

# Cooperation in the Implementation of International Laws on Maritime Crime Prevention and Control by the Coast Guard of Southeast Asian Countries

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## ABSTRACT

Recently, maritime crime in Southeast Asia has been complicated. Piracy and smuggling are prominent problems in the East Sea. From 2013 to 2022, Southeast Asia experienced 907 incidents of piracy and armed robbery at sea against ships. These difficulties and challenges require the prevention and combat of maritime crime to have an appropriate cooperation mode between maritime law enforcement forces of Southeast Asian countries. From the requirements of practice, the article analyzes the issue of cooperation in implementing international law on marine crime prevention by the Coast Guard forces of Southeast Asian countries based on building a legal framework and proposing solutions.

**Keywords-** Cooperation; Legal Framework; Maritime Security; East Sea; Southeast Asia.

## I. INTRODUCTION

In recent years, maritime crime in Southeast Asia has been complicated and shows signs of increasing. Pirates, armed robbers at sea, and smuggling are prominent crimes in the East Sea (Bien Dong). In 2013-2022, Southeast Asia experienced 907 incidents of piracy and armed robbery at sea against ships (ReCAAP ISC, 2023).

Meanwhile, the struggle to prevent crimes at sea faces many difficulties and challenges. Maritime crimes, such as piracy, smuggling, illegal fishing, or drug trafficking, frequently take place in waters outside the jurisdiction of a country. Furthermore, the seas often need clear boundaries, and jurisdictions between countries can overlap or contradict each other, making it difficult to enforce the law. Supervising and controlling criminal activities at sea requires countries to invest significantly, especially in finance and technology. In addition, the collection and analysis of reconnaissance, intelligence, and crime prevention information at sea can be challenging due to criminal activities taking place in

secret as well as due to the vast ocean. These difficulties and challenges require the prevention and combat of maritime crime to have an appropriate cooperation mode between maritime law enforcement forces of Southeast Asian countries (Nguyen & Nguyen, 2021: 8).

In Southeast Asia, the Coast Guard is essential in protecting security and order at sea, maintaining peace and stability in the maritime area, and ensuring the safety of marine activities and countries' interests. Several cooperation mechanisms between the Coast Guard of Southeast Asian countries in the prevention and combat of maritime crime have been formed, such as the Asia-Pacific Maritime Safety Authority Heads Meeting, the Asia Coast Guard Heads Meeting, Maritime Security Forum, Regional Cooperation Agreement on Combating Piracy and Armed Robbery Against Ships and Boats in Asia (ReCAAP). However, these mechanisms mainly focus on information exchange, sharing, and policy discussions. There are no substantive cooperation mechanisms and activities on the ground or cooperation in capacity building and maritime connectivity. In particular, law enforcement forces at sea have yet to establish an institutional consensus.

In particular, enforcing the law on maritime crime prevention and control by the Coast Guard of Southeast Asian countries should be placed in the context of prolonged, complicated, and unpredictable disputes over sovereignty and maritime disputes in the East Sea. Therefore, Southeast Asian countries tend to broadly define the responsibilities of the Coast Guard, with the role of preventing and combating crimes at sea and participating in search and rescue, humanitarian assistance, and natural disaster relief at sea (Hoang, 2022).

Thus, it can be seen that the situation of maritime crime and the current status of the cooperation mechanism of the Coast Guard in the implementation of international law on marine crime prevention and combat pose an urgent requirement for the development of cooperation methods between the Coast Guard forces of Southeast Asian countries in the prevention and combat of maritime crimes. From the requirements of practice and the nature of the work of individuals in the maritime law enforcement force, the article presents the issue of cooperation in implementing international law on marine crime prevention by the Coast Guard of Southeast Asian countries. This article aims to find out the direction and cooperation solutions of the Coast Guard of Southeast Asian countries in implementing international law on the prevention and combat of crimes at sea to contribute to ensuring maritime security and maintaining regional peace and stability.

## II. LITERATURE REVIEW

Some of the research works, such as the reports of the United Nations Office on Drugs and Crime (UNODC), provide a rich source of resources on maritime crime, including definitions and discussions of different types of naval crimes such as drug trafficking, human trafficking, and piracy; or reports of the International Maritime Organization (IMO) that address maritime security and related naval crimes. (IMO 2024). Fransas et al. (2012) divide threats to marine security into different forms. Accordingly, maritime security threats are divided into nine categories: destroying the aquatic environment, illegal fishing, smuggling, illegal migration, piracy, terrorism, environmental activists, sabotage, and theft.

Liss & Buthcher (2011) have noted that current maritime security threats such as piracy, human trafficking, and illegal fishing are worrisome challenges in Southeast Asia.

Some primary research works on the relationship between maritime crime and maritime security, such as the article *Non-traditional Security in the East Sea: Some Theoretical and Practical Issues* (Nguyen, 2022), the article *Law on International Maritime Safety and Security: Some Theoretical and practical issues* (Le, 2021). The authors believe that international crime has been causing many losses and dangers to human life, so

the fight against crimes of a global nature is always necessary, which is a task not only of the United Nations but also of all countries. Crimes of a worldwide nature are increasingly diverse, sophisticated, and dangerous to the human habitat at sea.

