



CO-CHAIRS' SUMMARY REPORT
10TH ASEAN REGIONAL FORUM
INTER-SESSIONAL MEETING ON MARITIME SECURITY

Brisbane, Australia, 27-28 March 2018

INTRODUCTION

1. The 10th ARF Inter-Session Meeting on Maritime Security was held in Brisbane, Australia on 27-28 March 2018. The Meeting was co-chaired by Mr. Will Nankervis, Assistant Secretary, Indo-Pacific Strategy & Southeast Asia Regional Branch, Australian Department of Foreign Affairs and Trade, Mr. Francois Rivasseau, Head of Security Policy Division, European External Action Service, and Mr. Vu Ho, Director-General, ASEAN Department, Vietnamese Ministry of Foreign Affairs.
2. The Meeting was attended by all ARF participants except Brunei Darussalam, Bangladesh, the Democratic People's Republic of Korea, Mongolia, Papua New Guinea, Sri Lanka, and Timor-Leste. Representatives from INTERPOL, the Centre for Humanitarian Dialogue, the ARF Experts and Eminent Persons group, and the ASEAN Secretariat were also present. The full list of participants appears as **ANNEX 1**.

AGENDA ITEM 1: OPENING SESSION AND ADOPTION OF AGENDA

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

Opening Remarks

4. Mr. Nankervis welcomed participants to the 10th ARF ISM on MS and noted that the meeting followed closely on the historic gathering of ASEAN leaders at the ASEAN-

Australian Special Summit in Sydney on 17-18 March 2018, where Leaders had underscored the importance of the maritime domain for the region proposed greater regional maritime security cooperation. The ISM would be an important opportunity for taking forward this agenda and to address some of the most significant and pressing maritime security challenges facing the region. He looked forward to a valuable and productive meeting.

5. In his opening remarks, Mr. Ho highlighted the priority placed by the ISM co-chairs on the 2016 ARF Ministerial Statement on Enhancing Cooperation among Maritime Law Enforcement Agencies and activities to give effect to this statement. Mr. Ho said the meeting would serve a number of important functions, including wrapping up implementation of the 2015-2017 ARF Maritime Security Work Plan and giving shape to the 2018-2020 work plan. The Meeting would also be an opportunity to review the current status of maritime security cooperation in the region, identify current maritime challenges and how ARF members can work together effectively to address these, and to put forward new and practical proposals under the ARF framework.

6. In his opening remarks, Mr. Rivasseau noted the common political and strategic challenges between ASEAN and the EU, and highlighted the ARF ISM on MS as an effective platform for addressing many of these issues. He thanked the outgoing co-chairs of the ISM on MS – Japan, the United States, and the Philippines – and said Vietnam, Australia and the EU would seek to build upon their excellent work over the past three years. To contribute positively to concrete and effective maritime security projects, the co-chairs would continue to focus on the three priority areas identified in the maritime security work plan over the next three years.

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

2.1 ASEAN Secretariat: Stock-take of Maritime Related Initiatives in the Region

7. The ASEAN Secretariat briefed the meeting on a recently completed Information Paper entitled "Maritime Cooperation in ASEAN", prepared upon request by Thailand at the 9th ASEAN Regional Forum Inter-Sessional Meeting on Maritime Security in Tokyo, in 2017. The ASEAN Secretariat reviewed recent activities undertaken by the 13 ASEAN sectoral bodies dealing with maritime security across the three pillars of the ASEAN Community, including the ASEAN Ministerial Meeting, ASEAN Regional Forum, ASEAN Defence Ministers' Meeting (and ADMM-Plus), ASEAN Ministerial Meeting on Transnational Crime,

and East Asia Summit. The ASEAN Secretariat's information paper appears as **ANNEX 3**.

