

**REPORT OF THE
THIRTEENTH ASEAN MARITIME TRANSPORT WORKING GROUP (MTWG) MEETING
10-12 MAY 2007, BANGKOK, THAILAND**

INTRODUCTION

1. The Thirteenth ASEAN Maritime Transport Working Group Meeting (MTWG) was held on 10-12 May 2007 in Bangkok, Thailand.
2. The Meeting was attended by delegates from all ASEAN Member Countries. Staff member of the ASEAN Secretariat was in attendance. Representatives from the ASEAN Ports Association (APA), Federation of ASEAN Shipowners' Associations (FASA), International Maritime Organization (IMO), Ministry of Communications (MOC) of People's Republic of China; Ministry of Land, Infrastructure and Transport of Japan (MLIT-Japan), and Ministry of Maritime Affairs & Fisheries (MOMAF) of the Republic of Korea were also present. The list of delegates appears as **ANNEX A**.

OPENING CEREMONY

3. The Meeting was opened by Mr. Prasong Tonmanee Wattana, Director-General, Marine Department of Thailand. In his Opening Statement, Mr Tonmanee Wattana welcomed all delegates to Bangkok. He recalled the directives of the 22nd STOM for the MTWG to finalise the Roadmap towards an Integrated and Competitive Maritime Transport in ASEAN and the conclusion of the ASEAN-China Maritime Transport Agreement for adoption and signing at the 13th ASEAN Transport Ministers (ATM) Meeting and the 6th ATM-China Meeting in November 2007 respectively. Besides urging the Meeting to overcome those pending issues pertaining to these two documents, he also encouraged Member Countries to have a closer and continued cooperation with IMO, the ASEAN affiliated transport organisations as well as the ASEAN dialogue partners to continue contributing to the development of maritime transport in ASEAN. The text of Mr Tonmanee Wattana's speech appears as **ANNEX B**.

AGENDA ITEM 1: KEYNOTE ADDRESS BY THE CHAIRPERSON

4. Sub. Lt. Preecha Phetwong, Deputy Director-General, Marine Department of Thailand and Mr. Le Tuan Anh, Deputy Director, International Cooperation Department of Viet Nam Maritime Administration assumed the Chairpersonship and Vice-Chairpersonship of the Meeting respectively.
5. In his Keynote Address, the Chairperson reiterated the need to advance the discussion on as well as to effectively coordinate the Roadmap towards an Integrated and Competitive Maritime Transport in ASEAN with the other ASEAN sectoral bodies, such as the ASEAN Coordinating Committee on Services (CCS). He welcomed the participation of the Republic of Korea, which he hoped would pave the way for a possible MTWG plus three forum in the near future. Finally, he wished the Meeting a fruitful and progressive discussion. The text of the Chairperson's Keynote Address appears as **ANNEX C**.

AGENDA ITEM 2 : ADOPTION OF AGENDA

6. The Meeting considered and adopted the agenda, which appears as ANNEX D.

AGENDA ITEM 3: BUSINESS ARRANGEMENTS

7. The Meeting was convened in plenary.

AGENDA ITEM 4: DECISIONS/FOLLOW-UP REQUIREMENTS FROM THE 12th ATM, 22nd STOM, SEOM 2/38 AND MARITIME TRANSPORT SECTORAL WORKING GROUP MEETINGS

8. The ASEAN Secretariat briefed the Meeting on the relevant developments and follow-up actions arising from the 12th ASEAN Ministers (ATM) Meeting and the 22nd Senior Transport Officials Meeting (STOM) held on 5-9 February 2007 in Bangkok, as well as from the 2/38 Senior Economic Officials Meeting (SEOM) held on 27-31 March 2007 in Manila. The ASEAN Secretariat also circulated the reports of the 19th and 20th Meetings of the Maritime Transport Sectoral Working Group (MTSWG) held on 7-8 February 2007, in Kuala Lumpur and on 19-20 April 2007, Manila, respectively.

9. The Meeting noted that the 22nd STOM Chairperson had, on 9 March 2007, written officially to his SEOM counterpart and reiterated the preference for SEOM to return the scope and function of the MTSWG, based on the rationales that (a) the low attendance of the maritime transport representatives at the CCS Meetings, in particular, at the MTSWG Meeting, will delay the negotiation process, and (b) it is more feasible and practical to undertake the liberalisation measures of the maritime transport services as part of the "Roadmap towards an Integrated and Competitive Maritime Transport in ASEAN", where STOM and the MTWG, with their expertise, are deemed to be in a better position to provide policy guidance to the MTSWG. In this connection, the Meeting took note of 2/38 SEOM's inclination to retain the MTSWG under CCS in order to streamline services negotiations.

