

Co-Chairs' Summary Report

The First ASEAN Regional Forum Inter-Sessional Meeting on Maritime Security

Surabaya, Indonesia, 5-6 March 2009

Introduction

1. Pursuant to the decision of the 15th Ministerial Meeting of the ASEAN Regional Forum (ARF) held in Singapore on 24 July 2008, the first meeting of the ARF Inter-Sessional Meeting on Maritime Security (ARF ISM MS) was held in Surabaya, Indonesia on 5-6 March 2009. The Meeting was co-chaired by Ambassador T.M. Hamzah Thayeb from Indonesia, H.E. Masafumi Ishii from Japan, and Air Commodore Peter Stockwell from New Zealand.
2. The Meeting was attended by representatives from all ARF participating countries and the ARF Unit from the ASEAN Secretariat; Mongolia and the Democratic People's of Republic Korea were not present. The Meeting was also attended by Captain Hartmut Hesse from the International Maritime Organization (IMO), Prof. Robert Beckman from the National University of Singapore (NUS), Prof. Hasjim Djalal, expert of international law of the sea and Ms. Joanna Mossop, Senior Lecturer from Victoria University in Wellington. The List of Delegates appears as **ANNEX 1**.

Agenda Item 1: Opening Session

3. H.E. Masafumi Ishii, the Japanese Co-Chair expressed that ARF has already done many things in maritime security area and based on that we need to advance our discussion and cooperation. He noted that it would be more challenging to take initiatives as a regional body and mindful of initiatives undertaken in other frameworks. He hoped that the Meeting would result in important outcomes for ARF participants.
4. The New Zealand Co-Chair, Air Commodore Peter Stockwell commented that there have been a number of ARF activities on maritime security but momentum has not been maintained. In this regard, the ISM-MS is very timely. The maritime security agenda now includes non-traditional security issues including drug trafficking, sea piracy, that require multi-agency strategies that ARF could facilitate. He pointed out that 98% of New Zealand trade depends on sea transport, therefore the ocean is the strategic issue of the economic life of the country. Information sharing is key to attain maritime domain awareness. New Zealand noted a number of existing maritime security cooperation organizations in the region including the Western Pacific Naval Symposium (WPNS), Five Power Defense Arrangement and Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) Information Sharing Center (ISC). Effective regional frameworks are necessary to address security challenges and to maintain links between maritime security forces. He underlined lack of political will, lack of trust, and lack of national resources in terms of funding, skilled personnel, and information technology as challenges to this effort. The opening remarks from the New Zealand Co-Chair appear as **ANNEX 2**.
5. The Indonesian ARF SOM Leader H.E. T.M. Hamzah Thayeb opened the meeting by welcoming participants to the First ARF ISM-MS and thanking Japan and New Zealand for co-chairing and co-hosting the meeting. He also presented an overview of issues to

be discussed in this meeting. He recalled that maritime security issue has been discussed in the ARF since 2003, particularly pursuant to the adoption of the ARF Statement on Cooperation against Piracy and Other Threats to Maritime Security during the 10th ARF. He expressed the hope that the Meeting could deliberate on the issues of capacity building, training and information sharing. He stressed that Indonesia is committed to contribute to the international cooperation in maritime security. The opening remarks from the Indonesian Co-Chair appear as **ANNEX 3**.

6. The keynote speech was delivered by H.E. Ambassador Ms. Artauli R.M.P. Tobing, Head of Policy Analysis and Development Agency of the Department of Foreign Affairs of the Republic of Indonesia, on behalf of the Minister for Foreign Affairs of the Republic of Indonesia. In her address, she presented Indonesia's perspective on maritime security aimed at promoting mutual understanding and enhancing concrete and practical cooperation. She stated further that there is a need for close cooperation among States to tackle the challenges of maritime security issues based on the 1982 United Nations Convention on the Law of the Sea (UNCLOS) as the legal framework for action. She concluded her keynote speech stressing that the First ARF ISM-MS should be able to provide means to foster constructive dialogue and consultation on political and security issues of common interest and concern, and to make significant contributions towards confidence-building and preventive diplomacy in the Asia-Pacific region. The keynote speech appears as **ANNEX 4**.