2.2 Singapore: 12th ADMM-Plus Experts Working Group on Maritime Security, Singapore, 1-3 November 2017”

8. Singapore briefed the meeting on the outcomes of the 12th Meeting of the ADMM-Plus Experts Working Group (EWG) on Maritime Security, held in Singapore on 1-3 November 2017, during which the ADMM-Plus navies had agreed to collectively adopt the Code for Unplanned Encounters at Sea (CUES), an important confidence-building measure that will reduce the risks of miscalculations or mishaps in the region's waters. Singapore's representative also briefed the meeting on the key areas of focus of the EWG co-chaired with the ROK for the 2017-2020 period: (i) the adoption of CUES by the entire ADMM-Plus; (ii) an ADMM-Plus Maritime Security Field Training Exercise (FTX), which would tentatively focus on maritime terrorism and the practice of CUES; (iii) a Maritime Security Conference among the ADMM-Plus defence establishments to share best practices in maritime security and international law; and a (iv) Future Leaders' Programme to foster ties among young ADMM-Plus naval officers.

2.3 European Union: 4th ASEAN-EU High-Level Dialogue on Maritime Security Cooperation, Manila, Philippines, 5-6 October 2017

9. The EU briefed the meeting on the key outcomes from the 4th ASEAN-EU High-Level Dialogue on Maritime Security Cooperation, held in Manila, Philippines, on 5-6 October 2017. The Dialogue focused on four key thematic areas - law enforcement at sea, maritime connectivity, marine environment cooperation and joint development of resources, and conflict prevention - and aimed to identify future elements of a work program to implement the maritime security component of the common ASEAN-EU Plan of Action for 2018-2022. Discussions at the meeting underscored the international nature of maritime security challenges and the need to address these in a comprehensive manner, and served to outline the contours of future ASEAN-EU maritime security cooperation.

2.4 Philippines: 2nd Experts Group Meeting on the Establishment of the ASEAN Coast Guard Forum, Manila, Philippines, 25-26 January 2018

10. The Philippines briefed the meeting on the key outcomes from the 2nd Experts Group Meeting on the Establishment of the ASEAN Coast Guard Forum, held in Manila, Philippines, on 25-26 January 2018. The ASEAN Coastguard Forum was envisaged to provide a mechanism for dialogue and cooperation, exchanges of views and best practices, and to facilitate capacity building among regional coastguards and maritime law

enforcement agencies. The meeting agreed to ensure that the forum complemented existing efforts and initiatives, and would focus on addressing current gaps in maritime law enforcement cooperation. The meeting also agreed to continue consultations on a concept paper and terms of reference for the forum.

2.5 Indonesia: 5th Expanded ASEAN Maritime Forum, Jakarta, Indonesia, 7 December 2017

11. Indonesia briefed the meeting on the key outcomes from the 7th ASEAN Maritime Forum and 5th Expanded ASEAN Maritime Forum, held in Jakarta, Indonesia on 5-7 December 2017. Participants exchanged views on current regional maritime security challenges, including territorial disputes, natural disasters, terrorism, transnational crimes, Illegal, Unreported and Unregulated (IUU) fishing, and piracy, and emphasised the need to expand cooperation on safety of navigation, search and rescue operations, humanitarian assistance and disaster relief, safety of life at sea, marine pollution, and transport security. The meeting underlined the role of joint exercises and training, information sharing, and workshops in enhancing national and regional maritime safety capacity, and noted the potentially disastrous effects of marine environmental degradation on regional security and social and economic stability. The meeting also examined how practical effect could be given to key recent maritime related statements from ASEAN-led fora, including the 2015 EAS Statement on Enhancing Maritime Cooperation and 2017 ARF Statement on Cooperation to Prevent, Deter and Eliminate IUU Fishing.

