysia as a maritime nation. Nizam pointed out that Malaysia is bounded by four sea areas: the Strait of Malacca, the South China Sea, the Sulu Sea and the Sulawesi Sea. Although the sea areas are about twice the size of the land mass, the problems at sea are a few times more than the problems on land. In 1996, Malaysia ratified the UNCLOS, which came with rights, duties and obligations. In performing these duties and obligations, it faced certain challenges.

One of the major issues was the need to resolve jurisdiction in overlapping maritime zones. The five maritime areas with unresolved maritime jurisdictional issues include: the waters around Sipadan and Ligitan with Indonesia; the Spratlys with five other countries; a moratorium on disputes with Thailand and Vietnam in the South China Sea where joint exploitation of oil and gas resources is being carried out;

the unresolved maritime boundaries in Pedra Branca or Batu Putih; and the south western part of the Strait of Malacca. These unresolved boundary issues have led to the encroachment of foreign vessels and near clashes with Indonesian vessels in the Sulawesi Sea.

There are also non-traditional security issues like human smuggling, and the smuggling of contraband, in border areas. Malaysia is considered a transit point for those who want to seek a better life in more advanced countries, like Australia. The illegal migrants come into Malaysia legally, then they move on to Indonesia and finally Australia illegally via boats. Piracy used to be a problem in the Strait of Malacca, prompting offers of assistance from countries as far away as Japan, but the threat has since diminished. Now the threat has shifted to the Gulf of Aden and Malaysia has sent an auxiliary vessel with merchant seamen and a navy detachment to escort vulnerable MISC ships that ply the region. September 11 and the more recent Mumbai attacks have also increased concern over maritime terrorism, and the use of ships as both a target and a conduit.

Rich in biodiversity, it is a challenge to sustainably manage Malaysia's marine environment and resources. In particular is the sustainability and quality of fisheries. Then there is illegal fishing, the destruction of coral reefs and mangrove habitats, unregulated extraction of resources, the over-exploitation of fish stocks, fish bombing, and the encroachment of foreign vessels for the purpose of catching turtles.

Other emerging issues include climate change, global warming, the rising sea level, and the transportation of weapons of mass destruction. In this regard, Malaysia's position on PSI remains unchanged in that there will be no blanket agreement and it will evaluate the requests for interdiction on a case-by-case basis. Currently, the various policies on maritime affairs, managed by government departments to cope with these challenges, are very fragmented. What is needed is a more comprehensive and holistic management, in particular an oceans policy to link the UNCLOS to a more comprehensive oceans management. Nizam concluded by saying that ad-hoc policymaking would limit the growth potential of the country's maritime economy. The development of an overarching policy will require an overall review of Malaysia's management of maritime affairs as alluded to in the 8th Malaysia Plan.

SESSION IV – COUNTRY PRESENTATIONS

Myanmar's Maritime Challenges and Priorities



Dr. Maung Aung Myoe

Maung Aung Myoe started his presentation with an introduction of Myanmar's maritime boundaries. The most serious maritime security issue for Myanmar, according to him, was the maritime boundary dispute with Bangladesh. The dispute, which involves an area consisting of a huge reserve of oil and gas, could potentially escalate into a major armed conflict. Despite eight rounds of talks—two at a ministerial level and the rest at a technical level from 1974 to 1986, the issue remains unresolved, with both Myanmar and Bangladesh disagreeing on the delimitation of territorial seas. The most problematic aspect of the Myanmar-Bangladesh boundary issue was the maritime boundary that covered the territorial seas, EEZ and the continental shelf. Evidently, Myanmar had adhered to the principle of equidistance or

the true medium line throughout the numerous rounds of talks. However, Bangladesh vacillated from the principle of equality (during the first three rounds of talks) to the equitable principle that included a friendship line and back to the application of the 1982 UNCLOS and principle of equality. By 2008, Bangladesh came up with a new proposal that was based on equality and proportionality. The proposed line would be 180 degrees from the most eastward points of the baseline taking more than 18,000 sq km away from Myanmar. The case was brought to the United Nations in 2009 for final arbitration.

Next, the dispute between Myanmar and Thailand regarding the ownership of three islands located at the mouth of the Pakchan River was outlined. During the negotiations between Myanmar and Thailand on the delimitation of the territorial sea boundary, the Continental Shelf and EEZ from 1977 to 1980, both agreed that the ownership of the three islands would be settled on the basis of historical evidence. Myanmar attempted to reclaim ownership with historical evidence dated as far back as the 1800s. Thailand also produced evidence that identified the three islands as belonging to Thailand. In 1997, an amendment was made by the United Kingdom Hydrographic Office (UKHO) to Chart No. 216 that placed the three islands on Myanmar's side, which was met with protest from Thailand. Subsequently, UKHO informed both countries that the future Admiralty Chart No. 216 would exclude the Approximate Boundary Line until an agreement was met. Maung Aung Myoe concluded the presentation with a brief discussion on non-traditional security such as the decline in mangrove habitats, illegal fishing and unregulated exploitation of marine resources.

New Zealand's Maritime Challenges and Priorities



Dr. Joanna Mossop

Joanna Mossop presented on the challenges faced by New Zealand, which she remarked was created by distance, awareness and governance. Firstly, because of New Zealand's distance from its neighbours, it had the benefit of claiming maritime zones unimpeded by other countries. For instance, New Zealand had control over a significant amount of resources; the EEZ (claimed in 1977) had led to the growth in the fishing industry; distance from its neighbours also offered security from traditional and non-traditional threats such as warfare, piracy, illegal migrants and refugees. However, since the deregulation of the shipping sector, which had allowed foreign vessels to undertake coastal shipping, New Zealand has been overly reliant on international shipping. This could result in negative economic outcomes, should international shipping firms halt their services. Also, there was a growing concern regarding "carbon miles" clocked by New Zealand exporters to faraway continents, for example Europe, which was frowned upon by climate lobbyists. Next was the issue of New Zealand's vulnerability to infrastructure failures. Any disruption to the submarine cables, whether deliberate or accidental, could potentially devastate the economy.