Agenda Item 2: Adoption of Agenda

7. The Meeting considered and adopted the Agenda which appears as **ANNEX 5**.

Agenda Item 3: Review of previous discussion on maritime security issues in the ARF, existing bilateral and plurilateral cooperation to address these issues, and major related events that have taken place in the region.

8. The Meeting took note of the various maritime security initiatives in the region including the joint activities conducted at bilateral and multilateral levels among the ARF participants. These activities played an important part in promoting confidence building, capacity and transparency, enhancing mutual understanding and reducing misunderstanding and misperception among the countries. The Co-chairs briefed the meeting on the previous activities and discussions on maritime security issues in the ARF. In this regard, the Co-chairs considered the results of ARF Roundtable Discussion on the Stocktaking of the Maritime Security Issues held in Bali in 2007. This previous meeting was acknowledged as the starting point of the establishment of ARF ISM-MS.
9. The Chinese delegation informed the meeting on maritime security cooperation with foreign navies, which involves security dialogues and consultations; ship visits to a number of countries, joint maritime exercises with other navies, bilaterally as well as multilaterally. China also reported that in line with UN Security Council's resolution, the PLA Navy dispatched 3 ships to Somalia in December 2008 which was considered a concrete measure to the active participation from the Chinese military towards maintaining international and regional peace and security. His briefing appears as **ANNEX 6**.
10. Canada briefed the meeting on its contribution to maritime security in the Asia-Pacific region, making note of this region's critical importance to Canada. They advised that the WPNS Maritime Security Challenges Seminar 2010 will be held between 25 April and 1 May 2010 in Victoria, B.C. They noted that 2010 is also the 100th anniversary of the

Canadian Navy, and that an international Fleet Review will occur in June of that year. The presentation also highlighted the role of Maritime Forces Pacific (MARPAF) in leading Canada's contribution to maritime security in the Asia-Pacific region. His presentation appears as **ANNEX 7**.

11. The Indian delegation recalled on ARF previous activities discussing maritime security issues. India took note that discussions on maritime security were first initiated at the meeting of specialist officials in Honolulu in 1998 and during the workshop on anti piracy in Mumbai, India in 2000. India's presentation appears as **ANNEX 8**.
12. Singapore highlighted the situation in the Straits of Malacca and Singapore, noting that the security of international sea lanes is vital to all countries that depended on international trade for their lifeline. Singapore highlighted that it would be deploying a Landing Ship Tank with Two Super Puma helicopters to work with the Combined Task Force 151 in the Gulf of Aden. Singapore would continue to work with littoral States in joint maritime sea and air patrol under the ambit of the Malacca Strait Patrol (MSP). The Meeting took note of the decreasing number of incidents in the Straits area from 21 incidents in 2004 to 6 incidents in 2008, and that the Straits of Malacca and Singapore had been removed from the Lloyd's List of war risk areas. The Meeting welcomed Thailand's participation in MSP. While highlighting the importance of ARF's partners participation in securing the Straits of Malacca and Singapore, the Meeting reiterated that such maritime security cooperation could be on the basis of the following three principles, namely: 1) primary responsibility of the security in the Straits of Malacca and Singapore lies with littoral states; 2) the role that the international community, agencies such as the IMO and major user States can play; 3) the efforts of securing the Straits of Malacca and Singapore are subject to international law, and should be respectful of the littoral State's sovereignty. Referring to China's intervention that joint exercises were a useful confidence building mechanism, and as noted in the ARF ISM-MS Concept Paper, Singapore hoped that the ARF would work towards a joint training exercise, subject to the consent of all coastal States.
13. Thailand informed the meeting about its perspective on maritime security, organizational structure of responsible agencies, and new developments, including the formulation of a new National Maritime Security Policy (2010-2014) and the feasibility study of establishing a coast guard. It also briefed the meeting about bilateral and regional cooperation which includes capacity building, joint exercises and coordinated patrols, as well as maritime security issues of concern, including piracy, drugs and arms smuggling, human trafficking, terrorism, environmental protection and coastal management. Thailand suggested that many of these issues converged with other speakers and those compiled by the ARF Unit from previous seminars and workshops and could form the basis for common perceptions on and common approaches to maritime security. He hoped that this First ARF IMS-MS could submit a focused report to the forthcoming ARF Ministerial Meeting to be held in Thailand in July 2009 along with recommendations for the way forward for consideration.
14. Sri Lanka briefed the meeting on its Navy's experience "Asymmetrical Threats" in maritime security in 2008/2009. The delegation indicated the Navy's willingness to share their hard-earned experiences to keep Sea Lines of Communications (SLOC) safe for all. Its presentation appears in **ANNEX 9**. In addition to Sri Lanka's briefing, the representative of Pakistan highlighted Pakistan's contribution towards maritime security. He mentioned participation in combined Task Force 150 by a Frigate and helicopter since 2005 including command of combined Task Force 150 twice. He also mentioned holding of International Maritime Exercise in Amman and Seminar held in March 2007 and another exercise and seminar on 5-15 March 2009 at Karachi, Pakistan. Pakistan also plans to participate by providing a ship to the combined Task Force 151. Sri Lanka offered its expertise in addressing maritime terrorism to the participating countries of the ARF.

