

**CO-CHAIRS' SUMMARY REPORT
8TH ASEAN REGIONAL FORUM
INTER-SESSIONAL MEETING ON MARITIME SECURITY**

Makati City, Philippines, 6-7 April 2016

INTRODUCTION

1. The Meeting was held at Dusit Thani Hotel, Makati City Philippines on 6-7 April 2016. The Meeting was co-chaired by the Philippines, Japan, and the United States of America and was attended by a total of 103 participants from ARF members. The list of participants appears in **ANNEX 1**.

AGENDA ITEM 1: OPENING SESSION

1.1. Adoption of the Agenda

2. The Meeting adopted the Agenda, which appears as **ANNEX 2**.

1.2. Business Arrangements

3. The Meeting was held in plenary. The Meeting adopted the Tentative Programme of Activities, which appears as **ANNEX 3**.

1.3. Opening Remarks by Co-Chairs

Ms. MARIA TERESA ALMOJUELA, Senior Special Assistant, Office of the Undersecretary for Policy, Department of Foreign Affairs, Philippines

4. Ms. Almojuela noted that the many cooperative initiatives to help secure the maritime domain from threats and challenges such as instability, piracy, transnational crimes, and environmental degradation, is key in sustaining the order in the seas and the stability of the region. She stated that the region continues to work together in improving the way it addresses these threats through interlinked and multi-level spheres of cooperation. She continued that the region aims for a coherent and collective framework of agreements and understanding, mechanisms, and practical arrangements that are guided by international law. She recalled the adoption of ASEAN Vision 2025 by ASEAN Member States Leaders in November 2015, including the Blueprint that devoted a number of action lines to the need for maintaining maritime security in the region. Further, ARF ministers emphasized the need to elevate ARF engagements to a more substantive and strategic direction. She noted that the 8th ARF-ISM on MS promises to enrich discussions and give ARF activities more flesh and fiber.

Mr. MATTHEW A. PALMER, Director, State Department, United States

5. Mr. Palmer noted that the participation of the different delegations demonstrates their recognition of shared interest, towards a secure maritime environment where all enjoy freedom of navigation, free flow of commerce, and where issues are resolved peacefully, in accordance with international law. These were important in addressing challenges such as transnational crimes, piracy, smuggling, human trafficking, illegal and unreported and unregulated fishing (IUUF), and marine environment degradation. He also noted that in 2015, ARF adopted the Statement on Strengthened Cooperation on Marine Environmental Protection and Conservation. The United States, the co-sponsor of the statement, affirmed its commitment to support ARF particularly in preventing and deterring IUUF. While the problem cannot be easily resolved, there is a need to act decisively and consistently to reduce IUUF.

Mr. YOSHIHIRO KATAYAMA, Director of Maritime Security Policy Division, Japan

6. Mr. Katayama emphasized that oceans and seas as global commons must be open for everyone to use; but at the same time, such use must be in accordance with relevant international law including the UNCLOS. He stressed that maintaining the seas as governed by the rule of law is in the interests of not only the ARF participants but also the entire international community.

7. He called on parties to continue to work closely for freedom and safety of navigation from the Indian Ocean to the Pacific Ocean. He expressed the hope that there would be “frank and constructive” exchange of opinions based on the ARF Work Plan on Maritime Security adopted last year.

AGENDA ITEM 2: COORDINATION, CONSULTATION, AND SYNERGY BETWEEN REGIONAL MARITIME-RELATED BODIES AND MECHANISMS

2.1. Maritime Security in the ASEAN Blueprint 2025

8. The ASEAN Secretariat presented an overview of the APSC Blueprint 2025, and described one of its four (4) characteristics that aims to realize a resilient community in a peaceful, secure and stable region, with enhanced capacity to respond effectively and in a timely manner to challenges for the common good of ASEAN, in accordance with the principle of comprehensive security.

9. The ASEAN Secretariat stressed that ASEAN should enhance maritime security and promote maritime cooperation in our region and beyond through the strengthening of ASEAN-led mechanisms and the adoption of internationally accepted maritime conventions and principles. It noted that action lines relevant to maritime security and cooperation in the APSC Blueprint 2025 can be found under the second characteristic of the APSC Blueprint 2025. Finally, the ASEAN Secretariat enumerated action lines on the following: a) comprehensive approach to security; b) maintain the South China Sea as a sea of peace, prosperity, and cooperation; c) promote maritime cooperation to comprehensively address maritime issues; d) ensure peaceful, safe, free and unimpeded international navigation and overflight, in accordance with international laws; and e) strengthen the ASEAN Regional Forum process in support

of the ASEAN Community. The presentation of the ASEAN Secretariat appears as **ANNEX 4**.

