

## **ARF Workshop: Adapting the UNCLOS to address Emerging Maritime Issues**

### **I. Background**

1. Maritime security environment is critical for the stability and prosperity of the South East Asian region. Our region currently faces with not only traditional issues such as sovereignty and maritime boundary disputes, maritime security threats (piracy, armed robbery against ships, terrorism, money laundering and terrorist financing, illicit drugs and illicit small arms trafficking, and human trafficking...) but also non-traditional and new emerging challenges such as sustainable fisheries and IUU fishing, marine pollution and degrading marine environment, natural disasters, climate change... These new factors contribute to deep changes in conditions of marine life, including fish stocks, marine biodiversity and marine living resources, rising sea levels, warming ocean temperatures, ocean acidification, change in ocean circulation and deep ocean changes...

These developments were not anticipated during the establishment of the fundamentals of the legal framework to govern the oceans. Consequently, they pose unprecedented challenges for the law of the sea at the global as well as regional and local levels. Moreover, these issues can only be addressed through effective coordination of national, regional and international actions in accordance with national legislation and international law. Some ARF participating countries have conducted researches on various activities to address these problems, using law of the sea while others do not pay enough attention to the issue.

2. The ARF Vision Statement and the Hanoi Plan of Action to Implement the ARF Vision Statement envisaged the ARF to support the work of the ARF ISM on MS as an established regional framework that addresses maritime security issues and to promote compliance and adherence to relevant international legal instruments. Pursuant to the Hanoi Plan of Action, the 1st ARF Seminar on the UNCLOS, held on March 2011 in Philippines, focused on how the UNCLOS regulates maritime traditional issues such as maritime zones and dispute settlement mechanism. No other forum under ARF framework has substantively discussed the ways to use and adapt the law of the sea in addressing the above-mentioned emerging maritime issues.

3. Through discussing the use of law of the sea and related instruments to address emerging maritime issues, including sustainable fisheries and IUU fishing, marine biodiversity (BBNJ process), marine environment and adverse impacts of climate change on oceans and seas..., ARF participating countries can explore mechanisms through which the legal existing framework could address or be adapted to meet these needs, the potential role of regional cooperation mechanisms, emerging obligations, increased regulation, dispute settlement methods as well as new legal instruments in addressing these challenges.

### **II. Objectives**

Following the first Workshop on UNCLOS in 2011, Viet Nam and other co-chair(s) will organize a two-day ARF Workshop "Adapting the UNCLOS to address emerging maritime issues" in last quarter of 2018 (dates to be confirmed). This Workshop aims at:

- Raising the awareness on current situation and effects of emerging maritime issues, including IUU fishing, marine pollution, marine environment and climate change on each State and the region as a whole;

- Sharing knowledge, experiences and best practices in the implementation of the law of the sea to address emerging maritime issues in the region, including IUU fishing and environmental problems.

- Discussing possible measures to promote cooperation among ARF participating countries to address different new maritime issues by using or adapting law of the sea.

### **III. Participants**

All ARF participating countries are invited to send representatives from relevant ministries/ agencies overseeing foreign affairs, maritime issues, environmental issues etc... to the Workshop. Participants are encouraged to present their views/ideas on relevant topics of choice. Regional and international experts will be invited as speakers.

### **IV. Reporting**

The outcomes and recommendations of the Workshop will be reported to the ARF SOM and Foreign Ministers.

### **V. Administrative Arrangements**

Viet Nam is willing to host this Workshop, date and venue to be confirmed. Other ARF participating countries are encouraged to join as co-chairs.

The Co-chairs will provide venues, luncheons and light refreshments during the course of the event. Participants are responsible for their own travels, accommodations and other incidental costs.