2.6 Singapore: 23rd ASEAN Transport Ministers Meeting, 12 October 2017, Singapore

12. Singapore briefed the meeting on the key outcomes of the 23rd ASEAN Transport Ministers Meeting (ATM), held in Singapore on 12 October 2017 which was a fruitful and productive meeting with many key outcomes in the aviation and maritime domain. The 23rd ATM had noted the progress in the deliberation on a draft MoU on the Improvement of Safety Standards and Ship Inspection for Non-Convention Ships in the ASEAN Region, which was expected to be finalised and signed at the 45th ASEAN Senior Officials' Transport Officials' Meeting in Phuket, Thailand, on 8-10 May 2018. The 23rd ATM also welcomed finalisation of the Disaster Prevention and Mitigation Guidelines for Ports in ASEAN.

AGENDA ITEM 3: ARF MARITIME SECURITY WORKPLAN 2018-2020

13. Mr. Nankervis introduced the draft ARF Maritime Security Work Plan 2018-2020. Mr. Nankervis noted that 2015-2017 work plan had served the ISM on MS well, and as such the new work plan largely comprised only minor updates and amendments to take into account recent events and activities. In particular, the co-chairs were keen to see that the work plan supported implementation of the 2016 ARF Ministerial Statement on Enhancing Cooperation among Maritime Law Enforcement Agencies. To reflect this statement, priority area three had been amended to “Capacity building and enhancing cooperation among maritime law enforcement agencies in the region”. Most of the remaining elements remained the same as in the previous work plan. ARF members would have an opportunity to provide written comments on the work plan following the ISM, after which a finalised document would be submitted to the ARF Inter-Sessional Support Group Meeting and ARF Senior Officials’ Meeting, before being formally adopted by Ministers at the 25th ARF in August.

AGENDA ITEM 4: EXCHANGE OF VIEWS ON MARITIME SECURITY

14. The meeting exchanged views on current and emerging trends and challenges in the regional maritime security environment. The meeting took note of the increasing economic and strategic interconnections between the Pacific and Indian Oceans. To ensure the Indo-Pacific region remained secure and open, the meeting emphasised the high priority of continuing to adhere to rules, standards, and norms of behaviour in the maritime domain, including those outlined in UNCLOS. As the engine of global economic activity, and home to many of the world’s busiest shipping lanes, the meeting noted that any disruption to shipping traffic in the region would result in significant damage to the global economy.

15. The meeting reiterated ASEAN’s centrality in the evolving regional architecture and highlighted its role as an anchor of security and stability. The meeting commended the role of the ARF as a key regional convenor for maritime security dialogue and cooperation and emphasised the need for ongoing efforts to align its activities with other ASEAN-led forums. The meeting called on the ARF ISM on MS to reinforce confidence building measures and move towards preventive diplomacy in the maritime domain.

16. The meeting considered the wide variety of non-traditional maritime security threats in the region, including piracy and armed robbery at sea, human trafficking, natural disasters, terrorism, transnational crime, and IUU fishing. Such threats posed significant challenges to good order at sea and necessitated a multifaceted and coordinated regional response, including through strengthened cooperation among maritime law enforcement agencies, capacity building assistance, enhanced regional maritime domain awareness and

information sharing, and joint enforcement operations. The initiation of trilateral patrols in the Sulu Sea by Indonesia, Malaysia and the Philippines was highlighted as a successful example of regional cooperation to address an emerging set of maritime security challenges.

17. The meeting took note of recent developments towards a diplomatic solution to the situation on the Korean Peninsula, but noted that the DPRK's ongoing pursuit of nuclear weapons and delivery systems continued to pose significant threats to international peace and stability. Particular attention was drawn to the increasingly sophisticated techniques used by the DPRK to evade sanctions, including through ship-to-ship transfers of refined petroleum and other proscribed commodities, which directly contributed to or financed the DPRK's missile and nuclear programs. The meeting called on all members of the international community to exercise due diligence regarding DPRK shipping activities and to fully implement and enforce relevant United Nations Security Council resolutions.