2.2. Outcome Briefings

2.2.1. 6th ASEAN Maritime Forum/4th Expanded Maritime Forum on 9-10 September 2015 in Manado, Indonesia

10. The Meeting discussed issues on maritime cooperation, marine resources, enhancement of maritime cooperation security in the South China Sea and the future direction of AMF. Indonesia pointed out that the AMF has the potential to address SCS issues.

2.2.2. ADMM-Plus Maritime Security Experts Working Group Meeting, 19-22 October 2015

11. Brunei presented a comprehensive report on the activities that have been undertaken by the ASEAN Defense Ministers Meeting-Plus (ADMM-Plus) Maritime Security Experts Working Group (EWG) since in 2014, with Brunei and New Zealand as co-chairs, in accordance with the 2014-2017 Work Plan, including the following:

(a) Counter Piracy-Workshop in Auckland, New Zealand in June 2014, where the concept paper on the ADMM-Plus EWG on Maritime Security Passage Exercise (PASSEX) Program was adopted. The Meeting also began discussions for the establishment of online courses on the ADMM-Plus Maritime Security Community Information-Sharing Portal (AMSCIP);

(b) 9th EWG on Maritime Security Meeting, back-to-back with Maritime Security Table Top Exercise (TTX) in Brunei, where the Field Training Exercise Standard Operating Procedures were reviewed. The TTX also produced suggestions to update vessel board, search and seizure (VBSS) procedures;

(c) 10th EWG on Maritime Security Meeting in Auckland, New Zealand in September 2015, where participants reaffirmed the importance of AMSCIP;

12. Brunei also reported on the highlights of the ADMM-Plus Maritime Security and Counter Terrorism Exercise: Middle Planning Conference 2015, which was hosted by Singapore in October 2015. Brunei reported that the conference detailed the exercise planning and reviewed assets contribution of participating countries. Two state visits to PasirRis Camp and to Changi Naval Base were included in the program of the conference. Finally, Brunei reported its hosting of the Maritime Security Field Training Exercise “Mahi Tangaraoa” in January 2016 – Initial Conference and mentioned that the final conference of Mahi Tangaraoa is tentatively set in May 2016 in Auckland, New Zealand. The presentation appears as **ANNEX 5**.

2.2.3. 30th ASEAN Maritime Transport Working Group Meeting, 2-4 September 2015, Phnom Penh, Cambodia

13. Cambodia briefed on the highlights of the Meeting including: (1) discussion on the draft ASEAN Transport Strategic Plan 2016–2025 and proposed goals and actions on maritime transport and sustainable transport cooperation for 2016–2025. It noted the concern raised by the Federation of ASEAN Ship-owners’ Associations (FASA)

about the rising number of reported piracy and armed robbery cases in the straits of Malacca and Singapore and the South China Sea; (2) discussion and adoption of the draft ASEAN-China Maritime Education and Training Development Strategy prepared by China, subject to the approval of the Senior Transport Officials Meeting; and (3) data collection and analysis of the current situation of the IWT have been conducted in Cambodia, Lao PDR, Myanmar, Thailand, and Viet Nam which included social and economic attributes, physical landforms, water transportation, navigation, water resources, environment, and laws and regulations.

2.2.4. ASEAN-EU High Level Dialogue on Maritime Security, 5-6 May 2015, Kuala Lumpur, Malaysia

14. Malaysia briefed that the Dialogue was divided into two sections, namely: (1) 5 sessions on regional frameworks and inter-agency cooperation on transnational organized crime (TOC), technology and information sharing, developing a rules-based regional regime for maritime cooperation, enhancing port security and capacity building, and best practices and recommendation; (2) a public forum. After the briefing, the EU mentioned that cooperation with international partners is one of the key goals of the EU maritime security strategy and reaffirmed its commitment to continue its work through the HLD. The Philippines mentioned its commitment to host the 4th ASEAN-EU High Level Dialogue on Maritime Security in 2017. EU welcomed this initiative and informed the Meeting that the 3rd HLD will be hosted in 2016, in partnership with Thailand.