Bardin (2002) provides an essential foundation for the jurisdiction of states in the seas. The author argues that the right to freedom of use of the world's oceans is one of the oldest customary principles of international law. There is a tendency to show that coastal states seek to assert their jurisdiction over marine areas and marine resources. Coastal states claim to assert jurisdiction over foreign ships in specific waters. The coastal state tries to regulate certain activities in these areas by imposing taxes on foreign ships. The coastal state has more power over an increasingly large sea area.

Soons (2004), in the article *Law Enforcement in the Ocean: An Overview* mentions that law enforcement at sea is a complex problem.

Law enforcement at sea is also different from using force at sea. Kwast (2008) has emphasized the difference between maritime law enforcement and using force at sea. The author argues that many international legal aspects related to determining the nature of coercive measures against foreign ships at sea have yet to be thoroughly studied.

Le (2021) argues that the international legal system has recorded many international treaties that regulate the fight against international crime. This reflects a practice of international cooperation between countries in the struggle to eliminate this type of crime from social life. International law has identified the elements that constitute a crime for these groups of crimes. However, the jurisdiction to adjudicate belongs to the country based on national criminal law.

Hyoon (2020) gives an overview of the position and functions of the Coast Guard and the expansion of the role and tasks of the current Coast Guard compared to the traditional concept. Accordingly, the Coast Guard is flexible and approached as a force with many intertwined functions. The peculiarity of the Coast Guard is that it not only performs law enforcement tasks, but in some situations, the Coast Guard can participate in the protection of sovereignty. Therefore, in sovereignty disputes, the Coast Guard is considered a frontline force in protecting national interests.

Danansooriya (2022) raises the question of a common doctrine for establishing Coast Guard forces in Asian countries. Research shows that Asian Coast Guard agencies can be built on a common doctrine based on shared values and strong consensus. This doctrine helps to adjust strategies and better shape each country's coast defense forces. Shared core values, similarities in culture, and authority will be similarities among the Coast Guard forces in Asia.

The mechanism for cooperation in implementing international law on maritime crime prevention and control of the Coast Guard of Southeast Asian countries is in a relationship of coexistence with many other cooperation mechanisms in ensuring maritime security. The article *Asean Maritime Security Cooperation* by Rosnani et al. (2022) analyzes maritime security cooperation's context in the ASEAN region. The intra-regional maritime security cooperation mechanism correlates with naval security cooperation with partners outside ASEAN, such as the United States, Japan, China, Australia, and India. Therefore, non-traditional security threats in Southeast Asia are still a matter of interest to the world despite many bilateral, trilateral, and multilateral mechanisms.

Parameswaran's (2019) article *Managing the Rise of Southeast Asia's Coast Guards* discusses a significant increase in investment in the Coast Guard and other maritime law enforcement agencies or the consideration of establishing new ones. While the growing interest that Southeast Asian nations have in their coastal defense forces is a helpful starting point, this is only the first step.

To crack down on crimes at sea, cooperation between the Coast Guards of Southeast Asian countries is essential. In the article *Indonesia's Maritime Governance: Law, Institutions and Cooperation*, Ikrami and Bernard (2018) analyze Indonesia's policy and legal framework on maritime management, thereby examining the institutions responsible for managing and enforcing the law in the performance of the State's function on marine management. The article pointed out the challenges Indonesia faces in managing maritime issues, thereby making proposals to improve the efficiency of marine management. (Ikrami & Bernard 2018).

The article *International Cooperation in the Fight against human trafficking in Vietnam Today* by Nguyen (2013) emphasizes the cooperation between countries in the prevention and combat of human trafficking. To improve the effectiveness of the fight against human trafficking and other transnational criminal activities, it is necessary to develop bilateral and multilateral international cooperation.

The article *State Management of Crime Prevention and Control in Some Asian Countries and its Reference Value for Vietnam* by Nguyen (2024) argues that in the face of the complicated development of the crime situation, especially new types of crimes, which contain many unpredictable and unstable factors, requires countries to have connections, strengthen experience sharing, coordinate actions in crime prevention and combat, contribute to ensuring national security, ensuring social order and safety.

From the perspective of international law, Lee's monograph on *ASEAN International Law* (2021) comprehensively discusses contemporary international legal issues related to international law in the ASEAN region. Each article in the book

addresses a topical issue of ASEAN cooperation and dispute resolution from the perspective of international law. As for non-traditional security issues, some articles analyzed topics such as counterterrorism cooperation, illegal fishing, and cross-border money laundering crimes.

In the book *Piracy in Southeast Asia: Trends, Hot Spots, and Responses*, Liss & Biggs (2016) focus on the changes and developments of piracy in Southeast Asia over ten consecutive years, thereby answering the question of why piracy has emerged as a security threat. assess efforts to maintain and ensure security in the seas and provide an analysis of what is likely to happen in the next decade.

The United Nations *Prevention and Repression of Piracy and Armed Robbery at Sea Report* (2023) has shown that one of the points to note is the results of the work of the United Nations Commission on International Law. The Committee has considered the report of the Drafting Committee and said that it is necessary to continue to add information on the topic of prevention and suppression of piracy and armed robbery against vessels at sea, including the laws, precedents, and practices of states, including about Articles 100 to 107 of the 1982 UNCLOS.