10. Recognising that maritime liberalisation and maritime integration efforts are covered under the MTWG's "Roadmap towards an Integrated and Competitive Maritime Transport in ASEAN", the Meeting agreed that it would be sensible to, first and foremost, conclude the said ASEAN maritime roadmap prior to undertaking additional efforts in requesting for the transfer of scope and function of the MTSWG from CCS/SEOM back to MTWG/STOM. The Meeting also concurred on the need to exemplify the comprehensible leverage between MTWG and MTSWG in future attempts when requesting for the return of the scope and function of the MTSWG to MTWG.

AGENDA ITEM 5: DRAFT ASEAN ECONOMIC COMMUNITY (AEC) BLUEPRINT AND ASEAN ROADMAP FOR THE INTEGRATION OF LOGISTICS SERVICES

11. The Meeting noted with appreciation the briefing by the ASEAN Secretariat on the maritime transport-related measures of the draft AEC Blueprint and its strategic schedule, as well as the draft ASEAN Roadmap for the Integration of Logistics Services.

12. Following an exchange of views on the AEC Blueprint and its strategic schedule, the Meeting noted the requests by most Member Countries to bring the said documents back to capital for further review and domestic consultation. In this regard, the Meeting requested all Member Countries to provide their comments/inputs on the AEC Blueprint and its strategic schedule to the ASEAN Secretariat by the **18 May 2007**. The ASEAN Secretariat will compile all inputs and thereafter re-circulate to all Member Countries. The Meeting noted that the ASEAN Secretariat will also circulate the compiled MTWG inputs on the draft AEC Blueprint and its strategic schedule for the reference of the 23rd STOM in Singapore.

13. The ASEAN Secretariat informed the Meeting that the ASEAN Economic Ministers (AEM), at its retreat in Bandar Seri Begawan, Brunei Darussalam in early May 2007, had endorsed the signing of the Roadmap for Integration of Logistics Services at the 39th AEM in the Philippines in August 2007. The ASEAN Secretariat highlighted that Myanmar and the Philippines are still in the process of further seeking domestic consultations on the draft logistics roadmap. The ASEAN Secretariat also informed the Meeting that all the logistics measures, at this juncture, have been agreed by the AEM, except for measure 1 on “Maritime Cargo Handling Services”, which will be further deliberated at SEOM 3/38, to be held in Chiang Mai, Thailand on 22-24 May 2007.

AGENDA ITEM 6: IMPLEMENTATION STATUS OF THE MARITIME TRANSPORT ACTIONS UNDER THE ASEAN TRANSPORT ACTION PLAN (ATAP) 2005-2010

14. The Meeting noted the ASEAN Secretariat’s matrix on the implementation status of the maritime-transport actions under ASEAN Transport Action Plan (ATAP) 2005-2010, which appears as **ANNEX E**.

15. As her follow-up from the matrix on the implementation status, Malaysia circulated a revised Terms of Reference (TOR) on the “Strengthening Institutional Capacity, Human Resource Base and Cooperation Base for Achieving Improved Maritime Safety, Security and Prevention of Maritime Pollution (e.g. ISPS Code, STCW trainers’ training), which appears as **ANNEX F**. The Meeting noted, among others, the following content of the TOR:

- (a) the project’s benefits include, among others, the development of a more uniform applicability of existing IMO instruments to enhance safety performances of ASEAN shipowners and vessels operating from ASEAN to other regions;
- (b) one of the scopes of the project is to establish a Regional Training Centre, as well as a communication link within members and with IMO through the regional representative in obtaining expertise, and
- (c) the projected cost of laying up the initial framework and deployment methods would be around US\$2.5million over a start-up period of 2 years.

16. Most Member Countries voiced their support of the Malaysian proposal, including the proposal to establish the Regional Training Centre in Port Klang, Malaysia, which they felt would fortify the vision of creating a secure, safe and pollution-free shipping sector in ASEAN. The Meeting also noted the views expressed by the IMO that the Malaysian proposal could be an avenue to further enhance the ASEAN-

IMO cooperation. Moving ahead, the Meeting tasked all Member Countries to bring the Malaysian's revised TOR back to capital for further review, and to provide their inputs, if any, directly to Malaysia. The Meeting requested Malaysia to circulate a revised TOR, based on those inputs received from Member Countries, at the next MTWG meeting.

