

ASEAN COOPERATION IN MARITIME LAW ENFORCEMENT: CURRENT STATE AND POLICY RECOMMENDATIONS FOR DEVELOPMENT¹

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***Abstract:** Maritime domains play a vital role in the security and economic development of Southeast Asia. However, the region is facing multiple maritime security challenges, including sovereignty disputes, illegal, unreported, and unregulated (IUU) fishing, irregular migration, and transnational crime. In 2025, maritime threats in Southeast Asia grew increasingly complex and showed an upward trend, with the sharp rise in piracy and armed robbery incidents, particularly in the Straits of Malacca and Singapore. At the same time, tensions in the East Sea have complicated maritime law enforcement efforts due to overlapping claims and insufficient coordination among the parties concerned. In this context, strengthening cooperation among the maritime law enforcement forces of Southeast Asian countries has become essential to maintaining peace, stability, and regional development. ASEAN has implemented various initiatives to promote cooperation; however, the effectiveness of these efforts remains limited and requires further enhancement. This article examines the current state of ASEAN cooperation in maritime law enforcement and proposes policy recommendations for the Association in the coming period to further advance regional cooperation in this field.*

Key words: ASEAN, maritime law enforcement, regional cooperation.

Current state of ASEAN cooperation on maritime law enforcement

Achievements

ASEAN actively establishes intra and extra-ASEAN cooperation mechanisms on maritime law enforcement at various levels. Over the years, ASEAN has formed a multi-tiered network of cooperation mechanisms

to enhance the effectiveness of maritime law enforcement, from ministerial and senior officials (SOM) levels to field enforcement forces. These mechanisms focus primarily on coordinating maritime security, counter-terrorism, combating transnational crime, information sharing, and building trust among ASEAN countries and external partners.

At the ministerial level, the ASEAN Defence Ministers' Meeting (ADMM) and the ASEAN Defence Ministers' Meeting Plus (ADMM+) are two important mechanisms contributing to promoting maritime security cooperation and maritime law enforcement. Typically, within the framework of ADMM+, the Experts' Working Group on Maritime Security effectively enhances cooperation between ASEAN and its partners through practical activities such as field exercises, workshops, awareness-raising and capacity-building activities in combating piracy, search and rescue, ensuring maritime safety, and coordinating maritime law enforcement. In addition, the ASEAN Ministerial Meeting on Transnational Crime (AMMTC) and the AMMTC+ mechanisms involving China, Japan, and South Korea have helped ASEAN and its partners effectively coordinate efforts in addressing transnational crimes with maritime dimensions such as drug trafficking, human trafficking, piracy, and maritime terrorism.

At the Senior Officials' Meeting (SOM) level, the ASEAN Maritime Forum (AMF) and the Expanded ASEAN Maritime Forum (EAMF) serve as policy dialogue mechanisms to build trust, promote maritime security cooperation, and discuss coordinated measures for maritime law enforcement within ASEAN and with its partners. In this context, the AMF is a mechanism for addressing maritime issues related to all three pillars of the ASEAN Community: environmental protection,

maritime security, and "non-security" orientation. The EAMF was established to foster dialogue among the East Asia Summit (EAS) countries to address common maritime challenges. Simultaneously, ASEAN SOM-level mechanisms on transnational crime (SOMTC) with the United States, Russia, the European Union (EU), Australia, Canada, New Zealand, and India also maintain exchanges to promote cooperation in combating maritime crime.

Furthermore, the Inter-Sessional Meeting on Maritime Security (ISM on MS) established within the framework of the ASEAN Regional Forum (ARF), is a mechanism that contributes to promoting dialogue and cooperation on maritime security at the expert level. The Network of ASEAN Defence and Security Institutions (NADI) serves as a forum for ASEAN research institutions to connect and build trust, analyse policies, and discuss issues of defence and security cooperation, including maritime security.

At the maritime law enforcement level, ASEAN established the ASEAN Naval Chiefs' Meeting (ANCM) and the ASEAN Coast Guard Forum (ACF) to build trust, promote cooperation, and enforce maritime security laws in practice. The ANCM is the highest-level multilateral maritime security cooperation mechanism among ASEAN navies, aiming to enhance understanding, trust, and promote ASEAN's capabilities and joint activities to address future challenges. Meanwhile, the ACF has been promoted since 2022 to enhance the

exchange of experience, build trust, share information, and coordinate among ASEAN Coast Guard forces to solve issues such as illegal fishing, smuggling, piracy, and search and rescue at sea. For example, at the second annual ACF in Indonesia in 2023, ASEAN countries reached a high level of consensus on promoting coordination and establishing an information-sharing mechanism to effectively combat and prevent IUU fishing.