Abanilla's article *Competencies of Philippines Coast Guard Personnel in the Enforcement of Criminal Laws* (2024) highlights the key role of the Philippine CSB in safeguarding maritime security, safety, and environmental protection through effective law enforcement. Although the CSB has essential awareness and knowledge of the law, it is limited in its ability to effectively apply this knowledge in law enforcement. At the same time, the study also shows that targeted training programs and continuous professional development are critical to improving the operational efficiency of CSB forces. The program requires integrating theoretical knowledge with practical application through continuing education and training.

The article *Vietnam Maritime Law Enforcement* by Nguyen and Mai (2018) analyzes the organizational structure, authority, and law enforcement practices of Vietnam's maritime functional forces, including the Coast Guard, and the cooperation of these forces with countries in the region to solve transnational naval challenges.

The article *Implication of Transitional Crime on Maritime Jurisdiction and Enforcement* by Usman et al. (2021) emphasizes that combating maritime crime needs to be improved through limited information sharing and fragmented intelligence interaction between countries and agencies. The unwillingness to disclose confidential data, conflicts between regulatory agencies, and administrative obstacles hinder the transfer of critical intelligence necessary for proactive measures against transnational criminal organizations. Practical cooperation and coordination between countries and law enforcement

agencies is crucial in addressing the complexity posed by transnational maritime crime. However, creating and sustaining multinational cooperation and efforts faces obstacles related to goals, complex legal issues, and various national interests.

### III. INTERNATIONAL LEGAL FRAMEWORK ON PREVENTION AND COMBAT OF CRIMES AT SEA

The concept of crime prevention and combat in general of the international community was formed at the Fourth Conference in 1970 at the Conference through the Declaration on Principles of Expanded Social Concepts. Crime prevention and prevention policies have become part of each country's overall socio-economic development strategy. Prevention and combat of crimes of an international nature at sea includes measures and activities to prevent, detect, and handle criminal acts occurring at sea that are related to or affect many countries. These crimes can happen in international waters or waters under the jurisdiction of a country but have a cross-border impact or involve subjects from other countries.

International law, in its most general sense, is considered to be a system of legal principles and norms, which are established by agreement among other countries and subjects of international law on a voluntary and equal basis to regulate the relations arising between states and such subjects in all spheres of international life. Principles and norms generally apply without distinction in each country's nature, form, or position when establishing international relations between these subjects. Regulations on the prevention and combat of crimes of international nature are essential to international law, which prevents and handles criminal acts of international nature, affecting many countries or occurring across borders. On that basis, international law on the prevention and combat of crimes at sea is understood as a system of international legal principles and norms established to prevent, handle, and prosecute criminal acts of an international nature occurring at sea.

*1982 United Nations Convention on the Law of the Sea (UNCLOS)*: UNCLOS is one of the most important international conventions related to the sea. This Convention stipulates the rights and obligations of states over various sea areas, including territorial seas, exclusive economic zones, continental shelves, and international seas.

*1988 Convention on the Suppression of Unlawful Acts Violating the Safety of Maritime Navigation*: The 1988 Convention on the Suppression of Unlawful Acts Violating the Safety of Maritime Navigation (SUA), adopted by the United Nations General Assembly to strengthen international cooperation in dealing with serious crimes at sea, especially pirates.

The SUA Convention places special emphasis on international cooperation in preventing and responding to crimes at sea. The Convention requires signatory states to share information related to maritime security threats, criminal acts, and countermeasures that have been taken.

*2000 United Nations Convention against Transnational Organized Crime*: The Convention against Transnational Organized Crime sets out the obligations of authorities to conduct criminal investigations, collect evidence, and prosecute traffickers by the law. States must coordinate with other countries and international organizations to combat human trafficking, share information, and implement effective crime prevention measures.

*1988 United Nations Convention against Illicit Traffic in Narcotic and Psychotropic Substances*: The 1988 United Nations Convention against the Illicit Trade in Narcotic and Psychotropic Substances (United Nations Convention against Illicit Traffic in Narcotic and Psychotropic Substances) was adopted in Vienna, Austria on December 19, 1988. The Convention is part of a global effort to prevent the illicit trade in narcotic and psychotropic substances and protect public health and security from the adverse effects of these activities.

*Regional Cooperation Agreement on Combating Piracy and Armed Robbery Against Ships in Asia (ReCAAP)*: ReCAAP is an essential regional agreement signed in 2004 to cooperate with countries in the Asia-Pacific region to prevent piracy and other crimes against ships. The deal helps countries cooperate in preventing crime at sea and establishes mechanisms for sharing information and strengthening law enforcement capacity. Southeast Asian countries are all members of ReCAAP. The provisions on cooperation in maritime crime prevention in ReCAAP mainly revolve around cooperation in information sharing, joint patrols, training, legal assistance, and building coordination mechanisms among member states.

*ASEAN Agreement on Cooperation in Transnational Environmental Crime Prevention and Control, 2002*: The ASEAN Agreement on Cooperation in Transnational Environmental Crime Prevention and Control (2002) is one of the critical agreements of ASEAN member states to deal with transnational environment-related crimes. The agreement is part of ASEAN's broader strategy to promote cooperation among member states in protecting the environment and combating transnational crimes that affect natural resources and regional ecosystems.

*ASEAN Convention on the Prevention and Control of Trafficking in Persons, Especially Women, and Children (ACTIP), 2004*: To prevent trafficking in persons, ACTIP identifies areas for cooperation between countries to minimize the causes and conditions of human trafficking, strengthen regional cooperation in investigations, prosecution, and handling of human trafficking cases; take measures to reduce the harm and negative impacts on trafficking victims; cross-border

cooperation among border control agencies of countries to prevent and detect human trafficking crimes.