Another challenge was the lack of awareness on New Zealand's maritime domain that could trigger a host of other challenges. For one, there are not enough vessels dedicated to surveillance and enforcement. During an assessment by

Maritime Patrol Review (MPR) in 2001, it was found that there was not only a very limited level of patrolling of EEZ by the military or civilian agencies, there was also a lack of cooperation between the two, and even within different branches of the New Zealand Defence Force (NZDF). The next issue was the standard of scientific knowledge about New Zealand's marine environment. Only approximately 13–20 per cent of the maritime zones were mapped in detail. With the increase in exploration for oil and gas, ocean energy production, and deep sea aquaculture, an understanding of the marine environment is important.

The last challenge for New Zealand was the fragmented oceans governance framework. Government agencies, along with a wide array of separate legislation, resulted in a divergence of prioritization, which led to poor regulation of ocean uses. A national Ocean Policy was initiated in 2000 to address the problems of oceans governance with the legislative and administrative framework. However, due to the foreshore and seabed controversy, the initiative was suspended in 2003.

Philippine Maritime Challenges and Priorities



Dr. Mary Ann Palma

Mary Ann Palma started off by providing the geographical context of the Philippines so as to be able to situate the maritime challenges that it faces, which mainly consist of illegal activities in the maritime domain. Philippine's maritime interests include coastal protection, management of offshore marine resources and activities, navigation and marine transportation, law enforcement, and national defence and security.

Preservation of the marine biodiversity is a challenge, in particular the need to balance the extraction of petroleum with marine conservation activities. Maritime traffic also poses a challenge on conservation. For the Philippines to be able to conserve its marine resources and at the same time promote its marine activities, it has adopted a number of laws and policies, one of which is the Philippine National Marine Policy of 1994. The concept of maritime security espoused by the National Marine Policy is very similar to the concept of Good Order at Sea.

The threats to Philippine maritime security are in the realm of transnational crime, like the trade of illicit drugs, and the illegal trafficking of arms and people. The factors that contribute to the proliferation of these illegal activities include poverty and a lack of adequate enforcement compounded by a long and unguarded coastline. Moreover, deficiencies in laws and regulations, like in the labour policies and banking systems add to the problem. In some areas, political instability has contributed to the lack of good order and corruption is an endemic problem. There are also other concerns like territorial and jurisdictional boundaries, the kidnapping of Filipino seafarers in the Gulf of Aden as well as maritime accidents and disasters. In terms of maritime jurisdiction, there is a new Archipelagic Baselines Law governing the maritime boundaries. However, there is currently a petition to the Supreme Court to repeal this law.

There is inter-agency cooperation to address illegal activities on both land and sea. The Philippines has extensively cooperated with international organizations and also other states in regional, as well as sub-regional settings. Palma concluded by stating some of the issues that the Philippines will have to consider in the future, and these include trafficking of human organs, controlling access to genetic resources, upholding the rights of fish workers and the implementation of relevant international agreements, as well as the possibility of the setting up of a regional Long Range Identification and Tracking (LRIT) centre.

Singapore's Maritime Challenges and Priorities



Ambassador Mary Seet-Cheng

Mary Seet-Cheng began by saying that compared to other countries, Singapore has a much easier time managing its challenges due to its small size and the lack of maritime zones. Her presentation focused on three main points: keeping the sea lanes safe, free and open for navigation, balancing freedom of navigation and marine environmental protection, and the promotion of an integrated coastal zone management approach.

Singapore has worked to keep the sea lanes safe, free and open for navigation by defending the rights of transit passage and by working on the issue with littoral states through the Tripartite Technical Experts Group (TTEG). Through the TTEG, Singapore has developed the Cooperative Mechanism (CM) with the other littoral states and also contributed to fighting piracy in the Strait of Malacca and beyond. Singapore defends Article 42 (2) of the UNCLOS against actions that have the practical effect of denying, hampering or impairing the rights of transit passage through Straits used for international navigation. An example would be the defending against the abuse of the Particularly Sensitive Sea Areas (PSSA) regime and abuse of the Marine Protected Areas (MPAs), like the case of compulsory pilotage in the Torres Strait. The littoral states

have been cooperating at the technical level with Indonesia and Malaysia since 1975 and have implemented various measures including the Traffic Separation Scheme (TSS) and the STRAITREP with IMP approval.

In July 2004, the Malacca Straits Sea Patrols was started and in September 2005, the "Eyes-in-the-Sky" initiative was inaugurated. Together with the ReCAAP Information Sharing Centre, which was launched in November 2006, these actions have resulted in the piracy situation stabilizing in the Malacca Straits with the numbers dropping since 2007. However, as some of the incidents seem to have shifted to the South China Sea, there may be a need to refocus some attention to this area.

Land-based activities must be accounted for when balancing the freedom of navigation and marine environmental protection, since 80 per cent of marine pollution occurs from land-based sources. One way is to commit to the UNEP's Global Plan of Action. To preserve marine biodiversity and protect the marine environment while still being a major centre for shipping activities, an option is to promote an integrated coastal management (ICM) approach. Singapore has adopted its own integrated urban coastal management (IUCM) approach that fits its unique and small-scale urban context. It is also based on PEMSEA's ICM framework, which was adopted and presented at the East Asia Seas (EAS) Congress in November 2009.

