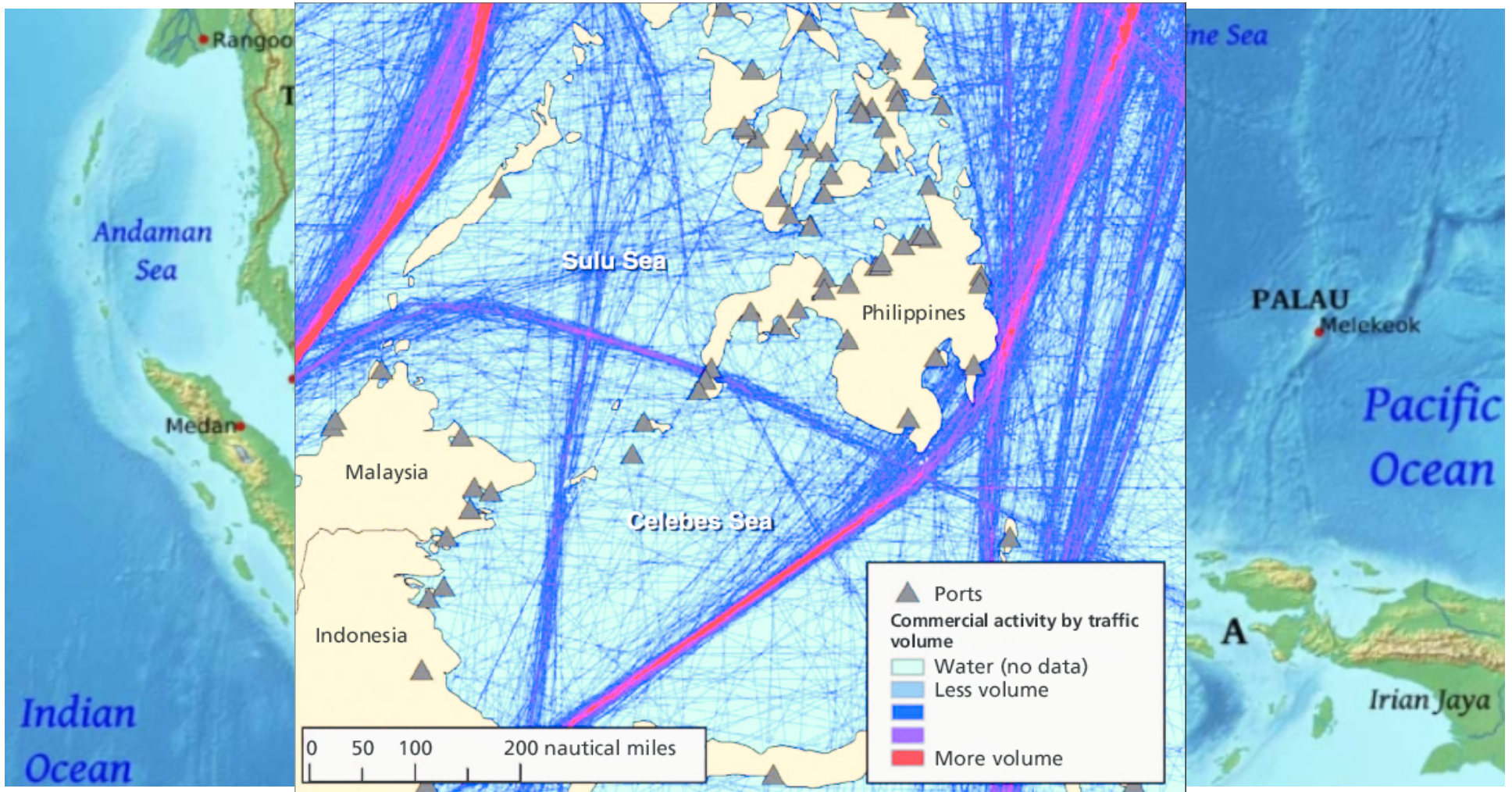


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# **PIRACY IN THE TRI-BORDER AREA OF SOUTHEAST ASIA:**

**CHALLENGES FOR COOPERATIVE MARITIME LAW ENFORCEMENT**

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# THE ABU SAYYAF GROUP (ASG) AND THE RISE OF PIRACY/ARMED ROBBERY AT SEA INCIDENTS IN THE TBA