In addition, bilateral and trilateral cooperation agreements in maritime crime prevention and control and cooperation and consultation forums need to strengthen dialogue and information exchange on maritime crime prevention and control among Southeast Asian countries, such as the Cooperation Agreement between Singapore and Malaysia in 2005; Cooperation agreement between Thailand and Malaysia in 2009; Cooperation agreement between the Philippines and Malaysia in 2017; ASEAN Defense Ministers' Meeting (ADMM) in 2006; ASEAN Maritime Forum (AMF) in 2010.

#### **IV. THE CURRENT SITUATION OF COOPERATION IN THE IMPLEMENTATION OF INTERNATIONAL LAW ON MARITIME CRIME PREVENTION AND CONTROL BY THE COAST GUARD FORCES OF SOUTHEAST ASIAN COUNTRIES**

Coast Guard of Southeast Asian countries. Most countries with seas and resources have established specialized forces responsible for maritime security, with the function of law enforcement at sea, including activities to prevent and combat crimes at sea. After years of deliberation, Malaysia and the Philippines have strengthened their coastal defense capabilities, while Vietnam and Indonesia established new dedicated coast defense units in 2013 and 2015, respectively. In addition, several other Southeast Asian countries do not have separate coastal defense forces but are still considering establishing such a body or changing their perception of its functions. Most recently, Myanmar established its coast guard in 2020.

Regarding the similarities, despite the differences in names, the Coast Guard of Southeast Asian countries all have one standard function, which is to prevent and combat crimes at sea, which is an essential legal basis for promoting cooperation in prevention and control activities fighting crime at sea.

In some countries, the Coast Guard's maritime crime prevention and control function is more specifically regulated by a separate law. For example, the Philippine Coast Guard Act of 2009 provides that the Philippine Coast Guard has the authority to enforce regulations by all relevant conventions, treaties, or international maritime instruments as well as national laws and to conduct inspections of all merchant vessels to ensure and enforce compliance with standards, safety rules, and regulations.

*Regulations on the identification of types of crimes at sea.* The 1988 SUA Convention in Article 3 expressly provides for acts considered criminal under the

treaty, including unlawful attack or interference with vessels moving at sea or maritime infrastructure.

The 2000 United Nations Convention against Transnational Organized Crime (UNTOC) regulates crimes such as piracy, drug trafficking, human trafficking, arms smuggling, money laundering, and other crimes of a transnational nature.

UNCLOS 1982 regulates the types of crimes at sea, including piracy, drug smuggling, marine pollution, and acts against maritime security.

In addition, there are several international conventions regulating a specific type of crime, such as the 1979 International Convention against Arrest of the Heart, the Protocol on Combating the Smuggling of illegal migrants, bringing in illegal migrants, The 1988 United Nations Convention against Illicit Traffic, in Narcotic Substances and Psychotropic Substances, also recognizes legal signs to identify a particular type of crime.

In the Asian region, the 2004 Regional Cooperation Agreement against Piracy and Armed Robbery in Asia (ReCAAP) is a regional agreement that explicitly regulates the crime of piracy and armed robbery.

In Southeast Asia, the ASEAN Agreement on Transnational Crime Cooperation (1997) does not provide a clear definition of crimes in general and maritime crimes as in multilateral conventions. However, ASEAN member states recognize that transnational crimes are criminal acts in which the crime occurs or impacts at least two or more countries. This includes crimes of a cross-border nature, such as drug smuggling, human trafficking, and arms smuggling. Transnational crime often involves structured criminal organizations, with coordination between members in different countries, to carry out complex and organized criminal activities. These criminal acts can cross national borders, threatening regional and international security. Activities such as human trafficking, cybercrime, money laundering, and cross-border terrorism are good examples.

There are also bilateral, trilateral agreements, and bilateral agreements between Southeast Asian countries on the prevention and control of maritime crimes, which often do not provide an independent definition of the types of maritime crimes. For example, piracy is frequently mentioned, although there is only sometimes a specific official definition, as in international conventions. However, Southeast Asian countries are, in principle, committed to and based on international norms enshrined in UNCLOS 1982 as well as relevant international conventions to deal with acts of piracy, ship attacks, and other crimes at sea.

In recent years, the Coast Guard of Southeast Asian countries has made significant achievements in implementing cooperation in international law on preventing and combatting crimes at sea.

Cooperate in investigations, evidence collection, and information exchange. Within the framework of

ReCAAP, countries participating in ReCAAP are committed to providing and sharing timely information on incidents related to piracy and crimes at sea. The ReCAAP Information Center (ReCAAP ISC) is a central agency that plays a vital role in collecting, analyzing, and distributing information on maritime security. This information includes the attack's time, location, method, and outcome. Countries can use ReCAAP ISC's online system to share timely information and update the situation of maritime security incidents. ReCAAP promotes cooperation between countries in investigating piracy, armed attacks, and crimes at sea. Countries participating in ReCAAP are committed to providing mutual legal support in investigating and prosecuting crimes.

The ASEAN Convention on Combating Piracy and Related Crimes at Sea (2004) provides information-sharing mechanisms within the framework of ASEAN agreements. Accordingly, ASEAN countries are committed to sharing information on piracy activities, drug trafficking, and maritime crimes to support investigations and prosecutions. States agree to provide legal assistance in enforcing national and international law for naval crimes.