Seet-Cheng concluded by saying that there is a need to sustain the momentum of efforts with littoral states and user states to ensure safe and free navigation in the Strait of Malacca and Singapore through the TTEG and CM frameworks. There is also a need to manage the increase of piracy incidents in the South China Sea and the need to explore a new paradigm in dealing with the increasing piracy in the Gulf of Aden, and finally there is a need to build capacity and awareness in dealing with land-based pollution.

Thailand's Maritime Challenges and Priorities



Dr. Wilfried A. Herrmann

In his presentation, Wilfried Herrmann highlighted the objectives of the Thai Navy, which was to protect territorial integrity and sea-based resources, fight illegal fishing, prevent illicit drug smuggling, and prevent human trafficking. He then proceeded to explain that the Royal Thai Navy's strategic pillars included cooperative security building, collective national defence and maintaining internal security through the Internal Security Act 2008. The Royal Thai Navy's main role in defence military operations is to defend the territorial integrity of the 1,500 km of coastlines and its attendant claims for EEZ and extended continental shelf. Seeing that Thailand has two sea borders, it makes sense to have two fleets, but the Thais have not been able to achieve that despite ambitions to do so. In military operations other than war (MOOTW), the navy conducts disaster relief operations to support the country's development, protects against illegal fishing, fights illicit drug and arms smuggling, and tackles the human trafficking and refugee problem.

Thailand is a transit land for illegal traffickers and refugees heading south to countries like Australia, but there has been cooperation in dealing with this issue. The Royal Thai Navy also has a role in international affairs assistance, in particular in ASEAN maritime cooperation, in ReCAAP cooperation and support, and in disaster relief operations.

The Thai Navy has plans to procure off-shore patrol vessels and submarines, as well as develop amphibious capabilities. In conclusion, Wilfried Herrmann stated that the Thai Navy is a littoral navy with sufficient assets as the country is not confronted by many serious challenges. However, there is a need to modernize its command, control, communications, computers and information (C4I) infrastructure and the surface fleet, although budgetary constraints and the economic downturn could dampen those ambitions.

Vietnam's Maritime Challenges and Priorities



Prof. Nguyen Hong Thao

Presenting on Vietnam's maritime challenges and priorities Nguyen Hong Thao highlighted three main points: the maritime delimitation and settlement of maritime disputes; the depletion of fish stock; and the development of the marine transport system.

The first challenge for Vietnam was to settle the delimitation of maritime zones with opposite and adjacent states in the South China Sea. Any unresolved disputes with regards to the EEZ and continental shelf could hinder resource development and enforcement against illegal fishing. Previously concluded disputes include the Agreement on Maritime Delimitation with Thailand involving the Bac Bo (Tonkin) Gulf in August 1997, the agreement on the delineation of continental shelves with Indonesia in June 2003, and the agreement with Malaysia on the joint petroleum exploitations in the overlapping area in 1992.

Any unsettled disputes have evidently affected the whole region, for example, the Paracels and Spratleys, which underscore the importance of good order and security at sea. Other examples include the two major events involving the Chinese patrol ships and the U.S. ocean surveillance vessel USNS Impeccable in March 2009, and the collision of a Chinese submarine with the USS John McCain's sonar cable in June 2009, due to differing interpretations of the rights and duties in an EEZ.

The second challenge for Vietnam was the depletion of fish stocks compounded by other problems such as pollution and the destruction of coral reefs and marine habitat. Vietnam's priorities cover illegal fishing and anti-armed robbery of the fishermen in the disputed areas. Problems such as these arise due to the blurred EEZ boundaries and underdeveloped fishing cooperative management in Southeast Asia. To combat these challenges, initiatives based on regional fishing management cooperation in South East Asia should be set up. The 2001 UN Agreement on the conservation and the management of straddling fish stock and highly migratory fish stocks must be ratified.

The last challenge highlighted was the development of the marine transportation sector, which covers petroleum activities and the international maritime transportation along the coast of Vietnam. It is important to focus on these activities as they give rise to problems such as marine pollution, marine accident, piracy, terrorism, and illegal trafficking, among others.

Discussion



From left to right Dr. Wilfried A. Herrmann, Ambassador Mary Seet-Cheng, Dr. Mary Ann Palma

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DAY 2:

Attitude to Maritime Risk in Asia



Mr. Joshua Ho

Joshua Ho presented the preliminary results of the survey that intended to gather feedback on the attitudes of different individuals in the region on maritime risk, which is defined as the adverse consequences to a constituent of an unplanned event occurring in the maritime domain, and can rise from traditional and non-traditional areas. The survey results were based on the responses of 615 participants, and organized into seven sections.

The first section dealt with demographics. More than 58 per cent of the respondents were 30–50 years old, and males accounted for 80 per cent, which seemed to indicate that the majority of the respondents were mature and experienced. With regard to nationality, some countries, like the U.S., Singapore and China had been oversampled, whereas the responses from other countries such as Laos, Brunei and Myanmar were fewer than expected. In addition, 70 per cent of the respondents were from government agencies, academia and Think Tanks. Lastly, the respondents were highly qualified since most of them received graduate and above education and also felt that they had adequate knowledge about the maritime challenges faced in the region.

The second section looked at how individuals approached maritime security and whether a comprehensive and integrated approach, which requires extensive inter-agency and inter-organization coordination at national, regional

and international levels, is needed. More than 80 per cent agreed that a comprehensive and integrated approach should be taken.