2.2.5. First Meeting of the CSCAP Study Group on Marine Environment Protection, 4-5 April 2016, Manila, Philippines

15. The Philippines briefed on some highlights of the Meeting including: 1) an affirmation of the extensive wealth of biodiversity in the Asia-Pacific region particularly in the Coral Triangle and the South China Sea; 2) a warning about the state of the marine environment in the region, with the corals and fish stocks being severely threatened by unsustainable practices; 3) a recognition that while several mechanisms on marine environment protection exist, these are largely uncoordinated, not legally binding, and/or not properly implemented. The Meeting put forward preliminary ideas and noted the need for countries to focus on emerging problems such as the environmental impact of deep sea bed mining and exploitation of hydrocarbon resources. It also emphasized how challenges to the marine environment and the failure of governments and other stakeholders to cooperate can have far-reaching implications for human security, food security, environment security, and traditional security and the fact that the issue should be taken seriously and steadfastly by all stakeholders. It reported that the second Meeting of the Study Group will be held in September 2016 in Qingdao, China.

2.2.6. 1st Regional Training on Code for Unplanned Encounters at Sea (CUES), 22-23 March 2016, Cyberjaya, Malaysia

16. Malaysia reported that the 1st Regional Training on the Code for Unplanned Encounters at Sea was facilitated by the Maritime Institute of Malaysia (MIMA). Representatives from the navies and maritime law agencies of several ASEAN

countries participated in the training. The objectives of the training were: to expose relevant stakeholders to the CUES; to provide a better theoretical understanding of CUES; to provide a suitable environment to assess actions based on the CUES; and to offer a better training option as compared with deploying real assets for field exercises in the South China Sea. Participants made the following observations after the training:

- a) Communication procedures vary across countries
- b) Lack of knowledge of other countries' SOP
- c) Language barrier in CUES
- d) Lack of knowledge of international law can lead to misunderstanding and misperception
- e) Multilateral interagency cooperation is more challenging among coast guards than among navies.

The presentation appears as **ANNEX 6**.

AGENDA ITEM 3: EXCHANGE OF VIEWS

17. The Meeting expressed strong support for and commitment to ARF activities aimed at enhancing maritime security in the Asia Pacific region. Further, it noted the view that the goal of the ISM is to find ways to secure peace and stability in the region and minimize illegal activities at sea. Members made various suggestions to help enhance maritime security. Some members encouraged states to clarify their boundaries with neighboring countries according to international law; and show strong commitment to international treaties, conventions, and norms; while showing mutual respect.

18. The Meeting took note of serious concerns raised by some countries over increasing tensions in the South China Sea. The concerns include land reclamation activities, and the deployment of military assets to features in the disputed areas. The Meeting noted that these actions have further eroded trust and confidence, jeopardized freedom of navigation and overflight, and threatened international trade. A concern was also raised over the decision of one party to resort to arbitration. The Meeting noted that all states have a right under international law to freedom of navigation and overflight, including in the South China Sea. Serious concerns were also expressed over the destruction of the marine environment as a result of certain activities in the disputed areas.

19. In view of these, the Meeting called on all countries concerned to refrain from provocative actions that could escalate tension and uncertainty, to exercise self-restraint, and to refrain from the threat or use of force. The Meeting reiterated the importance of halting militarization in the South China Sea, fully complying with the Declaration on the Conduct of Parties in the South China Sea (DOC) and fully respecting legal and diplomatic processes. The Meeting affirmed its support for a rules-based maritime regime that adheres to peaceful means to manage and resolve disputes including arbitration. The Meeting took note of calls by some countries for parties to the disputes to clarify the legal basis of their claims. Several members noted that the Arbitral Tribunal has affirmed that its decision will be legally binding. The

Meeting also took note of calls by some countries for the parties to refrain from activities which change the status quo. The Meeting took note of the progress on the discussions on the full and effective implementation of the Declaration on the Conduct of Parties in the South China Sea (DOC), and called for the early conclusion of a Code of Conduct.

20. The Meeting also noted the serious concerns expressed by some participating countries on DPRK's nuclear tests and ballistic missiles launches, which constituted clear violations of relevant UN Security Council Resolutions and seriously undermined the peace and security of the international community. The Meeting reaffirmed the importance of implementation of relevant UN Security Council Resolutions.

21. On non-traditional security issues, the Meeting expressed concerns about the need to keep maritime borders safe and secure from threats, including Trafficking in Persons, illicit trade of wildlife, piracy and armed robbery at sea, and other transboundary and transnational crimes.