## Who are the ASG?

- Extremist group in Southern Philippines (Around 400 members) comprised of various sub-groups (mutually supportive but decentralized)
- Operates mostly in Basilan, Sulu and Tawi-Tawi (w/ known help from foreign elements)
- Has engaged in various terrorist acts since 1990's
- Kidnap-for-ransom (KFR) activities help fund terrorist activities

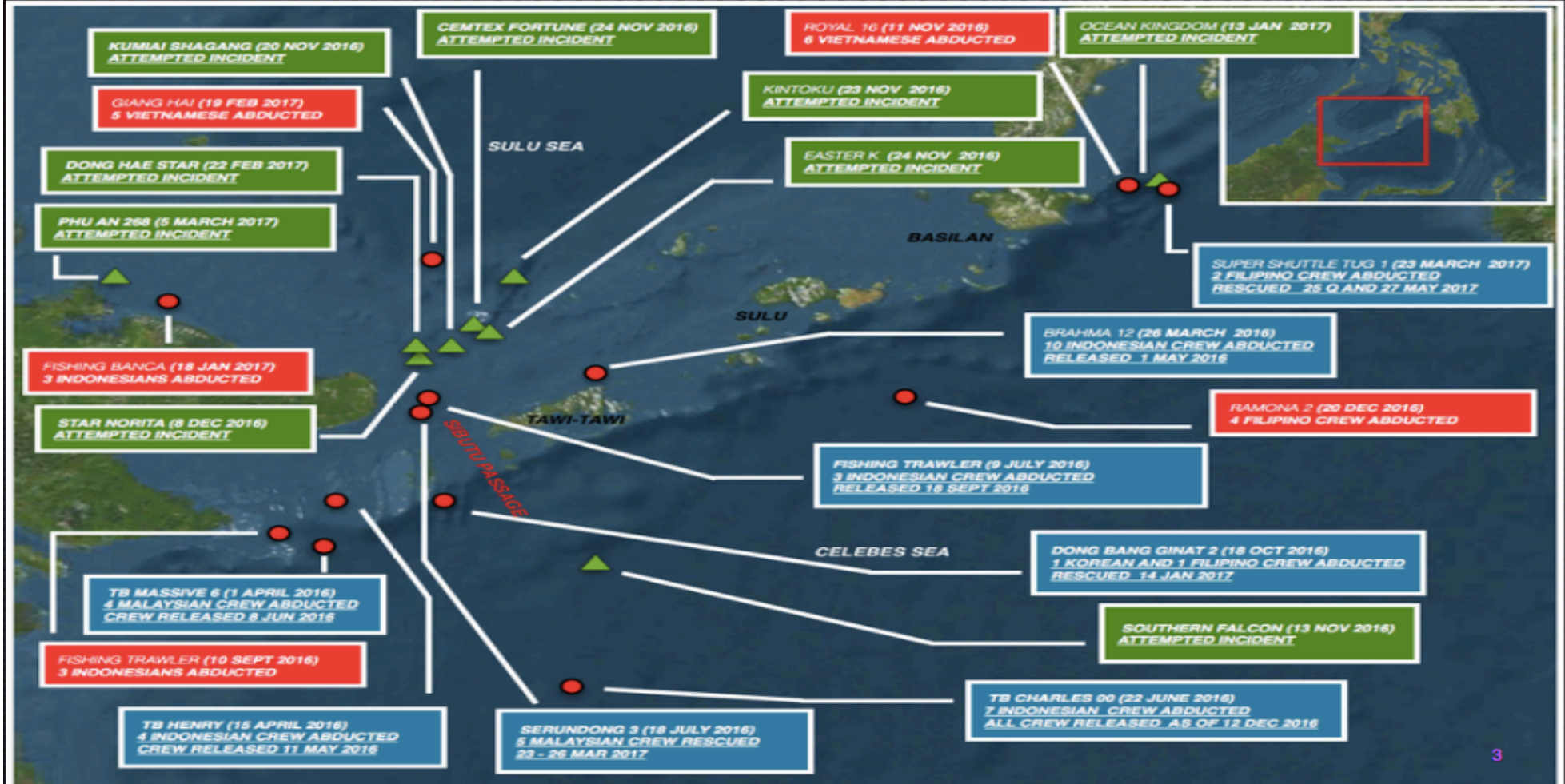






# Reported Abduction Incidents

Approximate location of incidents March 2016-March 2017  
Source\*: Philippine Coast Guard (PCG)



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## Maritime Kidnap-for-Ransom (KFR) Data

\*Source: IMB, ReCAAP, PN, and PCG

- Attacks occurred outside of usual ASG operational areas
  - Armed robbery in MY and RI waters
  - Piracy along commercial transit corridors
- KFR targets: crew of RI and MY tugboats, fishing vessels, cargo vessels
- From March 2016-April 2017:
  - Crew abducted: 59
  - Crew released: 30
  - Crew rescued: 7
  - Crew killed: 2
  - Crew in captivity: 20

# WHAT HAS BEEN DONE SO FAR?

## 1. Individual State Responses

- a. **Philippines**
- b. **Malaysia**
- c. **Indonesia**

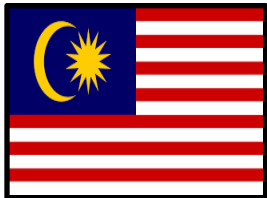
## 2. Bilateral Arrangements

- a. **1994 MOU on Defense Cooperation between the Philippines and Malaysia**
- b. **1975 Philippines-Indonesia Border Patrol and Border Crossing Agreements\***
- c. **2016 Joint Philippines-Indonesia Joint Declaration**

## 3. Sub-Regional/Regional Responses

- a. **ReCAAP best practices**
- b. **Trilateral Cooperative Arrangement \***

# TRILATERAL COOPERATIVE ARRANGEMENT



## **Joint Declaration on Immediate Measures to Address Security Issues in Maritime Areas of Common Concern (5 May 2016)**

Purpose: to provide a mechanism to operationalize immediate measures to address security issues in the maritime area of common concern and to facilitate further cooperation among the three countries.