18. The meeting took note of concerns raised by a number of countries about recent activities in the South China Sea (SCS), including ongoing land reclamation, construction and militarisation of disputed outposts. Such activities eroded trust and confidence and made the situation more difficult to resolve. A number of countries called upon parties to exercise self-restraint, uphold freedom of navigation and overflight in the region, refrain from actions which may escalate tensions, and settle disputes in accordance with international law, including UNCLOS 1982. Some countries also drew attention to the Arbitral Tribunal Award of July 2016, which remained legally binding on both parties. One country expressed their concerns over the increasing military presence of the powers outside the SCS region.

19. The meeting took note of recent progress toward a Code of Conduct (CoC) on the South China Sea and encouraged the parties to continue negotiations in a frank and open spirit. Given that the outcome would likely effect all countries with economic and security interests in the region, a number of countries said it was important that negotiations were transparent and that all ARF members remained informed throughout the process. A number of countries called for any future code to be effective, binding, consistent with international law, and to not adversely affect the interests of non-claimants. Some parties of the CoC underscored the role of the Declaration on the Conduct of Parties in the South China Sea (DoC) in maintaining peace and stability in the SCS, and expected to achieve a final CoC at an early date. One country urged other countries to respect the efforts made by China and ASEAN member states in promoting CoC consultation. A number of countries highlighted the successful conclusion of maritime boundary negotiations between Australia and Timor-Leste as a positive example of states using a conciliation process established

under UNCLOS to resolve a maritime boundary dispute.

AGENDA ITEM 5: MARITIME SECURITY AND COOPERATION

5.1 Updates and Recent Developments in the Region

5.1.1 Mr. Patrick Mullins, Legal Officer, Sea Law and Antarctica Section, Department of Foreign Affairs and Trade, Australia: Update on Treaty between Australia and the Democratic Republic of Timor-Leste Establishing their Maritime Boundaries

20. Mr. Mullins updated the meeting on the conclusion of maritime boundary treaty negotiations between Australia and Timor-Leste. Mr. Mullins said the treaty was a historic achievement for Australia and Timor-Leste, which had settled a long running dispute through the establishment of permanent maritime boundaries. As the first conciliation under UNCLOS's dispute resolution procedures, the treaty was a landmark of international law and an example of the importance of dispute resolution processes – based on international law - for the orderly and peaceful resolution of disputes between states. Consistent with its international legal obligations, Australia had participated fully in the conciliation. Both sides, and the Conciliation Commission, considered the outcome as fair and balanced. The successful conclusion of the conciliation set a positive example for the region and the international community. The Permanent Court of Arbitration in The Hague had supported the Conciliation Commission throughout the process, reinforcing its important role in the international legal framework to help states resolve disputes.

5.1.2 China/Singapore: Ms. HE Xiangqi, Counsellor, Department of Boundary and Ocean Affairs, Ministry of Foreign Affairs, China, and Mr. Harry Goh, Deputy Director-General, Ministry of Foreign Affairs, Singapore: Code of Conduct Negotiations

21. Ms. Xiangqi updated the meeting on the status of negotiations between China and ASEAN on the CoC. The 23rd ASEAN-China Joint Working Group Meeting on the Implementation of the Declaration on the Conduct of Parties in the SCS (JWG-DOC) in Nha Trang, Vietnam on 1-2 March 2018 started the substantive negotiations of the CoC. Ms. Xiangqi informed that while still at an early stage, participants had engaged in a sincere and constructive manner and the meeting had made good progress. The meeting had concurred that the primary objective of CoC negotiations was to maintain peace and stability in the South China Sea and the region at large. Ms. Xiangqi said that formulating the CoC was

part of the full and effective implementation of the DoC, and that progress in the negotiations would be released in due course on the basis of consensus. The next meeting would take place in China, at a time and venue yet to be determined.