ASEAN develops numerous legal and political documents that form the basis for cooperation in maritime law enforcement. Within its framework, the ARF adopted the Statement on Cooperation Against Piracy and Other Threats to Maritime Security in 2003¹ and the Ministerial Statement on Enhancing Cooperation Among Maritime Law Enforcement Agencies in 2016². These two documents promote information sharing, coordinated patrols, capacity building, and cooperation among ASEAN coast guards, navals, and maritime law enforcement agencies, and with ASEAN partners.

In the field of maritime counter-terrorism, the 2007 ASEAN Convention on Counter-Terrorism (ACCT) not only provides a legal framework for counter-terrorism cooperation among ASEAN countries, including intelligence sharing, investigative support, capacity building, and coordination among law enforcement agencies, but also has direct implications for maritime law enforcement in the context of emerging maritime terrorism and terrorist

trafficking through regional shipping lanes. In addition, the 1997 ASEAN Declaration on Transnational Crime, the 1998 Manila Declaration, and the ASEAN Plan of Action to Combat Transnational Crime identify areas of cooperation, including combating human trafficking, drug trafficking, arms smuggling, money laundering, and piracy, as issues relevant to maritime law enforcement.

ASEAN carries out practical cooperation activities to strengthen coordination in maritime law enforcement. Most notably, the ASEAN Multilateral Naval Exercises (AMNEX), proposed in 2014, have been conducted three times, in 2017, 2023, and 2025. These are field activities involving the ASEAN navies, focusing on non-military operations such as search and rescue, humanitarian assistance, marine environmental protection, and coordinated maritime law enforcement to enhance coordination and improve situational awareness at sea. ASEAN also conducts maritime exercises with extra-regional partners, including the ASEAN-China in 2018, ASEAN-US in 2019 and 2025, ASEAN-Russia in 2021, and ASEAN-India in 2023. These exercises focus on enhancing coordination in communications, search and rescue, humanitarian assistance, anti-piracy operations, and maritime situational awareness.

In addition, ASEAN and the ARF regularly organise workshops, training courses, and capacity-building programs on maritime security and law enforcement.

Notable examples include the ARF Conference on Regional Cooperation in Maritime Security held in Singapore in 2005 and the ARF Maritime Security Training Programme conducted in India in 2008 to address piracy, smuggling, and port security. Notably, in 2022, Vietnam, the EU, and Australia co-hosted the 4th ARF Workshop on Enhancing Maritime Law Enforcement Cooperation, aiming to exchange experiences, promote the development of cooperation guidelines, and reduce the risk of collisions and escalating tensions at sea.

Shortcomings and limitations

Firstly, ASEAN's cooperation on maritime security still focuses primarily on confidence-building and capacity-building rather than on establishing a common enforcement mechanism. In fact, within the ASEAN framework, several proposals to promote maritime law enforcement cooperation have been put forward, such as the 2005 proposal for an ASEAN Model Law on Maritime Security to support logistics for ASEAN armed forces, and the ARF Regional Maritime Information Center (RMIC) proposal, but none have been adopted or sustained in the long term.

Secondly, differences within ASEAN in legal systems, law enforcement jurisdictions, and procedures for handling violations make coordination on the ground difficult, especially in cross-border cases such as smuggling, illegal fishing, or pursuing vessels that violate regulations.

Thirdly, many ASEAN forums currently play a primary role in sharing information, exchanging experiences, and building trust, but they lack the authority and robust operational mechanisms to coordinate joint activities such as patrols, real-time data sharing, or support in handling maritime incidents.

Fourthly, the collection, exchange, and sharing of information on illegal activities at sea, such as piracy, smuggling, illegal fishing, and irregular migration, are fragmented, inconsistent, and often delayed, hindering timely responses to common threats.

Fifthly, there are disparities in maritime law enforcement capacities among ASEAN countries in terms of human resources, equipment, technology, and operational experience.