22. Further, the Meeting emphasized the growing discussion on the nexus between environment and security issues. It acknowledged that illegal, unregulated, and unreported fishing (IUUF) is one of the biggest threats to the maritime domain and that IUUF adversely affects economic and food security and livelihood of communities in the littoral countries around the South China Sea. It noted the need for the ARF to look at the proposal to address the threats posed by IUU fishing.

AGENDA ITEM 4: THEMATIC DISCUSSIONS

4.1. Marine Environment and Sustainable Development

4.1.1 Marine Environmental Governance in Southeast Asia: A Review of Status and Gaps by Dr. Yuona Le Berre Lemaire-Lyons

23. Dr. Lyons discussed the existing rules and laws that pertain to marine environmental protection and clarified that the treaties are all focused on protection and do not include any adequate restrictive measures. The presentation appears as **ANNEX 7.**

4.1.2. Migratory Species of Wild Animals: Addressing Threats to Marine Biodiversity by Mr. Bert Lenten, Deputy Executive Secretary, Convention on the Convention of Migratory Species of Wild Animals (UNEP)

24. Mr. Lenten briefed the Meeting on the Convention of Migratory Species of Wild Animals (CMS). Among the challenges to its implementation are: 1) incidental catch in fisheries which is a leading cause of mortality for marine mammals and turtles; 2) unsustainable use of fisheries, illicit trade of marine species, and live capture of cetaceans such as dolphins; 3) underwater noise emanating from military sonar, shipping activities, seismic explorations and offshore industries; 4) marine debris; and

5) ship strikes to which whales and sharks are particularly vulnerable. The presentation appears as **ANNEX 8.**

4.1.3. Illegal Unreported and Unregulated (IUU) Fishing: The Philippine Experience by Atty. Annaliza Vitug, Chief of the Fisheries Regulatory and Quarantine Division, Bureau of Fisheries and Aquatic Resources (BFAR), Philippines

25. Atty. Vitug outlined the Philippines' efforts to combat IUU fishing, which includes legal and administrative reforms at the national-level, as well as accession to several related international agreements. She noted that BFAR also implemented modernization efforts on the licensing and tracking of vessels and has helped to improve the capacity of local government to monitor IUU activities in their respective areas. The presentation appears as **ANNEX 9.**

4.1.4. Cooperation on Marine Environment Protection: China and ASEAN, by Mr. Li Yangyang, Department of International Cooperation, State Oceanic Administration, China

26. Mr. Yangyang briefed the Meeting on the Marine Environment Protection Cooperation between ASEAN and China including the recent cooperative activities and great progress held in the last couple of years. He mentioned that political concerns and the lack of mutual trust affect cooperation among countries as well as the development of "concrete cooperative projects". He suggested that the way forward will be through the ASEAN-China Maritime Cooperation Fund, Strategic Plan on Construction of 21st Maritime Silk Road and The Framework Plan for International Cooperation in the South China Sea and its Adjacent Oceans (2016-2020). He concluded by sharing the areas where cooperation may be fostered, such as Marine and Climate Change, Marine Environment Protection, Prevention and Mitigation of Marine Disaster, Regional Oceanography and Marine Policy and Management. The presentation appears as **ANNEX 10.**

4.1.5. ASEAN Center for Biodiversity by Atty. Roberto V. Oliva, Executive Director of the ASEAN Center for Biodiversity

27. Atty. Roberto V. Oliva, Executive Director, ASEAN Centre for Biodiversity (ACB), gave a brief background and history of the ACB. He discussed the initiatives and current programs of the Centre. He also discussed the international funding support it receives for the implementation of its programs and expressed his gratitude to the countries who continue to support ACB. The presentation appears as **ANNEX 11.**

4.2. Safety of Navigation

4.2.1. Building Maritime Shared Awareness in Southeast Asia: Defining a Maritime Information Sharing Environment through Common Data Standards and Architectural Understanding by Mr. Frank Sisto, Technical Advisor, U.S.Department of State, United States

28. Mr. Sisto explained that information-sharing is building trust and successful information sharing activities are the result of operational, information, and technological understanding achieved through well-defined and routinely implemented processes. As an example, he cited the case of cooperation among participating states in the U.S. Department of Transportation maritime information-sharing projects, namely, the Maritime Safety and Security Information System (MSSIS) and APAN and SeaVision. He further stated that if states decide to initiate maritime shared information awareness activities, it is necessary for them to take small steps towards achieving maritime shared awareness. They should first agree on the basics such as mission, objectives, decisions, data, and constraints. They should also develop draft documents to review and discuss these documents, and not mere ideas. The presentation appears as **ANNEX 12.**