The ASEAN Agreement on Transnational Environmental Crime Prevention and Control (2002) stipulates that member states commit to sharing information on cross-border environmental crime activities and coordinating actions in campaigns against organized crime groups related to the environment. ASEAN countries are committed to providing legal assistance and coordination in prosecuting and trialing transnational environmental crimes, especially those associated with the marine environment.

Singapore's Information Fusion Centre (IFC) system is a multilateral center for information sharing and cooperation between regional and international countries, including the Coast Guard, in maritime security. The IFC was established in 2009 and is key in mitigating naval threats such as piracy, smuggling, illegal fishing, and transnational crimes at sea. IFC acts as a "hub" for collecting, analyzing, and distributing information on maritime security, using modern digital platforms to share data in real-time, helping to detect and respond quickly to threats. IFC supports coordination among Coast Guard forces in joint patrol operations or responding to maritime emergencies, providing intelligence data to guide Coast Guard forces in the region in deploying operations.

IFC uses tools like the Information Fusion System (IFS), allowing partners to share data securely and quickly. This system includes a Maritime Security Dashboard and IFC Real-time Alerts. IFC works closely with organizations such as ReCAAP to monitor piracy and armed robbery, IMO, and promote the implementation of international maritime security standards. IFC has contributed to reducing piracy incidents in the region, particularly in the Strait of Malacca, thanks to the timely sharing of information and

the provision of information that helps prevent many smuggling cases, including drugs and prohibited goods. IFC plays a supporting role in operations to combat illegal fishing vessels, for example, in the waters of Indonesia and Malaysia. In incidents such as sinking ships, IFC provides quick positioning information to assist with search and rescue.

In addition to the achieved results, IFC's activities face specific challenges, such as differences in national capacity: Some ASEAN countries do not have strong enough technical infrastructure to make the most of IFC's system, and Human resources and on-site response capabilities are limited in some countries. In addition, not all countries share adequate information due to security concerns or national interests, limiting information transparency. In addition, disputes in the East Sea also have impacts, making some countries cautious in cooperating, primarily when information is related to disputed waters.

The IFC is a successful multinational maritime security cooperation model that needs improvements to reach its full potential. As a central role in Southeast Asia, the IFC helps mitigate threats, builds trust, and strengthens regional cooperation. Future improvements will determine the center's effectiveness amid increasingly complex maritime security challenges.

*Cooperation on joint patrols.* The 1988 United Nations Convention against Illicit Traffic in Narcotic and Psychotropic Substances requires states to coordinate and strengthen border control measures, inspect the transportation of drugs across border areas, including aviation, maritime, and land such as cross-border transport controls, enhanced inspections of vessels and aircraft, allowing countries to inspect ships and planes involved in drug crimes, including vehicles moving in international waters or international airspace if there are reasonable grounds.

At the regional level, the ASEAN Convention on Combating Piracy and Related Crimes at Sea (2004) recognizes joint patrol activities and coordinated control. Accordingly, member states are committed to strengthening joint patrol activities and coordinating control of vessels in high-risk waters. The Convention includes the deployment of navies, coast guards, and other authorities to protect vital sea lanes.

Bilateral or tripartite agreements specifically use maritime border control measures. The Cooperation Agreement between Indonesia, Malaysia, and Singapore (2004) is an agreement between the three countries to strengthen cooperation in preventing piracy and other crimes at sea, especially in the Strait of Malacca, one of the world's most important sea routes. Indonesia, Malaysia, and Thailand have also carried out joint patrols in the bordering waters to combat smuggling and other crimes at sea.

*Cooperation to strengthen and improve law enforcement capacity.* The 1988 United Nations Convention against Illicit Trade in Narcotic and

Psychotropic Substances requires countries to assist each other in building capacity to prevent drug crime, especially for countries with limited resources such as training and resource development and technical and financial assistance. Countries can assist other countries in providing equipment, technology, and financial resources to strengthen measures to prevent and deal with drug trafficking. In Southeast Asia, the ASEAN Agreement on Transnational Environmental Crime Prevention and Control (2002) recognizes that countries are committed to organizing training programs and sharing experiences to improve their capacity to detect and respond to environmental crimes at sea.

*Cooperation in the form of dialogue and consultation at regional forums.* At the regional level, many forums have been organized and operated, such as the ASEAN Regional Forum (ARF) (1994), the ASEAN Defense Ministers' Meeting (ADMM) (2006), and the ASEAN Maritime Forum (AMF) (2010). In particular, the ASEAN Coast Guard Forum has strengthened cooperation between the Coast Guard forces.

## **V. DIRECTIONS AND SOLUTIONS TO IMPROVE THE EFFECTIVENESS OF COOPERATION IN THE IMPLEMENTATION OF INTERNATIONAL LAW ON MARITIME CRIME PREVENTION AND CONTROL BY THE COAST GUARD FORCES OF SOUTHEAST ASIAN COUNTRIES**

### **5.1. Directions to improve cooperation efficiency**

*Firstly, the effectiveness of cooperation in implementing international law on maritime crime prevention and control by the Coast Guard of Southeast Asian countries within the general framework of collaboration between Southeast Asian countries should be improved.* The history of the formation of Southeast Asia shows that the ASEAN region was formed with inherent and principled characteristics, which many scholars have called the "ASEAN Method."