Policy recommendations to promote ASEAN cooperation on maritime law enforcement

Building a regional legal framework to harmonize the regulations of ASEAN member states on maritime law enforcement. ASEAN could consider promoting or “reviving” a regional model law initiative on maritime security to enhance uniformity in maritime law enforcement activities among member states. While advisory in nature, such a model law could serve as a common reference standard for countries to harmonise their domestic laws, thereby creating a legal foundation for joint patrols,

extradition, evidence exchange, and judicial assistance. Moreover, this framework would enhance transparency, reduce the risk of jurisdictional misunderstandings, and improve the ability to coordinate quickly in maritime emergencies. In the long term, a model law would not only support maritime security governance but also strengthen strategic trust and foster substantive cooperation across the region.

Institutionalising and upgrading cooperation mechanisms for maritime law enforcement forces. ASEAN could consider formalising and elevating specialised forums such as the ASEAN Coast Guard Forum into a permanent operational coordination mechanism to shift regional cooperation from consultative exchanges to substantive on-the-ground coordination. Establishing a permanent mechanism with a dedicated secretariat, clear operating procedures, and a regular action plan would enhance continuity, efficiency, and rapid response capabilities in emergencies. At the same time, this mechanism could serve as a central link between maritime law enforcement forces, security agencies, and broader ASEAN cooperation frameworks. In the long term, institutionalising specialised forums would contribute building a more stable, professional, and sustainable regional maritime security cooperation structure.

Building a common maritime information-sharing and situational awareness system. Experience from regional mechanisms such as the

Information Sharing Centre of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP ISC) and Singapore's Information Fusion Centre (IFC) shows that systematic information sharing can help mitigate maritime crime and enhancing trust among parties. ASEAN could therefore establish a regional maritime information center or develop a real-time data-sharing network to enhance coordination and rapid response capabilities against increasingly complex maritime security threats. An ASEAN Joint Data Coordination Centre could integrate information from ship monitoring systems, field reports from law enforcement forces, and relevant intelligence sources in Southeast Asia, thereby providing a real-time, comprehensive maritime situational awareness picture across the region. This would enable ASEAN countries to detect risks early, coordinate timely responses, and support long-term trend analysis for policy planning. In the long term, a common information mechanism would become an essential foundation for more effective, transparent, and regular ASEAN maritime law enforcement cooperation.

Conducting joint patrols and coordinated law enforcement. Given the increasing sophistication of piracy, smuggling, illegal fishing, and illicit transport, no single country can effectively address these transboundary threats. Joint patrols expand surveillance coverage, ensure continuous law enforcement

presence in strategic areas, and facilitate information sharing, standardise procedures, and improve coordination in emergencies. Several Southeast Asian countries already conduct joint operations in the Malacca and Singapore straits (Singapore, Malaysia, Indonesia, and Thailand) and the Sulu-Celebes Sea (Philippines, Indonesia, and Malaysia), but these efforts remain limited to micro-multilateral arrangements. Accordingly, ASEAN could lead coordinated activities such as joint patrols in sensitive areas, key shipping lanes, and high-risk crime zones to enhance deterrence, rapid response capabilities, and coordination among maritime law enforcement forces. This would build trust, reduce misunderstandings, and promote substantive cooperation, thereby strengthening maritime security, safety, and regional stability in the long term.

Developing a mechanism for building trust and managing maritime collisions. Given the increasing frequency and complexity of maritime law enforcement activities by individual member states, particularly in disputed areas like the East Sea, the absence of direct communication mechanisms and unified conduct procedures can lead to misunderstandings, overreactions, or miscalculations among forces on the ground. For this reason, ASEAN could promote the establishment of a code of conduct for operations at sea, advanced notification mechanisms and hotlines between maritime law enforcement

forces of member states, as well as between ASEAN and partners, to control collision risks and prevent escalation of tensions in areas with overlapping claims. Specific codes of conduct, including vessel approach procedures, radio communication regulations, advanced notification obligations for large-scale law enforcement operations, and emergency consultation mechanisms, would also enhance transparency and predictability in inter-party interactions. Meanwhile, establishing a 24/7 hotline between the focal points of ASEAN's coast guard forces would enable rapid responses to emerging situations, reducing the risk of unintended incidents.

Promoting the leading role of countries with strong maritime law enforcement capabilities. Leveraging the leadership of more capable countries such as Vietnam, Malaysia, the Philippines, and Indonesia will help narrow the law enforcement capacity gap in the region and conserve shared resources. Thus, ASEAN needs to encourage countries with maritime law enforcement forces to strengthen technical assistance initiatives and coordinate cooperation to enhance the overall ASEAN effectiveness. Leading countries could spearhead joint training programs, support legal capacity building, and organise large-scale multilateral exercises, while also playing a coordinating role in joint patrols, information sharing, or crisis response. This would not only enhance ASEAN's overall capacity, maintain continuity and

effectiveness in ensuring regional maritime safety and security, but also foster a spirit of shared responsibility, strengthen trust, and form a substantive cooperation network in Southeast Asia, contributing to long-term security and stability in the regional seas.