17. Malaysia also updated the Meeting on her endeavors in securing assistance for implementation of the "Pursue the ASEAN Clean Sea Strategy" work agenda. Malaysia informed the Meeting that since the 12th MTWG Meeting in August 2006, she had been liaising with the Royal Danish Embassy in Kuala Lumpur for possible technical and funding support, through the Danish International Development Agency (DANIDA), to advance the progress of this project. Malaysia informed the Meeting that she has secured the funding through DANIDA, and as a follow-up, Malaysia will work with the Royal Danish Embassy in Kuala Lumpur to channel the funding through the ASEAN Secretariat.

18. The Meeting reaffirmed the usefulness of such an implementation matrix to be regularly presented to the ASEAN MTWG Meetings annually which would incorporate relevant updates arising from MTWG, STOM, ATM and ASEAN Summit Meetings. The Meeting also adhered to its commitment of completing the implementation of all maritime transport activities under the ATAP 2005-2010.

AGENDA ITEM 7: ROADMAP TOWARDS AN INTEGRATED AND COMPETITIVE MARITIME TRANSPORT IN ASEAN

19. The Meeting recalled its discussion at the previous MTWG Meeting on the revised draft "Roadmap Towards an Integrated and Competitive Maritime Transport in ASEAN" over the Market Integration component e.g. open market access, cabotage and liberalization of maritime transport sub-sectors. The Meeting further recalled the 22nd STOM decision for the MTWG to finalise the said maritime roadmap in its next two meetings, in time for adoption at the 13th ATM Meeting in Singapore.

20. Following an extensive deliberation, the Meeting managed to agree to a clean draft text of the said maritime roadmap, which appears as **ANNEX G**. To overcome the issues of open market access, cabotage and liberalization of maritime transport sub-sectors, the Meeting agreed to adopt a broad definition of the measures under the "Market Integration" component, namely, to "develop the strategies for a Single ASEAN Shipping Market" and to "implement the Single ASEAN Shipping Market".

21. The Meeting agreed to deliberate on the timelines for each of the measures of the maritime roadmap at the next MTWG Meeting. The Meeting affirmed its commitment to conclude the negotiation of the maritime roadmap for the adoption of the said maritime roadmap at the 13th ATM Meeting.

AGENDA ITEM 8: UPDATE OF THE ASEAN LOGISTICS DEVELOPMENT STUDY

22. The ASEAN Secretariat briefed the Meeting on the highlights of the Inception Report Meeting for the ASEAN Logistics Development Study project, held on 18-19 April 2007 at the ASEAN Secretariat, Jakarta. The Meeting noted that the appointed consultant, ALMEC, has been advised to base their recommendations for the ASEAN Logistics Development Study along the requirements of the ASEAN

Roadmap for the Integration of Logistics Services, so as to effectively implement the draft roadmap. This is in view that the logistics roadmap is the sole official document for ASEAN logistics cooperation. The ASEAN Secretariat also circulated the Inception Report for the ASEAN Logistics Development Study, which was presented at the Inception Report Meeting on 18-19 April 2007.

23. In particular, the Meeting noted the following updates from the Inception Meeting:
- (a) ALMEC will consider adopting some, if not all, of the seven commodities roadmaps (rubber-based; wood-based; electronics; automotives; fisheries; textiles/apparels, and agro-based) as case studies for movement of goods across the region;
 - (b) ALMEC will touch-base with the relevant implementing agencies listed in the draft roadmap, to better understand the implementation progress;
 - (c) As outputs, ALMEC is requested to generate a list of logistics service providers (category; qualifications; credential); logistics curriculum (core subjects of courses and institutions), and recommendations to upgrade professionalism, and
 - (d) A two-day Regional Workshop will be convened tentatively in July/August 2007 as a consultative forum to assess the findings, exchange views and deliberate on possible final recommendations as contained in the draft ASEAN Logistics Policy and Development Framework Plan and draft ASEAN Logistics Integration Roadmap. The workshop participants would consist of senior officials from both the logistics related authorities/administrations from the Ministries of Transport and/or Communications as well as Ministries of Trade and/or Industry as well as Commerce from each ASEAN Member Country.
24. The Meeting affirmed its commitment in supporting the successful completion of this study.