The "ASEAN modality" refers to community-building and regional cooperation based on four principles of conduct: (1) Non-intervention, non-use of force, and peaceful resolution of conflicts; (2) Promote regional autonomy and collective autonomy; (3) Rejecting multilateral military treaties, but accepting bilateral defense cooperation to be pursued independently by each member state; and (4) Prioritize socio-cultural norms based on informal consultation and consensus over legal and rational norms in decision-making.

The ASEAN modality creates a preliminary institutionalization mechanism, an informal incremental

approach to regional integration. ASEAN's norm of safeguarding national sovereignty and the right of "every state to be guaranteed the existence of its state without external interference, subversion or coercion" (ASEAN, "Treaty of Amity and Cooperation") has necessarily limited the role of the ASEAN Secretariat to a coordinating body without a political mandate and competence to implement policies.

*Secondly, improving the effectiveness of cooperation in implementing international law on maritime crime prevention and control of Southeast Asian countries must be within the orientation of forming a maritime security community in Southeast Asia.*

Cooperation in preventing and combatting maritime crime is essential to the general orientation of cooperation to ensure maritime security in the ASEAN region. In 2003, the ASEAN Declaration on Harmony II – creating an integrated ASEAN Community in 2015 – was based on three "pillars": the ASEAN Security Community (ASC), the ASEAN Economic Community (AEC), and the ASEAN Socio-Cultural Community (ASCC).

In particular, the ASC aims to strengthen peace and stability in the region by promoting deeper cooperation among ASEAN member states on security issues. The ASC seeks to maintain and enhance peace and stability in the region through collaboration, dialogue, and peaceful settlement of disputes. By working together, ASEAN member states aspire to strengthen the organization's role as a key player in regional security issues, ensuring it can address challenges effectively and decisively. The ASC focuses on promoting mutual trust and trust among member states to prevent conflict and misunderstanding. Cooperation in counterterrorism, maritime security, and disaster management is critical to addressing transnational security challenges affecting many countries.

*Thirdly, to improve the effectiveness of cooperation in implementing international law on maritime crime prevention and control by the Coast Guard of Southeast Asian countries, it is necessary to ensure the central role of the ASEAN region in regional security cooperation.*

The principle of non-intervention has a lot to do with maintaining the region's security by preventing the area from becoming entangled in great power competitions and preventing great powers from interfering in the internal affairs of countries in the region. The desire to maintain autonomy in the area does not prevent member states from maintaining close alliances with major powers, as exemplified in the Philippines' and Thailand's bilateral alliance treaties with the United States. ASEAN's central role is essential to sustain the rules-based system across the Asia Pacific, and it is the best way to ensure that all countries, large and small, have a voice as we work together to address challenges and capitalize on opportunities.

*Fourthly, to improve the effectiveness of cooperation in implementing international law on maritime crime prevention and control by the Coast Guard of Southeast Asian countries, it is necessary to ensure close coordination between multilateral and bilateral cooperation agreements.*

In Southeast Asia, the development of more substantial multilateral agreements for maritime security cooperation can be strengthened. Such collaboration can be carried out through new multilateral agreements or implemented within existing frameworks, such as ASEAN, ARF, or APEC. In particular, it is possible to develop new initiatives, expand dialogue, issue clear statements of intent, and improve cooperation in information sharing. However, given the diverse interests of its members, their sensitivity, and their long-standing insistence on non-intervention, they will likely be able to offer broader cooperative measures. Moreover, new regional agreements are less promising than those built on existing institutions for several reasons. Countries in the region may not trust new multilateral cooperation mechanisms because they fear that newly established entities may get out of control and infringe on the sovereignty and resources of each country. Powers outside the region often use newer multilateral cooperation mechanisms because new cooperation mechanisms can be customized to serve the purpose of these countries.

Bilateral cooperation, although only involving two countries, can be more effective than multilateral initiatives in collaboration in preventing and combating crimes at sea. Multilateral cooperation mechanisms usually only develop at an acceptable level for the least interested partner, whereas bilateral agreements align with the interests of the link and, therefore, promise better efficiency. Bilateral cooperation mechanisms can minimize distrust and sensitivity to sovereignty. Areas of disagreement can be more easily identified and then leveraged or adjusted more appropriately between the two participating countries. Bilateral agreements are most likely implemented between countries with a standard cooperative view, the least mutual suspicion, and security interests.

### **5.2. Solutions to improve cooperation efficiency**

First, Southeast Asian countries need to improve the international legal framework for cooperation between the Coast Guard in preventing and combating naval crime in the ASEAN region, which is critical to enhancing security and ensuring naval trade. Multilateral efforts are necessary to achieve good maritime security governance, which is a transnational issue. In addition to policies based on national interests and sovereignty, there is a need for dialogue and cooperation among countries based on generally accepted norms and norms. Maritime crime often involves activities that go beyond national borders. A uniform set of legal standards helps ensure consistent enforcement and prosecution of piracy, illegal trade, and fishing. A clear international legal framework

helps prevent jurisdictional conflicts and ensures that crimes that occur in international waters or across multiple jurisdictions can be effectively prosecuted. Effective international law facilitates cooperation between countries. This includes sharing information, coordinating operations, and providing mutual legal assistance in investigations and prosecutions. Effective international law is essential for the sustainable management and protection of marine resources, including fisheries, mineral resources, and aquatic biodiversity. Perfecting international law ensures that the perpetrators of crimes at sea are held accountable, regardless of where the crime occurred or the offender's nationality.