Agenda Item 4: Building Common Perceptions on Threats and Challenges in Maritime Security

First Sub-Topic: Piracy and Armed Robbery at Sea

15. Representative from the IMO, Capt. Hartmut G. Hesse, delivered a presentation regarding IMO's effort to enhance maritime safety and security based on the provisions stipulated by the UNCLOS. His presentation appears as **ANNEX 10**. He provided that IMO has taken special measures to enhance maritime security, based on the implementation of the 1974 International Convention for the Safety of Life at Sea (SOLAS), specifically Chapter XI-2 regarding Special Measures to Enhance Maritime Security. The implementation of the said Chapter has established the International Ship and Port Facility Security (ISPS) Code with the purpose of providing a standardized and consistent framework for evaluating risk, enabling Governments to offset changes in threat with changes in vulnerability for ships and port facilities through determination of appropriate sea levels and corresponding security measures. He also addressed the situation in several regions of concern which poses a transnational problem requiring international effort. In this regard, IMO has supported several regional meetings to address this issue and provided a Draft Regional Agreement for reference as contained in the IMO Circular Document (MSC/Circ.622/Rev.1, Annex 5) of 16 June 1999.
16. Prof. Robert Beckman from the Faculty of Law, National University of Singapore delivered a presentation on the significance to Asia's cooperative measures to combat piracy and armed robbery at sea off the coast of Somalia. His presentation appears as **ANNEX 11**. He pointed out that with regard to illegal activities at sea, the 1982 UNCLOS has provided a clear legal framework setting out which States have jurisdiction over it. In general, all States have the duty to cooperate in the repression of piracy, which includes the right to seize pirate ships and arrest the perpetrators on board, without prejudice to the jurisdiction of the flag State. There is also an exception of such repressive acts where the piracy provisions in UNCLOS do not apply to attacks on ships in areas under the sovereignty of coastal States or ports, internal waters, territorial seas, and archipelagic waters. In the case of the situation in Somalia and the Gulf of Aden, he stated that it is a special and unique case and there are no significance to the efforts of curbing such criminal acts by Indonesia, Malaysia, and Singapore in the Straits of Malacca considering that in the case of Somalia, there exists a total breakdown of law and order and lack of capacity of its current government.
17. The representative of the European Union delivered a presentation regarding EU's challenges with regard to freedom of navigation which includes efforts to curb the acts of piracy and armed robbery at sea. His presentation appears as **ANNEX 12**. He stated that the issue of piracy, armed robbery and other forms of organized crime at sea are of great concern to the EU considering the threat that they pose to the safety of navigation and the safe passage for maritime transportation. Therefore, there is need to work together to enhance the implementation of international law through an international cooperation. He presented EU naval operation ATALANTA to fight piracy off the coasts of Somalia in support of the UN Security Council Resolution 1846 (2008). He stressed the various tasks ranging from protection of humanitarian aid and vulnerable shipping to disruption of piracy. He expressed the comprehensive legal framework for this operation and highlighted the fact that all participating States would benefit from it.
18. The representative of Malaysia delivered a presentation regarding the realistic measures in tackling piracy and armed robbery at sea. His presentation appears as **ANNEX 13**. In general, his presentation provided an insight into the nature of piracy and armed robbery in Southeast Asia and also provided a way forward in areas of national and regional cooperation. He stated that the efforts to suppress piracy and armed

robbery require multi-pronged and multi-dimensional approaches at the national, regional and international levels. States should work together toward cooperative strategies through regional agreements.