For section three, with regard to prioritizing different maritime challenges through budget allocation, “managing armed conflicts and terrorism” is ranked at the top, followed by “managing maritime crime”, with “developing maritime economy” coming in third. This implies that most of the respondents think priority should be given to security issues.

The fourth section examined the opinions of the individuals as to the likelihood of a conflict in the region and the consequences of naval force modernization. Most people felt that the outbreak of interstate conflicts was possible and thinkable. However, the survey results showed that there was still uncertainty on whether there was an arms race in the region. This is because half of the respondents tended to agree that as regional countries become wealthier due to high GDP growth rates, it is normal for them to spend more on naval arms acquisitions.

The fifth section was related to the adequacy of national and regional institutions in dealing with maritime challenges. Most respondents felt that their countries had strong institutions, but were unclear on whether the region had strong institutions to deal with maritime challenges. Seventy per cent of them agreed that the existing regional security architecture was insufficient to deal with the prevention of armed conflict. However, respondents believed that regional fora were good avenues to address regional maritime security challenges, especially those with a maritime focus, for instance, ARF-ISM on Maritime Security and The ASEAN Maritime Forum.

Regional and International Regimes and Arrangement issues were dealt with in the sixth section. Over 75 per cent of the participants believed that regional and extra regional countries should join RECAAP and sign and ratify international conventions dealing with: maritime terrorism, piracy and armed robbery (the 88 SUA and the 2005 SUA

Convention); transnational crime (the UN Convention on Transnational Organised Crime which deals with illegal human smuggling, illegal arms smuggling, and illegal narcotics trafficking); illegal, unreported and unregulated (IUU) fishing; marine environmental degradation and marine pollution (MARPOL 73/78 Conventions and the 1990 OPRC Conventions); and maritime safety (the SOLAS and SAR Conventions). In addition, 82 per cent of the respondents felt that all countries should sign and ratify the UNCLOS. Therefore, there is optimism for establishing a rule-based regime in the region.

The last section looked at the kind of operational measures that are needed to improve maritime safety and security. With regard to maritime boundary issues, 64 per cent of the respondents felt that agreements should be reached as soon as possible. In terms of existing regional information sharing centres, 76 % of them believed that the capability and role of these centres, such as RECAAP, should be expanded so as to become more effective. Most of the respondents also agreed that regional countries should conduct more law enforcement exercises to boost confidence between their law enforcement agencies, conduct more joint patrols in designated border areas to deter and arrest transnational criminals, and make more effort to share intelligence and intensify information-sharing activities. In relation to AIS and LRIT, 63 per cent of the respondents thought that AIS should be implemented on vessels below 300 gross tonnes and on vessels that are on local voyages via a regional agreement. Seventy-three per cent of them believed there should be a regional arrangement for the sharing of shipping information relating to the identification of ship either through the AIS or LRIT of ships.

Ho concluded by stating that there is a need for a comprehensive and integrated approach to maritime security. Regional institutions are also necessary, though they are, at present, too weak to handle maritime issues. Maritime security and maritime crime issues are still the chief concerns as opposed to preservation of maritime environment and sustainable use of marine resources. Information sharing centres should expand their portfolios. More operational cooperation and intelligence sharing are required as well.

Risk Perception and Management



Dr. Bill Durodie

Bill Durodie started with a description of an interesting phenomenon: although there are real risks, what we tend to focus on are distorted, exaggerated and empathized risks, and not the ones that really matter. He argued that our society's obsession with risk tells more about us than about the risk itself. Sociological analysis tends to conclude that in recent years, we refer to risk 10 times more frequently than we did a decade ago. It is quite clear that it is not because there are 10 times as many risks today or that the risks are 10 times greater. Hence it reflects something of our society's sense of uncertainty about the future and sense of insecurity. However, with regard to maritime risks, he believed that there are real risks that need to be discussed.

According to Durodie, there are several reasons why the society views everything as a risk. Firstly, there is confusion about risk and uncertainty. For real risk, data must be available so that risks can be quantified and prioritized so as to address them. However, the more dubious risks rest around uncertainty, as data is yet to be gathered. Secondly, the erosion of social coherence is extremely important. The breakdown of the social network has some impact on how people perceive threats. The third is the crisis of elite confidence. There is clear evidence that national leaders lack a sense of purpose and mission. Other reasons include mistrust of authority, tendencies to focus on extremes, and politics of fear. However, Durodie claimed that maritime environments are slightly different, possibly due to the fact that the issues are largely unfamiliar and with not much media or lobbying group attention. Furthermore, there is

usually plenty of data available, which allows a more rational debate among interested groups. Durodie highlighted that the maritime community needs to think carefully about how much of the debate should be projected into the public arena.

Next, Durodie discussed risk management. He argued that in order to manage risk, we have to be able to identify different types of risk. With reference to maritime risks, the different types of risks include: piracy and terrorism, illegal immigration, climate change (impact on sea levels), mundane illicit activities (theft, smuggling), maritime accidents, fish stocks, rights (transit, fishing, and mining), economic impacts (fuel costs, recession) and pollution. Once a threat is identified, the next thing to do is to put the threat into the risk matrix. The threats should be plotted according to their impact likelihood. Presumably, priority should be given to threats with higher probability and higher impact. However, this is not the case in the real world. For instance, terrorism, which rarely occurs and has only a moderate

impact, is prioritized politically, but not objectively. Another problem with the matrix is that sometimes, as individuals or a society, we choose to take risks. In addition, the general public has different ideas or opinions about what major threats are, compared to that of the government officials, as different people have different interests and different concerns. As risk management combines objective data and subjective assessment, it is inherently open to criticism.