AGENDA ITEM 9: COOPERATION WITH ASEAN TRANSPORT AFFILIATED PRIVATE SECTOR ORGANIZATIONS

9.1 ASEAN PORTS ASSOCIATION (APA)

25. The representative from the ASEAN Ports Association (APA) briefed the Meeting on her on-going programmes and activities, which included, among others, the request to extend the ASEAN-APA-GTZ "Handling of Dangerous Goods in ASEAN Ports" project for an additional 3-year period, to allow for all participating ports, both pilot and non-pilot, to undertake continuous update and implementation of their respective action plans. APA recalled that this request had been submitted by referendum to the 12th MTWG via the ASEAN Secretariat, following the selection of Laem Chabang of Thailand and Iloilo of the Philippines as pilot ports in the establishment of a Port Safety, Health & Environmental Protection Management System (PSHE-MS).

26. APA informed the Meeting that her previous request for a 6-month extension of the project was not granted by the German Government. As such, the project had officially ended in November 2006. The current 3-year extension request would provide (i) continuous support to the two selected ports until the certification of the developed PSHE-MS; (ii) assistance to the other ports to also develop and

implement a PSHE-MS; (iii) special assistance to the ports of Sihanoukville and Sai Gon to upgrade their legal and operational systems to international standard, and (iv) to set-up a regional Centre of Excellence to provide assistance to the ports in the region for sustainable development.

27. The Meeting noted the support indicated by Indonesia, the Philippines and Thailand on APA's request to extend the ASEAN-APA-GTZ "Handling of Dangerous Goods in ASEAN Ports" project for an additional 3-year period. In this regard, the Meeting requested APA, with assistance from the ASEAN Secretariat, to convey MTWG's endorsement on this matter to the German government/GTZ.

9.2 FEDERATION OF ASEAN SHIPOWNERS' ASSOCIATIONS (FASA)

28. Through the presentation of the representative of the Federation of ASEAN Shipowners' Associations (FASA), appearing as **ANNEX H**, the Meeting was pleased to note that there has been a decrease of piracy and armed robbery in the Straits of Malacca and Singapore, as well as in ASEAN waters, due to the continued maritime security and surveillance by the littoral governments. While applauding the multilateral efforts adopted to combat piracy and armed robbery, FASA urged the littoral states to continue exercising measures and surveillance to ensure maritime security in the Straits.

29. The Meeting observed that despite the removal of Straits of Malacca and Singapore from the Joint War Committee (JWC)'s war-risk listing, there were still several areas/waters in ASEAN which had remained on the list. In this regard, FASA informed the Meeting that she had requested her affected members to address their concerns with their respective government and to urge them to put pressure on the JWC to de-list the concerned areas/waters.

30. Indonesia expressed immense disappointment on the inclusion of several Indonesian ports, including the port of Jakarta in the JWC war-risk list, and expressed her intention to send letter of concerns and clarification to JWC on the methodologies/criteria used to determine the list of war risk areas. Similarly, Thailand informed the Meeting that a consultative meeting was held among the Thai government agencies' concerned to discuss on the listing of the lower southern Thai region, including Songkhla and Narathiwat, in the war-risk listing. The relevant authorities/agencies were requested to provide information on the number of piracy/armed robbery incidents occurred in the listed areas and the existing preventive measures to the Thai Ministry of Foreign Affairs, via the Thai Ministry of Transport/Marine Department. The Thai Ministry of Foreign Affairs is now working towards issuing a letter to JWC to request for the removal of such areas from the war risk list.

AGENDA ITEM 10: TRANSPORT COOPERATION WITH ASEAN DIALOGUE PARTNERS

10.1 CHINA

31. The Meeting recalled the recommendations from the 5th ASEAN-China STOM to (a) remove Article 15 (Suspension) from the final draft of the ASEAN-China Maritime Transport Agreement (ACMTA); (b) incorporate the Philippines' suggestion of an additional paragraph in Article 7 to address the issue of labour disputes and offences committed by crew on board the ships, and (c) invite officials

from China for final consultation at the 13th MTWG. The Meeting further recalled the decision of the 5th ATM-China Meeting to promptly conclude the ACMTA, for signing at the 6th ATM-China Meeting in Singapore in early November 2007.