4.2.2. Norms of Navigation by Capt. Michael McArthur, Director of Sea Power Centre, Royal Australian Navy, Australia

29. Capt. McArthur discussed the norms of navigation and the new rule of Code for Unplanned Encounters at Sea (CUES). He emphasized that freedom of navigation in the high seas and the exclusive economic zone is enshrined in UNCLOS under Articles 87 (1)(a) and 58 respectively. In addition, UNCLOS provides the right of states to innocent passage in the territorial sea of coastal states. He explained that developing standards and rules requires more work for them to become embedded as norms in the way maritime security actors relate with each other. Capt. McArthur drew attention to the lack of available mechanisms to manage relations among the coast guards of the region. The presentation appears as **ANNEX 13.**

30. During the open forum, the Philippines inquired about how to transplant CUES into the operations of Coast Guard in order to inform the current discussions between ASEAN and China on how CUES can be adopted by their respective coast guards. The U.S. explained that for its Navy and Coast Guard, the CUES already addressed certain issues and there is no need to look for other forms. Viet Nam noted that discussions on adoption of CUES can be difficult due to its technical nature. Thailand stressed that trust and confidence are keys to successful maritime domain awareness (MDA) and that enhanced cooperation is vital to shared MDA in the region. Singapore explained that it seeks the expansion of CUES among ASEAN and China to include their coast guards because coast guards are the first responders at sea. Singapore informed the body that it is preparing the first draft of a CUES agreement for ASEAN and China and mentioned that it can be a good interim measure while the talks for a Code of Conduct are ongoing.

31. China emphasized that it values safety of navigation given that most of its trade passes through the sea. On the issue of application of CUES, China noted that it was adopted by the WPNS for the navies of the region. Coast guards are different in terms of their operations and procedures, thus, there might be uncertainty on whether or not CUES can be extended to coast guard vessels. China added that the region should not only be limited to CUES but must also be open to exploring other mechanisms and rules that may be more appropriate for coast guards.

4.2.3. Maritime Safety in South China Sea: China's Efforts and Experience by Mr. Huang Yanpin, Director, Strategy Research and Development Center, Maritime Safety Administration, China

32. Mr. Yanpin discussed China's hosting of the ARF Workshop on Green Shipping. He reported that China is among the ten lead pilot countries in the GloMEEP Project, formally designated "Transforming the Global Maritime Transport Industry towards a Low Carbon Future through Improved Energy Efficiency," by the IMO. Apart from these initiatives, China has been promoting maritime security through the Silk Road Economic Belt and 21st-century Maritime Silk Road initiative. He noted that China has pursued enhanced cooperation in maritime search and rescue through a memorandum of understanding with Indonesia and sand table exercises and a hotline platform with ASEAN. It has helped in capacity-building by undertaking a maritime training and education development strategy with ASEAN, as well as by organizing an aid to the Navigation Manager Course. He also shared with the Meeting China's planned cooperation initiatives for 2016. The presentation appears as **ANNEX 14**.

4.3. Maritime Security Issues

4.3.1. Government and Industry Cooperation in Addressing Piracy and Armed Robbery at Sea by Mr. Thomas Timlen, Special Adviser, ICC-International Maritime Bureau (IMB)

33. Mr. Timlen discussed how to strengthen industry cooperation in the region in addressing piracy and armed robbery at sea as well as relevant best practices and initiatives in the Asia Pacific. He explained that to strengthen the industry cooperation, there is a need to simplify the reporting process, e.g. by streamlining the categories of attack on ships, as well by improving the exchange of information between all stakeholders. He also reviewed the relevant best practices and initiatives in Asia. These include the implementation of the SOLAS International Ship and Port Facility Security (ISPS) Code and the establishment of ReCAAP ISC. Finally, he stressed that a global reporting mechanism would produce more accurate statistics and risk assessments, promote effective global reporting whilst facilitating local and regional response deployments. The presentation appears as **ANNEX 15**.