19. The representative of the Republic of Korea delivered a presentation on the situation and trends of piracy in the world. His presentation appears as **ANNEX 14**. He mentioned that piracy is one of the most pressing challenges which require collective response and coordinated action to tackle the evolving characteristics of piracy. Therefore, there is a need for a comprehensive approach through a combination of enforcement and soft approaches at the regional and international levels. These approaches include, among others, capacity building assistance to strengthen law enforcement capability, to work closely with international organizations, in particular the IMO, and the need to enhance cooperation through a holistic approach in strengthening state capacity and also development assistance. There is also the need for regional cooperation to provide the means for sharing information, such as ReCAAP.
20. Throughout the deliberation of this agenda, several participants have made interventions and comments. On the issue of piracy off the coast of Somalia, Japan intervened and expressed that piracy is viewed as a threat to their national security and that in the case of Somalia, it is considered as a serious international issue that would affect the world's shipping activities and explained their measures against piracy off the coast of Somalia. Singapore mentioned that ReCAAP had been held up by the IMO as a model of inter-governmental cooperation against piracy that other regions could emulate, particularly at the recent Djibouti meeting, to address the piracy situation off the coast of Somalia. Singapore also expressed that ReCAAP is an important platform for regional anti-piracy cooperation.

Second Sub-topic: Transnational Organized Crimes at Sea

21. Ms. Joanna Mossop, Senior Lecturer, School of Law, Victoria University, New Zealand, delivered a presentation regarding the extent of transnational crimes at sea. Her presentation appears as **ANNEX 15**. She outlined the concept of maritime security and illustrated that transnational crimes at sea addressed a variety of activities including piracy, terrorism, smuggling of drugs, arms and people, and environmental crimes. She emphasized the inter-related nature of transnational crimes at sea. She also emphasized the need to have an arrangement among states to enhance their capabilities to detect, intercept, and prosecute transnational crimes at sea. She mentioned the importance of ensuring consistent ratification of all relevant international agreements. These include the major transnational crime agreements as well as UNCLOS and the Suppression of Unlawful Acts (SUA) Convention. She posed four questions for ARF consideration: is there sufficient information to allow full understanding of the problem; do states have domestic arrangement in place to allow detection, interception and prosecution of offences; are there sufficient cooperative efforts; and what domestic and international law gaps exist at present.
22. The representatives of Australia delivered presentations regarding crime at sea, specifically concerning small craft importations of illicit commodities, along with other trans-national organized crime that has become major concern to Australia i.e. people smuggling, illegal fishing, counter terrorism, and drug trafficking. Their presentations appear as **ANNEX 16** and **ANNEX 17**. Such illegal acts include transshipment of goods at sea where small craft methodology are considered more appealing than other importation methods. Therefore, there is need for close partnership among related agencies between countries in terms of law enforcement in combating these particular issues.

23. Throughout the deliberation of this agenda, several participants have made interventions and comments. Indonesia expressed its concern that the issue of transnational organized crime has become a strategic and priority concern for states in the field of enforcing its maritime security policy, and requiring a comprehensive approach both for national coordination and the global outlook policy that supports the cooperative efforts. Indonesia further stated that countries should work together to also include the issue of illegal logging and illegal fishing as serious crimes under the framework of the United Nations Convention on Transnational Organized Crime (UNTOC) due to the adverse impact they pose. In this regard, Indonesia recommended and urged participating countries of the ARF to seriously consider within its own national capacity to accede to the UNTOC at its pace comfortable to them.