32. Taking into consideration of the abovementioned, the Meeting resumed discussion on all pending articles/paragraphs, namely paragraph 5 of Article 7 (Ashore, Entry, Departure and Transit by Crew Members); Article 13 (Entry into Force, Duration and Amendment); Article 14 (Relation with Existing Bilateral Maritime Transport Agreements) of draft ACMTA. The Meeting also agreed to the recommendation of the 5th STOM-China to remove Article 15 (Suspension) from the draft ACMTA. In its place, the Meeting discussed and agreed to the proposal of Singapore to incorporate a new Article 15 to cover protection of national security and public health.

33. In addition to the Philippines' submission of the proposed formulated text paragraph to address the labour disputes and offences committed by crew on board the ships, the Meeting also noted the alternative formulations for the said paragraph as proposed by both Singapore and China. The Meeting noted the rationales indicated by the Philippines on providing the necessary provisions to address crew/labour disputes and offences on board the vessels. Following an extensive deliberation, the Meeting was able to produce a revised draft ACMTA, appearing as **ANNEX I**, with a sole pending paragraph on the labour disputes and offences committed by crew on board the ships under Article 7.

34. Taking into consideration of the difficulties relating to having a provision on labour/crew disputes in the ACMTA, China preferred only to incorporate the necessary provisions as specified in the Article 27 of the United Nations Convention on Laws Of the Seas (UNCLOS).

35. Recognising that all other ASEAN Member Countries as well as China would prefer the exclusion of such clause/paragraph from the ACMTA, the Philippines agreed to undertake further domestic consultation on this issue. She pledged to provide an update on this matter to all Member Countries and China, through the ASEAN Secretariat, by **21 May 2007**.

10.2 INDIA

36. The ASEAN Secretariat informed the Meeting that the 4th ASEAN-India Working Group on Transport and Infrastructure (AIWG T&I) would tentatively be held in India in mid-July 2007. The Meeting also noted that India will be invited to the 23rd STOM in Singapore on 29-30 May 2007, for discussion on the possible ASEAN-India Open Skies Arrangement.

37. The Meeting recalled that India had, at previous AIWG T&I Meetings, proposed possible areas of maritime transport cooperation between ASEAN and India, which include:

(a) Shipping and Ports

- Utilisation of excellent maritime training facilities available in India;
- Port-to-Port cooperation;

- Utilisation of dredging capacity available in the country, and
- Strengthening of HRD facilities in the area of Inland Waterway (IWT)

(b) Education

- Maritime courses offered by Marine Engineering and Research Institute (MERI) and the Indian Institute of Maritime Studies (IIMS)

(c) Public-Private-Partnership (PPP)

- With India's major ports embarking on major expansion of port capacities through various measures including construction of additional berths, deepening of channels, upgrading of equipment, the Government of India encouraged ASEAN private sector participation in its port development. Foreign direct investment up to 100% under automatic route is permitted in construction and maintenance of ports and harbours in India.

38. The Meeting requested the ASEAN Secretariat to seek India's comments at the 4th AIWG T&I Meeting on the current status of the above initiatives. The Meeting also agreed on the usefulness to explore cooperation in maritime security, given that India is a major user state of ASEAN waters.

10.3 JAPAN

39. Following the briefing by the ASEAN Secretariat on the relevant outcomes of the 5th STOM-Japan Meeting and the 4th ATM-Japan Meeting held on 7 and 9 February 2007 respectively in Bangkok, Thailand, Japan presented to the Meeting the status of the seven ASEAN-Japan Maritime Transport (AJMT) projects under the ASEAN-Japan Transport Partnership, as well as the invitation to the 5th ASEAN-Japan STOM Leaders' Conference to be held in Okayama City on 26 – 27 June 2007. Japan's presentations jointly appear as **ANNEX J**.

40. Under the AJMT-1: ASEAN-Japan Seafarers Policy Cooperation, the Meeting noted the following programmes will be implemented in 2007-2008 in Japan:

- (a) The convening of the "Experts Meeting on Enhancing Quality of Seafarers in Asia" in Tokyo in the second half on 2007. This meeting is expected to develop a joint programme for the training of Asian seafarers, and
- (b) International Seminar on ILO Maritime Labour Convention, tentatively in 2008, to exchange information and views towards ratification of the Convention.

41. In relation to (b), the Meeting noted the requests of some Member Countries for IMO support in understanding the Maritime Labour Convention as substantive provisions of the Convention refer to IMO instruments and standards. The representative of the IMO will refer such request to the IMO Office in London, and will provide an update at the next meeting.

42. The Meeting expressed appreciation to Japan for the continued technical support and assistance, as well as affirming MTWG's commitment to collaborate closely with Japan in the implementation of the seven Maritime Transport projects.