4.3.2. The EU's Comprehensive Approach in Response to Piracy in the Western Indian Ocean/ Horn of Africa by Mr. Thomas Wiersing, Policy Officer, European External Action Service

34. Mr. Wiersing stated that EU applies a comprehensive approach to promote maritime security in the Horn of Africa since 2008. The comprehensive approach entails targeting piracy and maritime crime directly and effectively addressing their on-shore roots by working on five different strands: (i) developmental assistance; (ii) diplomatic activity, e.g. the EU has appointed a special representative to and maintains delegations in the region; (iii) building of economic ties; (iv) promotion of international cooperation; (v) civilian and military programs. He also reported that as part of its comprehensive approach against piracy, the EU uses intelligence-focused operations, tactical strategies, and local-level engagements with Somali fishermen and Somali authorities. He emphasized that the EU maintains a close working relationship with the shipping industry.

4.3.3. Best Practices for Enhancing Maritime Security Cooperation

by Ms. Mary Fides A. Quintos, Senior Foreign Affairs Research Specialist, Foreign Service Institute, Philippines

35. Ms. Quintos' presentation explored possible cooperative management of the South China Sea by drawing lessons from other regions with enclosed or semi-enclosed seas, such as the Sea Surveillance Cooperation in the Baltic Sea (SUCBAS); the 1995 Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean; the Body on the Seas of East Asia (COBSEA) under the auspices of UN Environment Programme (UNEP); Arctic Council Task Force for Enhancing Scientific Cooperation; and the Antarctic Treaty . Three areas were discussed namely, information sharing, marine environment protection and marine scientific research. In her presentation, she stressed three points: a) multilateral cooperation in functional areas is the best way to ensure maritime security; b) cooperation is possible despite the existence of disputes; and c) cooperation in functional areas should not hinder states from seeking other approaches toward the final resolution of disputes, including through international courts, conciliations, negotiations, as provided by UNCLOS. The presentation appears as **ANNEX 16**.

4.3.4. Cooperation in Enclosed and Semi-Enclosed Seas: Art 123 and State Practice by Ms. Yan Yan, Deputy Director, Research Center for Ocean Law and Policy, National Institute for South China Sea Studies

36. Ms. Yan compared cooperation and collaboration between and amongst littoral states in the management of the Mediterranean Sea and the South China Sea and discussed their similarities and differences. She opined that the 1976 Barcelona Convention, the outcome of cooperation among littoral states around the Mediterranean Sea, has not been properly implemented and therefore, has not done a good job in protecting the Mediterranean Sea and its marine ecosystem from pollution. Looking at the South China Sea, Ms. Yan noted that the region has yet to see the results of the Declaration on the Conduct of Parties in the South China Sea (DOC) that ASEAN Member States and China signed in 2002, in the areas of transboundary marine cooperation and marine environment protection, due to the current disputes in the area.

4.3.5. Presentation on RECAAP by Dr. Suriya Chindawongse, Deputy Director-General, Department of ASEAN Affairs, Ministry of Foreign Affairs, Thailand

37. Dr. Chindawongse briefed the Meeting on the work of the Regional Cooperation Agreement on Combatting Piracy and Armed Robbery against Ships in Asia (RECAAP). He stated that RECAAP addresses the specific issue of piracy and armed robbery against ships. He also mentioned that RECAAP is the reflection of the unique nature of the Asia-Pacific in terms of the diversity of legal, political, and economic systems. This makes RECAAP a good model of cooperation based on realities of the diversity of the membership. He discussed that RECAAP is institutionalized through its information-sharing center, but it also has a very moderate, pragmatic approach and the budget is voluntary. He mentioned RECAAP's contributions in terms of concrete measures (e.g. arrest of criminals at sea, etc.), and pointed out that its success requires intense, voluntary, and close cooperation amongst the participating

or contracting parties. Lastly, he offered some insights, such as the need for increased prosecution of the various piracy and armed robbery cases, sharing of best practices in prosecution, and developing synergies with other information-sharing centers in the region.

38. The Japan Coast Guard also briefed the Meeting on their work: promoting maritime security, capacity-building of coast guard agencies in Asia, and joint exercises and training program for search and rescue and law enforcement every year.