Secondly, countries should form a framework agreement for this content, which is necessary for specific reasons. The cooperation agreement can help ASEAN countries better coordinate in protecting sovereignty and territorial security, especially in disputed waters, helping to improve the ability to detect and prevent illegal activities and improve skills and coordination in emergencies. A stable and cooperative maritime security environment can encourage investment in marine economic activities, such as tourism and resource extraction, which is to close cooperation between the Coast Guard forces helps ASEAN countries implement and comply with international regulations such as the United Nations Convention on the Law of the Sea (UNCLOS) and other international agreements. In other words, signing and implementing the ASEAN Coast Guard Cooperation Treaty creates many great benefits for the region, contributing to member states' stability, security, and sustainable development.

Thirdly, Southeast Asia countries need to improve the national law on the prevention and combat of maritime crimes in Southeast Asian countries. The process of internalizing international law is the process of translating the principles and provisions of international conventions into the domestic law of a particular country. The process often requires integration and adjustment to conform to that country's legal system, culture, and political structure. ASEAN member states should try to harmonize domestic maritime security laws. Therefore, these countries will facilitate better coordination and cooperation between the Coast Guard forces of countries.

States must identify the international conventions they wish to internalize and select the parts they want to apply in their domestic legal systems. States must analyze and assess the suitability of domestic legal systems, their ability to implement, and the socio-economic impact of internalizing international regulations. In addition, it is necessary to convert the principles and rules of international conventions into specific legal documents and adjust them to align with the domestic legal system. New domestic legal documents must be ratified by the respective government or legislative bodies and enforced according to the national legal process. Countries must also conduct educational



and information activities to increase awareness and understanding of international regulations and their role in domestic legal systems. Internalizing international law needs to be periodically evaluated to ensure its effectiveness and suitability for changes in the international community and within the country. Internalizing international law is often complex and requires close cooperation between ministries, agencies, and stakeholders. However, promoting compliance with international standards and principles and creating a developed and progressive national legal system is essential.

Harmonizing regulations on the identification of maritime crimes is an essential step in improving coordination and effectiveness in preventing and prosecuting naval crimes. Harmonization of rules helps countries have uniform legal standards for identifying maritime crimes, ensuring that criminal acts are consistently recognized and defined. Harmonizing regulations helps reduce legal conflicts and inconsistencies between countries in identifying and handling naval crimes. When countries have similar legal regulations, it becomes easier to coordinate the investigation, prosecution, and handling of marine crimes.

Harmonization of regulations helps minimize the time and resources required to handle sea-related crime cases. Harmonization of rules helps countries and international organizations implement measures to prevent and respond to transnational crime synchronously.

Southeast Asia countries need to organize and operate the coast guard forces of Southeast Asian countries in the direction of increasing similarities and reducing differences between Southeast Asian countries. Harmonization of the functioning of the Coast Guard in Southeast Asia is an essential step towards improving coordination and effectiveness in the protection of seas and law enforcement. When countries have harmonized regulations on the functions of the Coast Guard, it becomes easier to coordinate patrol, investigation, and emergency response activities, helping to prevent and handle crime more effectively. Differences in regulations on the functions and powers of the Coast Guard between countries may lead to legal conflicts when handling cases occurring in border areas or disputed waters.

Harmonization of regulations on the functions of the coast guard of Southeast Asian countries is a complex process and involves many issues such as security, sovereignty, and international cooperation. States need to establish a common legal framework or legal principles on the rights and obligations of the Coast Guard in activities such as patrolling, controlling, investigating violations related to maritime security, and protecting resources. States need to agree on using force and power in situations of clashes or breaches of the law at sea to avoid unnecessary conflict. Transparency in the operation of the Coast Guard will help minimize misunderstandings

and tensions between countries, creating favorable conditions for cooperation.

Fourthly, Southeast Asia countries need to improve the law enforcement capacity of the coast guard forces of Southeast Asian countries to enforce the law on the prevention and combat of crimes at sea. The Coast Guard is a contingent of officers who require specific and specialized skills because they perform particular tasks and functions related to maintaining security and order and protecting marine areas. Operating at sea requires special skills and equipment due to extreme environmental conditions, such as high waves, bad weather, and difficulty traveling. The Coast Guard is responsible for patrolling and monitoring large sea areas to prevent and deal with illegal activities such as fishing, smuggling, and piracy.

Improve the cooperation process to strengthen the role of the Coast Guard in preventing and combatting crimes at sea. The forums have gradually affirmed their essential role in cooperation in preventing and combatting crimes at sea.

However, it is essential to take the initiative to develop rules and norms within existing regional cooperation to help better manage opportunities and challenges. This can be done to continue integrating the Coast Guard and other maritime law enforcement organizations into the agenda, work plans, and detailed plans of existing cooperation mechanisms. In cooperation mechanisms such as ASEAN, organizations can develop annual agendas that focus on specific maritime security issues, such as piracy, smuggling, and drug crime, including the participation of Coast Guard forces and other maritime law enforcement agencies. The Coast Guard and maritime law enforcement organizations may participate in annual work plans, including joint meetings, seminars, training, and exercises to enhance the capacity of law enforcement forces. The work plan will help define coordination activities, clearly assign responsibilities between countries and organizations, and ensure close linkages between regional agencies. Blueprints may include joint patrol operations between the Coast Guard forces and other agencies, such as the Navy, Coast Guard, and customs tax authorities, to prevent and respond to crimes at sea. These operations include maritime patrols, vessel control, cargo inspections, and criminal arrests. The integration of these forces enhances the presence and ability of law enforcement on essential sea lanes.