In conclusion, Durodie emphasized that one of the problems relating to risk is that certain things that ought to be political are presented in purely technical terms. Groups should get together to assess the different economic and social impacts of contemporary issues in order to achieve a consensus on what risks should be prioritized. He cautioned against using political terms to describe any of the threats in the maritime environment, as there is a tendency to demand more attention so as to get more funding. However, more attention and funding could also translate into unnecessary interference.

SESSION V – SIMULTANEOUS BREAKOUT SESSION

Breakout Session I – The Sea as a Medium of Dominion



Geoffrey Till stated that the discussion would focus on whether there should be concern about the navy force modernization that is taking place in the Asia-Pacific region. Four main topics were discussed, which include causes of naval force modernization, the U.S. and China relations, transparency and confidence building, and conflicts management.

It was opined that naval force modernization is definitely occurring in the region, and it has something to do with the fact that emerging economies are becoming wealthier and hence have more money to spend on defence. In addition, the economic growth of these emerging nations is largely linked to the maritime sector, as more than 90 per cent of trade is carried through the sea. Therefore, in order to expand, securing maritime sea-lanes of communication is very important. With regard to the sea as a medium for economy and trade, some believed that no major navy would want any disruption of the sea transportation. Others claimed that the international ongoing maritime system is the biggest guarantor towards that. Some participants believed that the current naval competition is mainly driven by maritime boundary issues, although others claimed that naval competition in the region is driven primarily by China, due to its rising economy. For countries like Japan, Korea and India, their shipbuilding activities are a reaction to Chinese shipbuilding.

There were concerns that the U.S. navy in the region, basically the 7th fleet, is a stable force that connects the U.S. with friends and alliances; while China, becoming more powerful, hopes to displace the U.S. as the dominant power in Asia. However, it was highlighted that there is still internal discussion in China on the kind of strategy China should adopt. The view shared was that even though there is a lack of a comprehensive maritime strategy for China, Chinese scholars, experts, even military officials are seriously thinking about how to avoid maritime conflicts. According to General Yang Yi, it will be bad for China to think in an aggressive way and pursue an aggressive strategy, as it will drag China into an unwanted security dilemma. He believed that there is still space for positive discussion between China and the U.S.

It was pointed out that the fundamental question which should be asked is how to prevent the security dilemma from emerging, especially with the rise of Chinese naval capability, and how to make sure that China and the U.S. realize that they both have common maritime interests in the western Pacific. One participant commented that both countries needed to be made fully aware that it is in their interest to maintain the freedom of navigation and safety at sea.

With regard to the question on the U.S.'s willingness to share responsibility with China, some believed that it may be possible to share responsibility to tackle lower-order threats; but for the high-order ones, it will be difficult to share responsibility due to differing interests. However, some participants argued that cooperation between the U.S. and China was possible, and was against the assumption that the PLA was going to be more assertive. Some claimed that there is still another option for China to adopt, which is to "not build the fleets and develop the capacity". China can follow Europe's strategy of relying on the U.S. for security protection. However, other participants viewed it as an irrational and unconvincing argument. As one participant puts it, at the minimum, every country has the right to rely on their own instruments to cater to its own national concerns, and the legitimate concerns extend to other countries as well.

Till believed that the main reason why naval planners tend to plan for the worst is because there are so many uncertainties in the maritime domain. To reduce these uncertainties, there is a need for transparency of motives and a navy plan, though some believed that transparency would not come naturally as it would have to be based on a firm confidence-building process. The difficult question then is how to build that confidence when there are so few channels of communication between the U.S. and China. For the case of China, one participant opined that it would be an uphill climb before the PLA becomes more comfortable and open. The launch of the official website of the Chinese Defense Ministry and active engagement with other nations reflect that China is learning to be more open and socialized. However, many felt that there is a trust deficit for China. No matter what China does, others simply do not believe it. And there is another view that China is simply buying time. They think that there should be a better and more efficient way to get China to open up.

A participant ventured that perception is very important in managing relationships among nations. To change a perception, the logical and natural way is to remove any issues that unnecessarily divide the countries such as the contentious issues involving Taiwan, South China Sea and East China Sea, though another participant highlighted the importance of lowering the expectation on what can be resolved, and to try to manage the rest as some problems realistically will never be resolved. What matters is to set up structures, and highlight transparency and trust so that people can focus on joint development and research. The discussion was a reminder of the fact that the current situation in the Asia Pacific is very different from that of the Cold War era, as there are far more players and far more security concerns. It will certainly be a challenge to use the ASEAN way to solve the problems. Some felt that more can be achieved should the ARF be moved from just confidence building to more preventive diplomacy.

Breakout Session II – The Sea as Resource



The notion of resource has expanded from the living to non-living resources, which many can access. The concept of “the sea as resource” is vital as it is the main reason countries contend for jurisdictions, which is reflected in the 1982 UNCLOS, and the creation of the EEZ regime and Continental Shelf regime. Key issues for the session, as defined by Bateman, include seabed resource management, fishery management, marine environment, and conflicts over Marine Scientific Research, which are conducted within another country’s EEZ.

The ecosystem-based management of oceans as a modern concept of ocean resource management has been discussed for many years. The problem is that many countries that have adopted this concept as their ocean policy have not implemented it effectively. Part of the reasons is that it has been complicated by sovereignty disputes. Countries in this region are also reluctant to sign agreements and to implement policies, a mindset that needs to be changed. Moreover, countries lack effective departments to carry out their policies.