Conclusion

ASEAN cooperation on maritime law enforcement has achieved significant results over the years in building institution, expanding cooperation mechanisms, and implementing practical activities that attract participation from member states and partners outside the region. As a member of ASEAN, Vietnam has actively participated and made practical, effective contributions to regional cooperation mechanisms on maritime law enforcement. ASEAN's cooperation activities have contributed to promoting dialogue, information sharing, trust-building, and enhanced coordination capacity among maritime law enforcement forces, creating a solid foundation for maintaining maritime safety and security in Southeast Asia. In the coming time, amidst a complex and volatile international situation, cooperation activities within the ASEAN framework in maritime law enforcement need to continue fostering dialogue, building trust, enhancing capacity, and institutionalising common enforcement mechanisms to improve practical effectiveness and contribute tangibly to peace and stability in the region and beyond./.

Notes:

¹ This article is based on the research findings of the ministry-level project “ASEAN Cooperation on Maritime Law Enforcement: Current Situation, Orientations, and Policy Proposals for Vietnam” led by Dr. Vu Hai Dang.

² According to the Information Sharing Centre of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery at Sea, in 2025, of the 132 incidents of piracy and armed robbery at sea reported in Asia, 108 occurred in the Malacca and Singapore straits - a 74% increase compared to 2024 and the highest number in the past 19 years (2017 - 2025).

³ The statement acknowledges that piracy and armed robbery against ships, along with the threat of terrorist attacks on vulnerable maritime transport, jeopardize the development of the Asia-Pacific region. ARF member states commit to cooperating to protect ships on international voyages by promptly deploying and supporting the development of relevant instruments of the International Maritime Organization (IMO). They also commit to actions such as encouraging bilateral and multilateral maritime cooperation to combat piracy, providing technical assistance and infrastructure development, and enhancing domestic and international information-sharing capacity among ARF countries.

⁴ The statement emphasises the need to enhance cooperation among maritime law enforcement agencies to foster trust, strengthen capacity, and coordinate efforts to more effectively address common maritime security challenges. Consequently, concrete and practical cooperation among the maritime law enforcement agencies of ARF members is necessary, including sharing experiences and best practices in managing maritime incidents and addressing security challenges.

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**HỢP TÁC ASEAN VỀ THỰC THI PHÁP LUẬT TRÊN BIỂN:
THỰC TRẠNG VÀ ĐỊNH HƯỚNG CHÍNH SÁCH PHÁT TRIỂN**

VŨ HẢI ĐĂNG

Tóm tắt: Các vùng biển có vai trò quan trọng đối với an ninh và kinh tế Đông Nam Á nhưng khu vực đang đối mặt với nhiều thách thức an ninh biển như tranh chấp chủ quyền, cướp biển, khai thác hải sản trái phép, buôn lậu, di cư bất hợp pháp và tội phạm xuyên quốc gia. Năm 2025, các mối đe dọa trên biển diễn biến phức tạp và có xu hướng tăng, nhất là số vụ cướp biển và cướp có vũ trang ở Đông Nam Á tăng mạnh, đặc biệt tại eo biển Malacca và Singapore. Đồng thời, căng thẳng trên Biển Đông khiến công tác thực thi pháp luật trên biển gặp nhiều khó khăn do chồng lấn yêu sách và thiếu phối hợp giữa các bên. Trong bối cảnh đó, tăng cường hợp tác giữa lực lượng thực thi pháp luật trên biển của các nước Đông Nam Á trở nên cần thiết nhằm duy trì hòa bình, ổn định và hỗ trợ phát triển khu vực. ASEAN đã triển khai nhiều sáng kiến thúc đẩy hợp tác, nhưng hiệu quả hợp tác còn hạn chế và cần được đẩy mạnh. Bài viết phân tích thực trạng hợp tác ASEAN về thực thi pháp luật trên biển và đề xuất các định hướng phát triển cho khối trong thời gian tới để thúc đẩy hợp tác khu vực trong lĩnh vực này.

Từ khóa: ASEAN, thực thi pháp luật trên biển, hợp tác khu vực.