Finally, in the context of the need to strengthen cooperation in the implementation of international law on crime prevention and control of the Southeast Asian CSB, it can be seen that the sharp increase in maritime-related activities in the region, along with the increase in maritime security challenges and disputes, The ongoing competition between countries in the East Sea requires Southeast Asian countries to strengthen cooperation in the implementation of international law on prevention and combat of crimes at sea because it is both a way to reduce risks and threats to regional maritime security and a way

to exercise the country's naval jurisdiction body. Therefore, the need for cooperation between Southeast Asian national CSB forces in preventing and combatting maritime crime is inevitable.

Regarding orientation, the ASEAN Political-Security Community Master Plan 2025 emphasizes consolidating ASEAN's previous achievements in maritime cooperation. Accordingly, it is necessary to strengthen maritime security and promote maritime cooperation in the ASEAN region and beyond through strengthening ASEAN-led mechanisms and adopting internationally accepted maritime conventions and principles. This plan also sets the primary goal of maintaining the East Sea as a sea of peace, prosperity, and cooperation.

Regarding solutions to improve laws and forms of cooperation, it is necessary to create new formal and informal cooperation spaces and establish points of communication and collaboration between Southeast Asian countries, precisely the CSB forces in each country. Accordingly, accountability should be strengthened by establishing a common accountability mechanism and setting standards for best practices. Furthermore, countries must identify issues of mutual interest, increase awareness of the maritime sector, and enable or improve the efficiency of information sharing.

In terms of solutions to improve the capacity of law enforcement for CSBs, the capacity development of CSBs needs to clarify their roles in each country and more attention should be paid to the development of rules and norms in regional institutions that can help regulate and manage both opportunities and The challenge comes with an increasing focus on maritime law enforcement capacity.

## VI. CONCLUSION

On theoretical issues, maritime crimes have all the characteristics of crimes of an international nature. Therefore, they are often handled through international cooperation mechanisms between countries. Preventing and combatting crimes at sea requires cooperation and coordination among nations and organizations and international organizations responsible for maritime affairs. International law on the prevention and combat of crimes at sea provides an essential legal basis for cooperation in law enforcement activities of the CSB force. International law identifies acts considered as maritime crimes and the obligation of member states to harmonize the law; To delineate the competence of countries to enforce international law in the prevention and combat of crimes at sea; Recognize international law enforcement processes on maritime crime prevention and combat and recognize measures for cooperation in marine crime prevention and combat. These measures can establish institutions to share information, provide legal assistance, and cooperate in building law enforcement capacity.

An assessment of the organizational and operational practices of the CSB forces in Southeast Asian countries shows a diversity of languages, races, cultures, and, importantly, the history of the CSB forces, revealing an aspect that is not easy to reconcile to have genuine cooperation between the CSB forces in the ASEAN region through specific historical periods. It shows the necessary efforts of Southeast Asian countries in strengthening international cooperation in law enforcement at sea, especially in the prevention and combat of transnational crimes. Different stages of development also show countries' level of interest and investment in potential threats to maritime security in Southeast Asia. There have been cooperation models between CSB forces within ASEAN under bilateral or intra-regional agreements on joint patrol activities or agreements security between the parties. However, it is clear that cooperation mechanisms still need to be found strong enough to address all the parties' interests in the agreement, so countries often set their top priorities and look for external partners.

Regarding the orientation and proposal of solutions to improve the effectiveness of cooperation in the implementation of international law on maritime crime prevention and control of the CSB forces of Southeast Asian countries, the thesis has provided fundamental knowledge about the context that requires strengthening cooperation in the implementation of international law on prevention and control. Anti-crime of the CSB forces of Southeast Asian countries. It can be seen that the sharp increase in maritime-related activities in the region, along with the increase in maritime security challenges and ongoing disputes and competition among countries in the East Sea, require Southeast Asian countries to strengthen cooperation in the implementation of international law on prevention, combating maritime crime because it is both a way to reduce risks and threats to regional maritime security and a way to exercise one's maritime jurisdiction. Therefore, the need for cooperation between Southeast Asian national CSB forces in preventing and combatting maritime crime is inevitable. In addition, the orientations and solutions will be in the orientation of the ASEAN Political-Security Community Master Plan 2025, emphasizing the goal of consolidating ASEAN's previous achievements in maritime cooperation. Accordingly, it is necessary to strengthen maritime security and promote maritime cooperation in the ASEAN region and beyond through strengthening ASEAN-led mechanisms and adopting internationally accepted maritime conventions and principles. This plan also sets the primary goal of maintaining the East Sea as a sea of peace, prosperity, and cooperation. The solutions to improve the law focus on forms of cooperation, whereby it is necessary to create new formal and informal cooperation spaces and establish points of communication and cooperation between countries in the Southeast Asian region, precisely the CSB forces in each country.

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