AGENDA ITEM 5: ARF MARITIME SECURITY WORKPLAN

39. The Meeting noted the progress in the implementation of the existing Workplan. The Workplan appears as **ANNEX 17**.

AGENDA ITEM 6: OUTCOME OF PREVIOUS MARITIME SECURITY ACTIVITIES (2015-2016)

6.1. ARF Seminar on the Regional Confidence Building and the Law of the Sea, Tokyo, Japan, 3-4 December 2015

40. The Meeting brought together 70 participants from 22 ARF participating countries and a region including almost all the ASEAN member states, which underlined strong interests in the theme of the seminar. Some of the prominent scholars and leading practitioners of the law of the sea discussed how state practices and existing jurisprudence developed the international legal regime applicable to maritime areas pending delimitation, as well as the international legal regime for peaceful settlement of maritime disputes. At the Seminar, attention was also paid to the coordination with similar efforts by other countries. In this context, the Seminar featured a brief by Mr. Robert Harris of US State Department on the result of workshop in Jakarta in August 2015, which was co-hosted by the Asia Foundation and CSIS in Indonesia. The Meeting also introduced one of the best practices of maritime delimitation in the region. Ambassador Asuque of the Philippines introduced the seminar participants about the maritime delimitation talks between the Philippines and Indonesia. At the Meeting, the speakers and participants exchanged views on what role international law can play in regional confidence building and on how states could build capacity for negotiation in maritime delimitation. The presentation appears as **ANNEX 18**.

6.2. ARF WORKSHOP ON MARITIME RISKS MANAGEMENT AND COOPERATION, Beijing, China, 13-15 December 2015

41. The Meeting agreed that maritime security is important because of the diversity of marine resources contained in and the significant amount of trade passing through the region, especially the South China Sea. Participants emphasized that closer cooperation is needed to address maritime security issues such as natural disasters, piracy, smuggling, illegal fishing, and incidents at sea. In this regard, participants noted that

the ARF plays a crucial role. It also discussed that increased maritime awareness, transparency and coordination, information sharing, sea line communication, and weather systems accessibility might be needed to mitigate maritime risks.

6.3. ARF WORKSHOP ON MARITIME OIL SPILL EMERGENCY RESPONSE MANAGEMENT AND DISPOSAL COOPERATION, Kunming, China, 17-18 December 2015

42. The Meeting recommended the establishment of an experts' network on oil spill response (ENOSR) to facilitate the exchange of information, research and regional experiences. The network would be composed of technical officials, academics, and operational experts dealing with oil spill and related issues. The participants during the Workshop agreed that the proposed network should be informal and not official, voluntary, easy to start and more practical and flexible.

6.4. ARF WORKSHOP ON IMPROVING FISHERIES MANAGEMENT, Honolulu, US, 29-30 March 2016

43. The Workshop covered topics such as combating Illegal, Unreported, and Unregulated Fishing (IUUF); the FAO Agreement on Port State Measures to Prevent, Deter, and Eliminate IUUF; participation in regional fisheries management organizations (RMFOs); and regional cooperation on sustainable fisheries issues. ARF participants shared their experiences and expertise in detecting and combating IUU fishing issues, which they recognized as a primary regional maritime concern.

6.5. ARF WORKSHOP ON GREEN SHIPPING, Hangzhou, China, 29-30 March 2016

44. The Meeting discussed the different methods that can be used to minimize the emission of greenhouse gases caused by vessels. It expressed its hope to further promote cooperation in the initiative of addressing environmental challenges caused by vessels.

6.6. ARF WORKSHOP ON MARITIME SINGLE POINTS OF CONTACT, Cebu City, Philippines, 27-28 April 2016

45. The objective of the Meeting is to a) promote transparency through the sharing of national best practices and experiences on developing ways and means of addressing maritime security concerns; b) establish working level interaction among the personnel of the region's national maritime single points of contact; c) discuss and identify the elements of a future framework of cooperation on maritime security including protocols on information sharing and coordinated response consistent with international law and existing multilateral agreements; and d) identify specific activities that provide mutual support in developing capabilities and capacities of national maritime single points of contact for cross-border and multilateral maritime security operations. The presentation appears as **ANNEX 19**.

AGENDA ITEM 7: NEW PROPOSALS FOR 2016-2017 INTER-SESSIONAL YEAR

7.1. ARF Statement to Prevent, Deter, and Eliminate Illegal, Unreported, and Unregulated (IUU) Fishing

46. Indonesia called for the ARF to adopt a statement against IUU fishing. It circulated a working draft it prepared together with the US, which appears as **ANNEX 20**. Indonesia requested ARF participants to send any comments as soon as possible, and informed the ISM that it may include an agenda item at the ARF Workshop on IUU fishing on 20-21 April in Bali to discuss the statement. Indonesia aims to finalize a draft of the statement for endorsement to the ARF Ministers Meeting in July.