A participant recommended that ASEAN countries establish national agencies for foreign affairs, which would bring

people together to discuss important measures. It was noted that the time is right to invite all the national agencies from Southeast Asian countries to discuss about coordination in the South China Sea and even the Indian Ocean.

The fishery problems caused by overlapping jurisdiction in South China Sea were also discussed. To overcome this problem, one participant proposed that regional countries should define a common fishing zone to allow all the fishermen to fish together. To regulate the fishing activities, they should establish a new fishing mechanism, conduct joint surveys, and monitor activities. Many were supportive of this co-fishing proposal in disputed areas and some believed that the cooperation could be extended into environmental protection. The illegal, unregulated and unreported (IUU) mechanism is one of the most important mechanisms that have been applied by Western countries. But in Southeast Asia, this mechanism has not been fully adopted except for Australia and Indonesia. In order to implement this mechanism at a broader level, it was suggested that regional countries should start their discussions and implement it at the domestic level first.

The issue of genetic resources derived from the sea bed has not yet been integrated in the 1982 UNCLOS. Debates over how to manage these resources have become an issue in recent years. Some countries view these resources as a common wealth beyond national jurisdiction, while some other countries claim that it should be accessed if countries have the capacities to fetch it. Another key issue is the marine special management in the oceans, which is about how we accommodate all the different activities in the ocean and how to conserve the biodiversity of the oceans beyond the national jurisdiction.

With regard to the ecosystem-based management and fishing management, there are a number of such programmes operating or starting to operate in this region,

such as The Sulu–Celebes Sea Large Marine Ecosystem, the Coral Triangle Initiative, and the Bay of Bengal Large Marine Ecosystem project.

Although there was no discussion on Marine Scientific Research (MSR), Bateman stressed that MSR is of fundamental importance for our geographic knowledge to prevent natural hazards. Unfortunately, the political and military dimensions have both contributed to the problems of conducting MSR within the region.

Breakout Session III – The Sea as a Medium of Transportation and Exchange



The discussion in this session focused on how to improve safety of navigation and key sea-lanes in East Asia. Generally, the maritime security environment in the region has improved in the last five years. There was a downward trend of crimes in terms of piracy and arm robbery in this region. Although the number of reported incidents increased in 2009, the number of actual attacks has actually gone down. This improvement was credited to the efforts of the littoral states and the regional contribution through the Regional Cooperation Agreement to Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP). Participants agreed that there will be a need to further observe data for the

next few years, to determine if regional efforts have indeed been effective in stabilizing and maintaining security in these waters.

To deal with these crimes, both technical measures and legal measures were discussed. They include the different regional responses, international instruments, and the relevant international conventions. As Paik pointed out, there is still a legal lacuna, highlighting the shortcomings in prosecuting those caught engaging in piratical activities. Moreover, these measures will not be effective if a country is unable to apply and enforce their own domestic laws.

ReCAAP is a very significant achievement that provides the basis for regional cooperation to counter piracy and armed robbery against ships. Apart from being able to collect and collate reliable data on piracy incidents, it has established a structure with which governments can adopt focal points that allow for an unprecedented level of functional cooperation in the region. Regional countries should consider using this structure in future cooperative efforts to deal with other maritime challenges in the region.

One practical consideration raised during the discussion was that not all regional countries have the resources necessary to ensure the safety and security of the maritime environment. Hence, more capacity-building measures are needed to further enhance the good effort already put in place. Paik further suggested that the maritime approach is not enough to deal with some of the regional maritime challenges and there ought to be a multi-prong approach, which includes land-based efforts with the support of local governments.

SESSION VI

THE SEA AS A MEDIUM FOR INFORMATION AND THE SPREAD OF IDEAS



Ralf Emmers started the plenary session by reiterating the type of maritime challenges the region faces today. He opined that bearing these challenges in mind, participants should consider how multilateral mechanisms/institutions might help in addressing these issues. Participants should also identify the driving cooperative initiatives of the key stakeholders and evaluate the possible contributions as well as the potential of Track II in building habits of cooperation, collaboration and dialogue (“building blocks”). He hoped the conference would be able to produce policy recommendations to achieve cooperative outcomes, which would enhance good order at sea in Southeast Asia.

Although there is general awareness on the importance of the UNCLOS and the Declaration on the Conduct of Parties (DoC) between China and ASEAN countries to maintain

regional stability and promote cooperation in the South China Sea, China and ASEAN countries should work towards agreements that facilitate their joint management of the ocean. One proposal involves sub-regional organizations initiating relevant talks and negotiations to deal with specific challenges and create different forms of cooperation.

It was pointed out that the main reason why regional institutions are not effective is probably because maritime issues are often multi-dimensional, and each of them requires different expertise. Coupled with the diverse priorities in the region, the creation of an integrated approach will not be easy. It was opined that countries may be reluctant to participate in non-technical issues because these issues were deemed too sensitive. Therefore, it was proposed that cooperation should start with technical issues.

On the issue of who can be the drivers/key stakeholders for the cooperative initiatives, there seems to be consensus that there will be a need to involve both government and non-government organizations. Countries can come together to deal with a particular issue and any country that highly prioritizes that issue could be the driver. Regional countries could set up certain centres like ReCAAP, which is neutral but gets governments to support it, to enhance information-sharing capacities and to implement integrated policies.