Third sub-topic: Maritime Activities in the EEZ

24. Prof. DR. Hasjim Djalal, Special Advisor to the Chief of Staff of the Indonesian Navy, Professor of International Law, delivered a presentation regarding the guidelines for military and intelligence gathering activities in the exclusive economic zone (EEZ) and their means and manner of implementation and enforcement. He urged participants to look into his paper containing 14-point to accommodate the rights and duties of States, to create confidence building process between coastal States and user States, and also to contribute to the effective management of peaceful uses of the ocean. These non-binding guidelines do not reject the element of freedom of navigation per se, as it merely tries to accommodate the differences in interpreting the EEZ where some countries prefer to "territorialize the EEZ" while others prefer to "internationalize the EEZ".
25. Throughout the deliberation of this agenda, several participants have provided interventions and comments. Japan also expressed their view that freedom of navigation is the basic value of the international society and a careful consideration would be necessary on the discussion of the rights of coastal countries in the EEZ, and that confidence building between coastal countries and others is important. Singapore stated that as a maritime nation it shared Japan's concerns about any erosion of the principle of freedom of navigation in EEZs under UNCLOS, as stated in the letter from its ARF SOM Leader to all ARF SOM Leaders dated 5 May 2006. Singapore pointed out that freedom of navigation under UNCLOS includes the right of passage of military vessels and the right to conduct military exercises in the EEZ. This position was seconded by USA. Indonesia expressed that the EEZ regime was historically designated to accommodate the economic interest of coastal States and that every activities conducted therein shall respect the sovereign rights of the coastal State concerned.

Agenda 5: Building Common Steps to Address Issues of Common Concern on Maritime Security

First Sub-Topic: Inter-agencies Cooperation

26. The panelist, Mr. Richard Davies, Manager of National Maritime Coordination Center (NMCC) in New Zealand, delivered a presentation on the NMCC as a form of inter-agency cooperation appropriate for New Zealand. The presentation covered New Zealand's security management arrangements, core agencies which are part of the NMCC, and its method of operation. The presentation appears as **ANNEX 18**.

27. The Meeting discussed about multi-agency coordination in addressing maritime security in order to enhance strategies to resolve the current maritime security threats. Some participants highlighted the issue of trust among the agencies involved. The Meeting took note of the existing multi-agency activities undertaken under bilateral and multilateral arrangements. Several countries delivered their presentation on these issues.
28. The following presentations were delivered under this agenda item:
 - a. Papua New Guinea, appears as **ANNEX 19**
 - b. The European Union, appears as **ANNEX 20**
 - c. Australia, appears as **ANNEX 21**
 - d. USA, appears as **ANNEX 22**
 - e. The Philippines, appears as **ANNEX 23**
 - f. Timor-Leste.
29. Indonesia suggested the importance of sharing of best practices in inter-agency cooperation domestically, with emphasis on the role of the Indonesian coordinating board for marine safety. Indonesia also related the inter-agency cooperation with the need for capacity building among the ARF participants. The Meeting took note on Japan's proposal to develop a reference paper containing best experiences and lessons learnt of maritime security issues. Timor-Leste stressed the commitment to establish cooperation in maritime security and to build common step to address maritime security threats.

Second Sub-Topic: Strengthening Capacity Building

30. Japan represented by H.E. Masafumi Ishii, as the lead discussant under this agenda, delivered the importance to enhance capacity building in maritime security with the purpose of resolving the threats and challenge in maritime security, particularly piracy and armed robbery. He stressed that the capacity building in maritime security can be in the form of information exchange, mutual cooperation, and technical cooperation and meetings of experts. He also mentioned several forms of capacity building between Japan and several countries in Southeast Asia. The presentation appears as **ANNEX 24**.
31. Indonesia recognized the gap in identifying common concerns. In this regard, there should be an assessment through bilateral and multilateral cooperation. Indonesia suggested closer cooperation with stakeholders to build common understanding.
32. Malaysia delivered the presentation on the need to strengthen capacity building due to the lack of interoperability, lack of technology, lack of knowledge, lack of funding, and lack of capability. He also mentioned on the entities requiring capacity building, which involves the policy maker, the defence force, the maritime law enforcement agencies, including the government and society. The presentation appears as **ANNEX 25**.
33. The meeting took note on Australia's interest to register to become ReCAAP external participant and noted that it had informed ReCAAP members and the ReCAAP Information Sharing Center of its bid. The Meeting noted on Thailand's suggestion to invite Track II institutions such as the Council for Security Cooperation in the Asia Pacific (CSCAP) and other stakeholders including private sector representatives to the future development of ARF ISM on MS.