10.4 REPUBLIC OF KOREA

43. The Meeting welcomed the debut participation of the Republic of Korea in the MTWG Meetings. The Meeting thanked Korea for her Information Paper, appearing as **ANNEX K**, on the possible areas of maritime transport cooperation between the two sides.

44. Recognising that most ASEAN Member Countries are coastal states, and thereby share a variety of practical issues in maritime transport, logistics and safety with Korea, the Meeting noted Korea's proposal to establish a cooperative framework to cover the following:

- (a) Maritime Logistics e.g. development and implementation of collaboration projects for establishing logistics information system;
- (b) Maritime Safety Affairs e.g. implementation of regional and international cooperation projects on enhancing the maritime safety and security in the region, and
- (c) Others e.g. implementation of joint research programme on common interest areas.

45. The Meeting also noted Korea's proposal to convene an ATM-Korea Meeting at the end of 2007. The Meeting further noted that Singapore, as host and the incoming STOM chairperson, would be pleased to invite Korea to participate in the 23rd STOM. To have a more fruitful discussion, Korea also agreed to prepare a proposal paper, including the draft Terms of Reference (TOR), on the possible areas of cooperation between the two sides, for circulation at the 23rd STOM.

AGENDA ITEM 11: STOM-NTOS CONSULTATIONS

46. The ASEAN Secretariat briefed the Meeting on the highlights of the First STOM-NTOs Consultation convened as part of the plenary of the 22nd STOM, as well as the Discussion Paper on the same subject. Both papers appear jointly as **ANNEX L**. In particular, the Meeting noted the following:

- (a) ASEAN cruise development was among the proposed measures by NTOs for a closer STOM-NTOs collaboration;
- (b) The relevant STOM Working Groups/Tourism Working Groups shall consider the possible outcomes (work activities) and develop the priority projects/programmes. These Working Groups will report the progress/updates of the tourism-transport activities to the STOM-NTOs Consultation;
- (c) Each NTOs and STOM to closely coordinate at the national-level;
- (d) The next STOM-NTOs Consultation will be at the 26th Meeting of ASEAN NTOs in Viet Nam in July 2007 with expanded participation from the ASEANTA and the ASEAN Airlines;

- (e) STOM agreed for the MTWG to invite the representatives of the ASEAN Cruise Working Group and the ASEAN Ports Association (APA) to future MTWG Meetings, in consideration that port infrastructures plays an essential role in the cruise development in ASEAN.

47. The Meeting welcomed the TOR of the Joint ASEAN NTOs-STOM Cruise Working Group, appearing as **ANNEX M**, which was adopted at the First STOM-NTOs Consultation. The Meeting affirmed its commitment in working with the NTOs to implement the measures of the roadmap for integration of the Tourism sector, as well as to facilitate the development of cruise ports and regulatory reforms for policies to encourage cruising and travel by ferries.

AGENDA ITEM 12: COMMON ASEAN NEAR COASTAL VOYAGE LIMITS

48. Singapore informed the Meeting that, to date, Brunei Darussalam, Indonesia, Malaysia, Thailand, Viet Nam and herself had submitted details of their geographical limits of near coastal voyage (NCV) limits and details of certificates of competency (CoC) issued for seafarers working on ships within the near coastal voyage limits to the ASEAN Secretariat. The ASEAN Secretariat stated that she had uploaded all such information received from Member Countries onto the ASEAN website (www.aseansec.org) to assist maritime administrations and shipping community in ASEAN to be better informed of limitations of NCV certifications issued by Member Countries and to encourage employment of seafarers from Member Countries. In this regard, the Meeting also welcomed the information that Indonesia and Singapore had similarly uploaded the certificates of seafarers onto their respective websites of www.pelaut.net.id and www.singaporemaritimeportal.com/ecert.

49. Cambodia, Myanmar, and the Philippines informed the Meeting that they would submit the details of their geographical limits of the NCV limits as soon as they have completed their domestic formalities. The Meeting noted that this exercise is not applicable to Lao PDR.

50. The Meeting requested Singapore to develop the recognition of the common ASEAN NCV to specify the geographical coordinates, based on the questionnaire inputs submitted by the Member Countries, notwithstanding the non-submission of such inputs by the three remaining Member Countries, for discussion at the next MTWG Meeting.

AGENDA ITEM 13: IMO-ASEAN PARTNERSHIP

51. The Meeting noted the draft project proposals, appearing as **ANNEX N** and **O** respectively, introduced by Singapore and Thailand for submission under the IMO-ASEAN partnership, i.e.