# TRILATERAL COOPERATIVE ARRANGEMENT

## Measures for Implementation:

- To conduct patrol among the three countries using existing mechanisms as a modality;
- To render immediate assistance for the safety of people and ships in distress within the maritime areas of common concern;
- To establish a national focal point among the three countries to facilitate timely sharing of information and intelligence as well as coordination in the event of emergency and security threats; and
- To establish a hotline of communication among the three countries to better facilitate coordination during emergency situations and security threats.



# STANDARD OPERATING PROCEDURES (SOP) FOR TRILATERAL MARITIME PATROL (TMP) INDOMALPHIL



## Key Features:

- Improved communications via a TMP Communication Plan
- Streamlined information and intelligence sharing via 3 Maritime Command Centers (MCCs) in Tarakan (RI), Tawao (MY), and Bongau (RP)
- Rendering immediate assistance
- Identifies a Transit Corridor (TC) to facilitate air and sea patrols
- “Expanded” hot pursuit

## HOT PURSUIT IN INTERNATIONAL LAW -VS- “EXPANDED” HOT PURSUIT DISCUSSED W/INTMP FRAMEWORK

- History and Concept
- UNCLOS Codification
- Characteristics
- Constraints
- Ambiguities



## **“EXPANDED” HOT PURSUIT: PRACTICAL CONSIDERATIONS**

1. Whether and to what extent force can be used in the exercise of the expanded right of hot pursuit
2. Whether there are any issues pertaining to the exercise of overlapping criminal jurisdiction
3. Whether international human rights obligations apply in extraterritorial maritime law enforcement

## **MARITIME SECURITY COOPERATION IN THE TBA BEYOND THE TCA**

**ASEAN?**

**Japan?**

**United States?**

**China?**



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**THANK YOU!**