22. Mr. Goh said the commencement of negotiations on the CoC represented a significant milestone for ASEAN and China. Singapore hoped that the CoC would serve to reinforce a rules-based regional order that was in accordance with international law, including the 1982 UNCLOS. The Nha Trang meeting had been fruitful and productive, with all parties demonstrating flexibility and desire to make progress on the CoC. There was still a long way to go due to the complexity of the South China Sea issue. In the meantime, parties should continue to pursue practical cooperation to build confidence and prevent miscalculations on the ground. As co-chair of the negotiations, Singapore would continue to serve as an honest broker and work closely with all sides to narrow the differences and move the CoC negotiations process forward at a pace comfortable to all. Singapore also said that it believed there was shared good faith and goodwill among parties to try to make progress and significant advances this year.

5.2 Captain Robert Clark, Director of Asia-Pacific, Department of National Defence, Canada: **Experiences Developing Bilateral and Multilateral Cooperation on Maritime Security**

23. Captain Clark briefed the meeting on Canada's experiences in organising domestic Maritime Domain Awareness (MDA) and inter-agency information sharing, and how these same organising principles were employed at the bilateral and multilateral levels in facilitating international cooperation on maritime security. Canada had established three whole-of-government Marine Security Operation Centres (MSOC) to facilitate the sharing of information, intelligence and surveillance data in order to achieve a single MDA picture. While originally designed to facilitate collaboration among domestic agencies, Canada replicated the model at the international level, linking the MSOCs to policing, customs, environmental and other agencies around the world. At the multilateral level, Canada was an active contributor to international regulatory regimes, and had successfully concluded a number of boundary disputes in accordance with the norms and processes of international law. Captain Clarke's presentation appears as **ANNEX 4**.

5.3 Ms. Melissa Haydon-Clarke, Senior Policy Adviser, Ministry of Foreign Affairs and Trade, New Zealand: **Strengthening Pacific Ship Register Systems to meet Relevant DPRK-Related UN Security Council Obligations**

24. Ms. Haydon-Clarke briefed the meeting on New Zealand's work on strengthening

ship register systems in the Pacific to meet relevant DPRK-related UN Security Council obligations. Ms. Haydon-Clarke said that as sanctions increasingly limited North Korean trade flows, the DPRK had made increasing use of maritime pathways for sanctions evasion. New Zealand called on all countries to enforce maritime provisions in relevant UN Security Council Resolutions (UNSCRs) to prevent maritime areas being used to facilitate illicit trade with the DPRK. At the 2017 Pacific Island Forum (PIF), leaders made a commitment to de-registering any DPRK-linked vessels currently flagged on Pacific Island States' registers. New Zealand was working closely with PIF members to implement this commitment and close any other gaps in sanctions implementation. New Zealand was also working with Australia to share information and provide technical assistance to strengthen ship register systems.

5.4 Mr. Ryoji Hayashi, Director for Coast Guard International Relations, Japanese Coast Guard: **Japanese Coast Guard's Efforts on Multilateral Cooperation**

25. Mr. Hayashi provided an overview of the history of the Heads of Asian Coastguards Agencies Meeting (HACGAM), noting that it had developed out of a growing need for enhanced regional cooperation to address the rise in piracy incidents in the 1990s. While the significance of HACGAM has grown in recent years, members recognised a need to enhance cooperation and coordination, including through establishing inter-regional cooperation with other coastguard forums. Each of these frameworks offered important lessons for one another in terms of best practices and lessons learnt in managing maritime security challenges and facilitating regional cooperation. In September 2017, the Japanese Coastguard hosted the first Global Coast Guard Summit in Tokyo to serve as a new platform for dialogue and cooperation among coastguard agencies from around the world. A follow-up working level meeting would be convened in Japan in November 2018. Mr. Hayashi's presentation appears as **ANNEX 5**.