- (a) Conducting of Investigation Course (Singapore)
- With an absence of the IMO's Investigation Code/investigation course from the syllabus at the IMO International Maritime Academy in Trieste, Italy, Singapore is proposing to host a modified course on "Training of Trainers – Maritime Investigation" for ASEAN Member Countries with financing from the IMO and experts approved by the IMO.

- Objectives of the course include providing technical training and update skills of investigators; harmonising investigation procedures and protocol in line with the IMO's Investigation Code, and building rapport among the investigators of ASEAN Member Countries.
- Estimated budget is about S\$83,000 (US\$55,000) for the five-day course.

(b) ASEAN Common Safety Standards for Non-Convention Vessels (Thailand)

- Given that questions are always made to the safety level of convention sized ships engaged in NCV within ASEAN region, Thailand is proposing for IMO to finance consultant employment and organise regional workshop to formulate the agreed set of regulations for non-convention vessels for adoption by ASEAN Member Countries.
- Objective is to determine the extent to which the standards of the regulations are applicable to non-convention vessels operating under the authority of the maritime administration of ASEAN Member Countries and to facilitate their modernisation and augmentation as appropriate.
- Estimated budget is about US\$140,000 for consultants and two workshops.

52. The Meeting also noted the re-circulation of the three Philippines' project proposals on (i) "Harmonization of Maritime Safety and Marine Pollution Prevention Rules/Standards Among ASEAN Maritime Administrations", (ii) "Establishment of an ASEAN Classification Society or ASEAN Register"; and (iii) "Development of a Uniform Ship Safety Survey/ Inspection System". The Meeting recalled that the Philippines had, in the 12th MTWG Meeting, permitted Thailand to make reference to her project (i) in the drafting of the above Thai project proposal.

53. The Meeting exchanged preliminary views on these five potential project proposals, i.e. one submission each from Singapore and Thailand, as well as three from the Philippines, for possible consideration under the IMO-ASEAN Partnership. The Meeting requested for all comments/inputs pertaining to the five projects be directed to the Lead Countries for compilation by **31 July 2007**. The IMO requested the Meeting to look into prioritising these project proposals before submission to IMO for technical assistance.

54. Indonesia reported that an IMO high-level mission had visited Indonesia from 18-20 April 2007 to consider technical cooperation activities relating to the safety of ferry operations. Two priorities actions related to the ASEAN-IMO partnership were identified: (a) conduct the national seminar of "Safety of Non-Convention Ships"; and (b) the pilot testing project of the IMO-ASEAN Follow-Through Project on Development of Guidelines for Maritime Administration, using audit-based systems and procedures to enhance ship survey operation.

55. The Meeting noted that there was some US\$17,000 unexpended fund under the last MOU with the IMO, i.e. the IMO-ASEAN Follow Through Projects on the Drafting and Updating of Maritime Legislation to Support the Adoption and Accession by ASEAN Member Countries to IMO Conventions. The Meeting agreed that this remaining fund may be utilised for convening the Third Meeting of the

ASEAN Forum on IMO Conventions with the main objective of prioritising and discussing the implementation details of the five proposed projects under ASEAN-IMO Partnership. Thailand indicated its willingness to host such a forum/meeting in conjunction with the Fourteenth MTWG Meeting. As a follow-up, the Meeting requested the ASEAN Secretariat to submit a formal application to the IMO to utilise the unexpended fund for such an activity.

56. The Meeting also noted with appreciation the presentation by the representative of the IMO, appearing as **ANNEX P**, on the “Draft Action Plan for a Global Initiative (GI) – Southeast Asia Project”. IMO highlighted on, among others, the following:

- (a) three pronged approach in the protection of the marine environment, which included Prevention; Preparedness and Response, and Capacity Building;
- (b) the overall aim of the Action Plan was to improve and sustain the capability of developing countries to protect their marine and coastal resources at risk from an oil spill incident from any source, and
- (c) the strategy was to facilitate co-operation between the relevant Government authorities and the oil industry at the national and regional levels.

57. The representative of IMO encouraged the Meeting to consider submitting a project proposal on the strengthening of the ASEAN-OSRAP (Oil Spill Response Action Plan), for consideration at the next MTWG Meeting. In this regard, the Meeting noted Indonesia’s interest in preparing the draft TOR on this matter.