Agenda 6: Other Matters

34. Indonesia briefed on the next International Fleet Review which will be held in Bitung, North Sulawesi Province from 12-20 August 2009. This event comprises maritime-related activities which includes, among others, yacht race, sailing pass, tall-ship parade, admiral dinner, city parade, and other social programs. A seminar on the impacts of maritime security and illegal, unregulated, unreported fishing will also be convened during this event. Indonesia also briefed the participants on the Western Pacific Naval Symposium's activity calendar of 2009. The presentation appears as **ANNEX 26**.
35. Indonesia briefed the meeting on the upcoming meeting of the Asian Heads of Coast Guard Agencies (HACGAM) held in Bali on 28-30 July 2009. The main agenda for this upcoming meeting is to promote mutual cooperation in maritime search and rescue through collaborative efforts including, but not limited to: mutual visits between search and rescue personnel, conducting joint exercises, enhancing the use of ship reporting systems, developing search and rescue procedures, techniques, equipment, and facilities, and provisions of services in support of search and rescue operations. The presentation appears as **ANNEX 27**.
36. The Government of the Republic of Indonesia will be hosting the World Ocean Conference in Manado, North Sulawesi Province from 11-14 May 2009. This event which will be hosted by the Minister for Marine Affairs and Fisheries of the Republic of Indonesia is expected to be attended by high-level government officials of the member States of the United Nations and representatives from relevant international organizations to mainstream ocean considerations into existing climate change process. The expected outcome of this event is the Manado Ocean Declaration which will express the political support to address the effect of climate change to the state of the world's ocean. This Declaration is a non-binding instrument which will set principles and values, and also become a triggering policy. The presentation appears as **ANNEX 28**.
37. The First Summit of the Coral Triangle Initiative (CTI) will be held on the 15 May 2009, back-to-back with the World Ocean Conference. This event was established as the outcome of the APEC Leaders Declaration in Sydney 2007. It will be attended by the leaders of the 6 CTI Countries (Indonesia, Malaysia, Papua New Guinea, the Philippines, Solomon Islands, and Timor-Leste), and also expected to be attended by high-level official of the partner states, namely Australia and the United States of America. The main purpose of this event is to promote the protection of coral reefs and its related living resources in waters within national jurisdiction of each respective country without prejudice to their sovereignty and sovereign rights. The presentation appears as **ANNEX 29**.
38. New Zealand briefed on the proposal for ARF participants to update the national focal points contact list (an outcome of the ARF Roundtable Discussion on Stocktaking Maritime Security Issues held in Bali 2007) by providing contact details of national agencies involved in maritime security. An updated contact list will provide an important networking tool. ARF participants were invited to forward their responses to the ARF unit by 1 May 2009. The form of national focal points appears as **ANNEX 30**.
39. ARF participating countries visited Indonesian Eastern Naval Command which was hosted by the Eastern Naval Commander of the Indonesian Navy. The Commander noted in his presentation that the global economic crisis could lead to political instability and an increase in the number of security incidents around the world.