7.2. ARF Workshop on Best Practices in Implementing Safety of Navigation Instruments

47. The Philippines will host the ARF Workshop on Best Practices in Implementing Safety of Navigation Instruments in 2017. The Workshop will explore best practices in implementing and enforcing international safety standards like the 1974 International Convention on Safety of Life at Sea (SOLAS), the 1972 International Regulations for Prevention of Collisions at Sea (COLREGs), and the CUES. The Philippines stated that it is currently discussing possible co-chairmanship with non-ASEAN ARF participating countries. The concept paper appears as **ANNEX 21**.

7.3. ARF Workshop on Management Marine Hazards in the Asia-Pacific

48. China proposed to host a 2-day workshop on Management of Marine Hazards in the Asia Pacific to be held in October 2016 in Guangzhou, China. The workshop will have the following objectives: 1) exchange of up-to-date progress in marine hazards prevention and mitigation in the region; 2) improve accuracy of marine hazard monitoring, prediction and forecast; and 3) promote stability, peace and prosperity in the region. The topics to be covered are: 1) marine hazards assessment, management and mitigation; 2) marine meteorology and short-term climate monitoring; 3) marine environmental and ecological hazards monitoring; and 4) regional cooperation in emergency response to marine hazards. The concept paper appears as **ANNEX 22**.

7.4. ARF Ministerial Statement on Enhancing Cooperation among Maritime Law Enforcement Agencies

49. Viet Nam briefed the Meeting on its proposal to have an ARF Ministerial Statement on Enhancing Cooperation among Maritime Law Enforcement Agencies. Viet Nam aims to have the statement ready for adoption at the Ministerial Meeting in July 2016. Viet Nam mentioned that it would like to see concrete and practical cooperation activities among maritime law enforcement agencies in the areas of information-sharing and best practices sharing to combat piracy and transnational crimes. It would also like to pursue development of standard rules of procedures on matters of interest and concern (e.g. standard operating procedures on crimes at sea), noting the commitment of the Foreign Ministers to develop concrete and effective regional responses on maritime security challenges. It also cited that the capacity building of maritime law enforcement agencies is identified as one of the three priority areas of ARF Work Plan on Maritime Security 2015-2017.

50. Viet Nam also expressed its intention to co-chair the ARF-ISM on Maritime Security after the end of the current cycle (2015-2017).

AGENDA ITEM 8: CLOSING SESSION

MR. MATTHEW A. PALMER, Director, US Department of States, U.S.

51. Mr. Palmer underlined that many of the ARF countries are maritime nations sharing the same maritime space and there is a need for real diplomacy to manage the maritime commons of the Asia Pacific. He also pointed out that the discussions in the ARF ISM-MS provided a reason to be optimistic about maritime security cooperation in the region. While there are significant challenges, there is also a shared understanding of common interests, and commitments to address common issues.

MR. YOSHIHIRO KATAYAMA, Director of Maritime Security Policy Division, Japan

52. Mr. Katayama mentioned that he saw the parties' readiness to contribute in enhancing maritime security in the region. He observed that a majority expressed concern on the situation in the South China Sea. However, he also mentioned that there has been a consensus on the critical importance of seaborne transportation and freedom of navigation. He noted his interest in activities that would foster mutual trust and build confidence among parties in the region and stated that the task now would be to convey what has been discussed during this ISM to the ARF Senior Officials Meeting and the ARF Ministerial Meeting.

Ms. MARIA TERESA ALMOJUELA, Senior Special Assistant, Office of the Undersecretary for Policy, Department of Foreign Affairs, Philippines

53. Ms. Almojuela underscored four ideas on how to respond effectively to the complexities of the maritime security situation in the region, namely:

- a. Response should be collective. Cooperative arrangements among states should be in place as it would render more significant results than national efforts;
- b. Response should be progressive, in such a way that they build on existing practices and arrangements. The application of CUES beyond navies would reflect a progressive response that states might collectively undertake. Existing arrangements, such as the DOC, should also be effectively implemented in their entirety.
- c. Every response, whether provisional or for the long-term, should be rules-based and compliant with the applicable principles of international law; and
- d. Response should be synergistic. It should interact with other initiatives within the ARF and other ASEAN-led mechanisms and relevant Sectoral Bodies, as well as track 2 processes.

ACKNOWLEDGEMENT

54. The Meeting expressed appreciation for the candid and fruitful discussions. The Meeting commended the effective co-chairmanship by the Philippines, U.S., and

Japan, which contributed to the success of the Meeting. The Meeting extended their gratitude to the Government of the Republic of the Philippines for the warm hospitality and excellent arrangements made for the Meeting.