Programme

Tuesday, 19 January 2010

1900 hrs **Welcome reception (speakers only)**
Pisces/Aquarius Room, Level 1
Marina Mandarin Hotel

America's Maritime Challenges and Priorities

James Kraska
Professor of Law, US Naval War College, United States

Wednesday, 20 January 2010

0830 hrs **Registration**

Australia's Maritime Challenges and Priorities

Robin Warner
Senior Research Fellow,
Australian National Centre for
Ocean Resources and Security
(ANCORS), University of
Wollongong, Australia

0900 hrs **Session I –
Opening and Framing**
Opening Remarks
Kwa Chong Guan
Head of External Programmes,
S. Rajaratnam School of
International Studies

Brunei's Maritime Challenges and Priorities

Hamzah Sulaiman
Director, *Sultan Haji Hassanal
Bolkiah* Institute of Defence and
Strategic Studies

0935hrs **The Historic Attributes of the
Sea and Maritime
Developments in the
Asia-Pacific**
Geoffrey Till
Professor of Maritime studies,
King's College, London.
Visiting Professor,
Maritime Security Programme, RSIS

China's Maritime Challenges and Priorities I

Wang Hanling
Professor of International Law,
Chinese Academy of
Social Sciences

1000 hrs **Carriage Capacity of the Straits
of Malacca and Singapore**
Yee Cheok Hong
Group Director (Policy
& Planning), Maritime and Port
Authority of Singapore

Cambodia's Maritime Challenges and Priorities

Chheang Vannarith
Executive Director, Cambodian
Institute for Cooperation
and Peace

1030 hrs **Break**

China's Maritime Challenges and Priorities II

Wang Dong
Research Fellow, Center for
International & Strategic
Studies, Peking University

1050 hrs **Session II –
Country Presentations (I)**
Moderator:
CMDE (Retd) Ashok Sawhney,
Visiting Senior
Research Fellow, S. Rajaratnam
School of International Studies

1230 hrs

Lunch

1330 hrs

Session III - Country

Presentations (II)

Moderator: *Li Mingjiang*,
Assistant Professor,
S. Rajaratnam School of
International Studies

Europe's Maritime Challenges and Priorities

Eric Frecon
Post-doctoral Fellow,
S. Rajaratnam School of
International Studies

1530 hrs

India's Maritime Challenges and Priorities I

Prabhakaran Paleri, Professor
and Head School of
Management Studies,
National Institute of Technology
Calicut, India

1550 hrs

Indonesia's Maritime Challenges and Priorities

Hasjim Djalal
Director, Centre for Southeast
Asian Studies, Jakarta

Japan's Maritime Challenges and Priorities

Tetsuo Kotani
Research Fellow, Ocean Policy
Research Foundation

Korea's Maritime Challenges and Priorities

Paik Jin-Hyun
Judge, International Tribunal on
the Law of the Sea and
Professor and Director of
Institute for International
Affairs, Graduate School of
International Studies, Seoul
National University,
Republic of Korea

Malaysia's Maritime Challenges and Priorities

Mohd Nizam Basiron
Research Fellow, Maritime Institute
of Malaysia, Kuala Lumpur

India's Maritime Challenges and Priorities II

Harsh V. Pant
Assistant Professor, Department
of Defence Studies, King's College,
London

Break

Session IV – Country Presentations (III)

Moderator: *Emrys Chew*, Assistant
Professor, S. Rajaratnam School of
International Studies

Myanmar's Maritime Challenges and Priorities

Maung Aung Myoe
Lecturer, International
University of Japan

New Zealand's Maritime Challenges and Priorities

Joanna Mossop
Senior Lecturer, School of Law,
Victoria University of Wellington,
New Zealand

Philippine's Maritime Challenges and Priorities

Mary Ann Palma
Research Fellow, Australian
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Singapore's Maritime Challenges and Priorities

Mary Seet-Cheng
Adviser, Ministry of Foreign Affairs,
Singapore

Thailand's Maritime Challenges and Priorities

Wilfried A. Herrmann
Executive Director, Human Development Forum Foundation

Vietnam's Maritime Challenges and Priorities

Nguyen Hong Thao
Professor, Faculty of Law, National University of Hanoi, Vietnam

Discussion to look at ways the region can deal with the threats of maritime terrorism and conflict in the maritime domain. Participant from each country will be given about 5 to 10 minutes to speak on a list of issues to be generated by the moderator.

Breakout Session II – The Sea as Resource

Moderator: *Sam Bateman*, Senior Fellow, RSIS

Discussion will examine ways for sustainable harvesting of the resources of the sea and should include sustainable fishing, sustainable mining of energy resources, protection of the marine environment, delimitation of maritime zones and other oceans management issues. Participant from each country will be given about 5 to 10 minutes to speak on a list of issues to be generated by the moderator.

Breakout Session III – The Sea as a Medium of Transportation and Exchange

Moderator: *Paik Jin-Hyun*, Judge, International Tribunal for the Law of the Sea (ITLOS) and Director of Institute of International Affairs (IIA), Graduate School of International Studies (GSIS), Seoul National University

Discussion to examine ways to improve safety of navigation in key sea lanes and to include addressing the issue of piracy and armed robbery, ship tracking and identification, and ship security alert systems, and the illegal trafficking in drugs, arms and humans. Participant from each

1730 hrs **Adjourn**

1900 hrs **Dinner**
(for Speakers and Invited Guests)
Aquamarine, Level 4
Marina Mandarin Hotel

Thursday, 21 January 2010

0830 hrs **Opening Announcements**

0840 hrs **Attitudes to Maritime Risk in Asia**
Joshua Ho
Senior Fellow, S. Rajaratnam School of International Studies

0910 hrs **Risk Perception and Management**
Bill Durodie
Senior Fellow, S. Rajaratnam School of International Studies

0940 hrs **Break**

1000 hrs **Session V - Simultaneous Breakout Sessions**

Breakout Session I – The Sea as a Medium of Dominion

Moderator: *Geoffrey Till*, Professor of Maritime Studies and Director of Corbett Centre for Maritime Policy, King's College, London.

country will be given about 5 to 10 minutes to speak on a list of issues to be generated by the moderator.