Conclusions and Recommendations

40. The Meeting discussed maritime security issues, including piracy and armed robbery at sea, trans-national organized crimes at sea, maritime activities in the EEZ, inter-agencies cooperation, and strengthening capacity building. Representatives from 25 ARF participating countries actively participated in the discussion, made presentations, and engaged in a dialogue with the experts.
41. The Concept of maritime security is a vast and diverse one which spans from conventional maritime security issues, like state sovereignty concerns, territorial disputes, to a more non-traditional maritime security issues, such as piracy, terrorism, smuggling of drugs, people and goods. The meeting also discussed whether to include as well environmental and natural related crimes, such as pollution, illegal logging, and illegal fishing.
42. The Meeting agreed to use the outcomes of the previous ARF Roundtable Discussion on the Stocktaking of the Maritime Security Issues held in Bali, August 2007, as the basis to have a more focused discussion in the ARF ISM on Maritime Security, particularly documents “Stocktaking of ARF Decisions and Recommendations on Maritime Security Issues” and “Matrix of Progress ARF Discussion on Maritime Security Issues”, and to consider the recurrent themes in the Matrix to be used as priority issues in advancing the ARF process in maritime security. Future effort could be concentrated on prioritizing the 10 issues in the matrix using a risk assessment process. This will result in a clear work plan for future effort. In this regard, Indonesia will take the initiative to merge and to update the two documents into one to be considered as a living document and to be further discussed by the three Co-Chairs at the margin of the coming ARF ISG on Confidence Building Measures and Preventive Diplomacy.
43. To consider the possibility to develop a work plan of the ARF ISM-MS based on the updated and revised document as stated in paragraph 42 with a possible draft work plan circulated prior to the next ISM-MS in New Zealand in 2010. The possibilities of duplication of works should therefore be avoided, acknowledging the existing ARF-ISM on Counter-Terrorism and Trans-National Crimes/ISM-CTTC and the ARF-ISM on Disaster Relief/ISM-DR with their respective work plan and programs. The Meeting agreed to request the ARF Unit of the ASEAN Secretariat to prepare the information paper on this subject.
44. To ensure that sound legal foundations exist to underpin the prosecution of maritime security offences, it is important to consider studying the current national legal framework in accordance with international laws and treaties relevant to maritime security issues, which include:
 - a. Identifying the gaps in legal regimes, including implementing international conventions;
 - b. Reviewing national legislation to strengthen law enforcement capabilities and working toward the ratification of relevant international legal instruments;
 - c. Seeking agreement on definitions of key maritime security concepts.

In this regard, it is agreed that New Zealand will further develop the list of table of ratification of treaties of the ARF Participants relating to transnational crime and

encourage other ARF countries to join the effort with the aim at discussing them at the next ARF ISM-MS.

45. To request the ARF Unit to update and to improve the existing database of ARF Contact Points for Maritime Security and to combine it with the list of maritime training centers that exist in the region with their respective focal points and their existing related programs. The new revised database is expected to be completed before ARF SOM tentatively in May 2009.
46. To welcome the Japanese proposal to develop a reference paper containing good/positive experiences and lessons learned on maritime security, including those related with piracy and armed robbery at sea in Southeast Asia. The said reference paper is expected to be prepared in time for endorsement by the ARF MM in July 2011.
47. To welcome Indonesia's recommendation on more capacity building programs and sharing best practices, either bilaterally or plurilaterally, to address the challenges of inter-agency cooperation and coordination in maritime security both at the national level and at the regional level. Indonesia and the US agreed to explore the possibility to conduct a workshop on this important issue in 2010, subject to approval by the ARF MM in July 2009. In this regard, the concept paper of the proposal is expected to be submitted at the ARF ISG on Confidence Building Measures and Preventive Diplomacy in Seoul, Republic of Korea, April 2009.
48. To consider, where appropriate, engagement with other relevant stakeholders of maritime security, including track-two institutions, such as the Council for Security Cooperation in the Asia Pacific (CSCAP), and the possibility to invite private sector representatives, such as shipping associations, companies, risk assessment agencies, and relevant non-governmental organizations. As the coming host, New Zealand will take the lead in engaging them to be active participants in the next ARF ISM-MS.

Agenda 7: Co-Chairs Summary Report

49. The Meeting considered and adopted the Co-Chairs' Summary Report

Agenda 8: Closing Session

50. The Co-Chairs thanked the participants for their active participation and views expressed in the open discussion, noting that themes and specifics discussed and tabled during the deliberations would further the process of cooperation in maritime security.
51. The participants expressed their gratitude to the Indonesia, Japan and New Zealand Co-Chairs for effective co-chairmanship. The Participants also thanked Indonesia as the host for the excellent arrangements for the meeting.
52. The Meeting welcomed New Zealand's intention to host the next meeting of ARF ISM MS in 2010 co-chaired by Indonesia, Japan and New Zealand. Further arrangements will be confirmed in due course.