AGENDA ITEM 14: OTHER MATTERS

14.1 REGULAR EXCHANGE OF EXPERIENCES

58. Viet Nam informed the Meeting that she had recently acceded to the International Convention on Maritime Search and Rescue, 1979 (SAR Convention) on 15 March 2007. The Convention had subsequently entered into force for Viet Nam on 15 April 2007.

59. The Meeting noted the presentation by Indonesia on the information concerning her maritime security, which appears as **ANNEX Q**. Indonesia informed the Meeting that she has recently established a coordinating body, “Maritime Security Coordinating Body” to handle law enforcement at sea, in particular, armed robbery and piracy. Indonesia also shared on her efforts and cooperation to enhance port security.

60. Thailand informed the Meeting that she had completed the enactment process of her national legislation to enable her be a party of MARPOL 73/78 in 2007. With regard to the implementation of the revised Annex II of MARPOL 73/78 and the amended IBC Code, both of which had entered into force on 1 January 2007, one of the issues raised from this amendment is the carriage of vegetable oil by chemical tankers. Thailand pointed out that MARPOL Annex II has an exemption clause allowing ship type 3 to carry vegetable oil but the ship must be modified to comply with wing tank and double bottom

requirements. In this regard, Thailand highlighted that this will take time to convert the tankers. As such, Thailand requested the sharing of experience by the other Member Countries on this new requirement and possibly recommendation on how to alleviate this issue.

61. During the course of discussion, the Meeting noted the sharing of experience from Indonesia, Malaysia, and the Philippines on this matter. Member Countries generally agreed on the need to organise a national workshop/seminar for the capacity building for all relevant stakeholders on this new MARPOL requirement. In this regard, the Meeting requested Member Countries to provide their project proposals to organise the national workshop/seminar for consideration at the next MTWG Meeting.

62. The Meeting affirmed the need to have a regular agenda on exchanging of information and best practices in maritime transport policy and development programs in the future meetings, as in line with the Maritime Transport Agenda of ATAP 2005-2010. IMO also welcomed such sharing of experience, as she would use such information to formulate technical assistance/cooperation in this region.

14.2 TOR OF THE STUDY FOR THE DEVELOPMENT & INTRA-ASEAN FERRY LINKS TO CONNECT THE MAJOR ASEAN LAND TRANSPORT / HIGHWAYS / CORRIDORS

63. The Meeting recalled that the 11th ASEAN Land Transport Working Group (LTWG) on 3-4 May 2006 in Yangon, Myanmar, had requested all Member Countries to seek domestic consultation with their respective Maritime Transport Authority/Department on this Indonesia's proposal. The 11th LTWG also suggested Indonesia to table its proposal through its relevant focal points, at the 12th ASEAN MTWG Meeting. The Meeting also recalled that the 12th MTWG Meeting agreed to study this TOR further and to discuss this matter at the 13th MTWG Meeting in 2007.

64. The Meeting noted that only Brunei Darussalam had provided their comments to Indonesia on this draft TOR of the Study for the Development and Intra-ASEAN Ferry Links to connect the major ASEAN Land Transport/Highways/Corridors.

65. Noting that similarity in content between this proposed study with the existing BIMP-EAGA cooperation to build sea-linkages, the Meeting requested Indonesia to consider leveraging this proposed study as part of the implementation of the BIMP-EAGA maritime transport framework to promote EAGA seaborne trade and tourism. In this regard, Indonesia will undertake domestic consultation on this proposal and to provide an update at the next MTWG Meeting.

AGENDA ITEM 15: DATE AND VENUE OF THE NEXT MEETING

66. The Meeting agreed to convene the 14th ASEAN Maritime Transport Working Group Meeting in Bangkok in August 2007. Thailand will convey to the ASEAN Member Countries the exact date and venue of the next meeting, through the ASEAN Secretariat, in due course.

AGENDA ITEM 16: CONSIDERATION AND ADOPTION OF THE REPORT

67. The Meeting considered and adopted the Report of the Thirteenth ASEAN Maritime Transport Working Group Meeting held in Bangkok, Thailand on 10-12 May 2007.

ACKNOWLEDGEMENT

The Meeting expressed their sincere appreciation to the Royal Thai Government and people of the Kingdom of Thailand for the warm hospitality accorded to the delegations and the excellent arrangements made for the Meeting.

The Meeting also thanked the ASEAN Secretariat for the technical assistance rendered.

The Meeting was held in the traditional spirit of ASEAN cordiality and solidarity.