1115 hrs **Break**

1135 hrs **Session VI - The Sea as a Medium for Information and the Spread of Ideas**

Moderator: *Ralf Emmers*, Associate Professor and Coordinator of the Multilateralism and Regionalism Programme, S. Rajaratnam School of International Studies

Discussion will focus on the kinds of regional institutions required to deal with maritime challenges and to look at the suitability of bilateral or multilateral arrangements. Participant from each country will be given about 5 to 10 minutes to speak on a list of issues to be generated by the moderator.

1250 hrs **Concluding Remarks**

Joshua Ho
Senior Fellow, RSIS

1300 hrs **Lunch**

1400 hrs **End of Conference**

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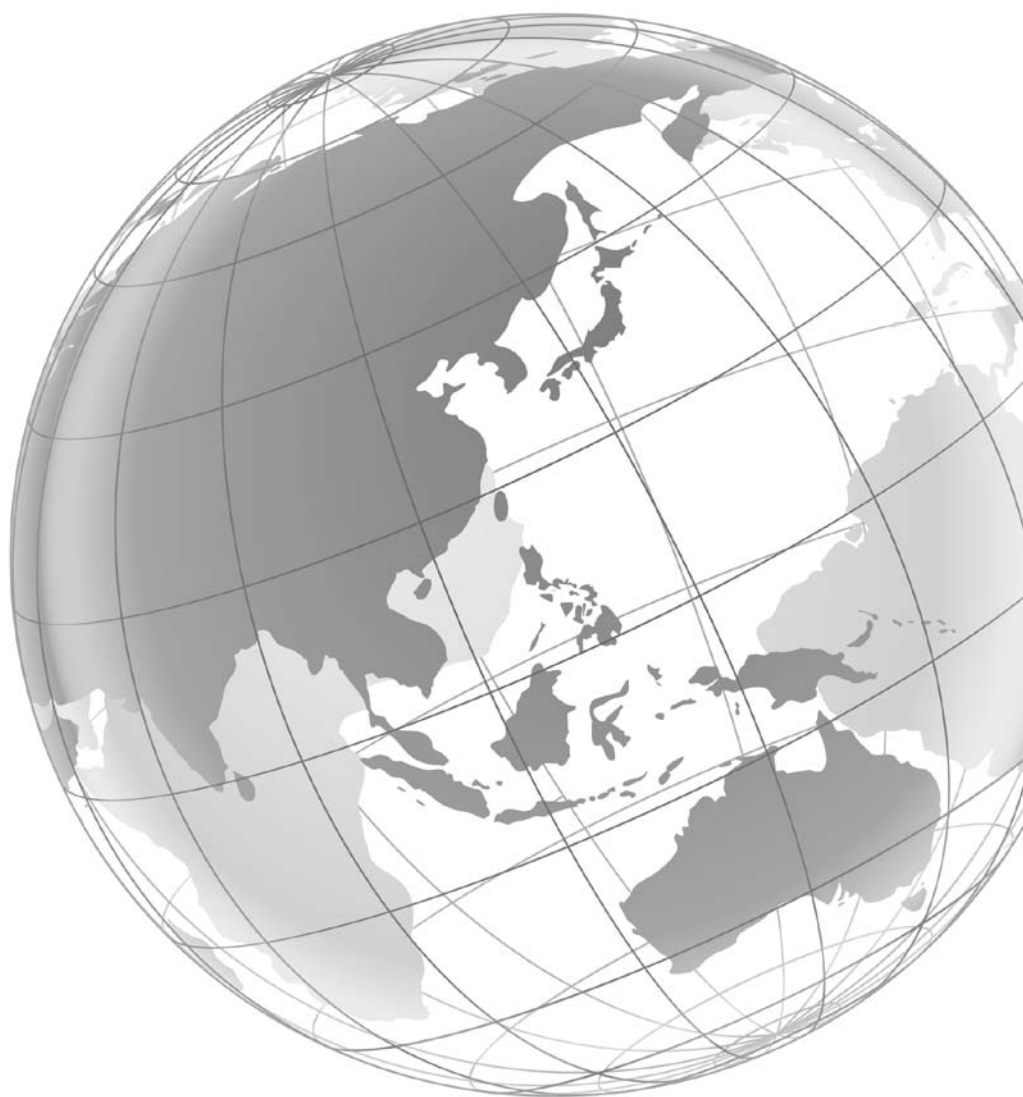
The **S. Rajaratnam School of International Studies (RSIS)** was officially inaugurated on 1 January 2007. Before that, it was known as the Institute of Defence and Strategic Studies (IDSS), which was established ten years earlier on 30 July 1996. Like its predecessor, **RSIS** was established as an autonomous entity within Nanyang Technological University (NTU).

The School exists to develop a community of scholars and policy analysts at the forefront of Asia-Pacific security studies and international affairs. Its three core functions are research, graduate teaching and networking activities

in the Asia-Pacific region. It produces cutting-edge security related research in Asia-Pacific Security, Conflict and Non-Traditional Security, International Political Economy, and Country and Area Studies.

The School's activities are aimed at assisting policymakers to develop comprehensive approaches to strategic thinking on issues related to security and stability in the Asia-Pacific and their implications for Singapore.

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