5.5 Mr. M. Chandra W. Yudha, Director for ASEAN Political Security Cooperation, Ministry of Foreign Affairs, Indonesia: **Trilateral Patrols in the Sulu Sea**

26. Mr. Yudha updated the meeting on trilateral maritime security cooperation among Indonesia, Malaysia and the Philippines in the Sulu Sea to address the steep rise in armed robbery and kidnappings at sea. Joint operations were launched in June 2017. To date, the trilateral partners had conducted eight meetings and produced a joint declaration on the framework for trilateral cooperative arrangements, which provided guidelines for carrying out maritime and air patrols and intelligence exchanges. Since the initiation of the trilateral cooperation, incidents of armed robbery at sea had decreased dramatically. Malaysia's representative noted that while participation from other countries was not required at this

time, bilateral cooperation to indirectly support implementation of the trilateral framework, particularly exchange of information and intelligence, would be welcome. Mr. Yudha's presentation appears as **ANNEX 6**.

5.6 Capt. Dorne Tipnant, Planning Officer, Thailand Maritime Enforcement Coordinating Centre: **Domestic Information Coordination and Sharing**

27. Captain Tipnant provided an overview of Thailand's Maritime Enforcement Coordinating Centre's (MECC) role in facilitating information sharing and coordination among Thailand's maritime law enforcement agencies. Comprised of Thailand's six primary maritime agencies, as well as more than thirty-five second line agencies, the MECC served as Thailand's key maritime focal point with the following three key: collect, analyse, and share maritime information; coordinate on prevention, protection, and suppression of illegal activities at sea; and assist SAR activities. While the MECC was currently confined to a largely coordinating role, a new maritime act, expected to be approved by the middle of 2018, would empower the centre to direct maritime operations, including through tactical control of maritime assets and enabling MECC officers to undertake search, arrest and investigation actions. At the regional level, the MECC was engaged in several information sharing platforms, such as ReCAAP and the Singapore Fusion Centre. Capt. Tipnant's presentation appears as **ANNEX 7**.

5.7 Mr. Harry Goh, Deputy Director-General, Ministry of Foreign Affairs, Singapore: **Regional Information Coordination and Sharing**

28. Mr. Goh briefed the meeting on the role of the Information Fusion Centre (IFC) based in Singapore, in facilitating regional maritime security information sharing. Created in 2009, the IFC consolidated, analysed and disseminated maritime information shared by partner navies and maritime agencies to assist operational responses to challenges such as piracy, human trafficking and smuggling, weapons proliferation and SAR operations. Currently the IFC had operational linkages to more than 70 operations centres in 39 countries. The 17 International Liaison Officers (ILOs) deployed to the IFC played an invaluable role in supporting multinational maritime security cooperation. For example, the ILOs had a direct reach back to their parent agencies to cue rapid operational responses to maritime incidents. In addition to its operational role, the IFC also supported broader efforts to build regional capacity for maritime awareness, through the conduct of exercises, workshops and other training activities. For example, the IFC hosted the ASEAN Maritime Security Information-Sharing Exercise (AMSISX) and the Maritime Information-Sharing Exercise (MARISX). The IFC also engaged the shipping community. For example, the IFC provided periodic shipping advisories against maritime threats, as well as spot commentaries for the

shipping industry. Under the Voluntary Community Reporting scheme, the IFC also provided commercial vessels who reported their positions to the IFC with localised maritime security situation updates.

5.8 Dr Christopher Merritt, Maritime Technical Adviser, US Mission to ASEAN: **Information Sharing coordination during a threat incident – the Maritime Operation Threat Response Protocol**

29. Dr Merritt presented a proposal for the establishment of an ASEAN Maritime Operation Response Threat (MOTR) Protocol to enable an enhanced regional maritime security response capability. In order to achieve tangible results to enhance regional MDA, four lines of effort were required: effective and comprehensive vessel monitoring systems; fusion centres and single points of contact; integration of all relevant stakeholders into information sharing processes; and effective threat responses. To bring these lines of effort together, an expeditious and effective ASEAN MOTR protocol would enable maritime stakeholders to address all types of maritime threats whenever and wherever they were detected and provide a collaborative framework among multiple agencies. He made the point that the US's threat response protocol could serve as a useful template for a future ASEAN MOTR protocol, and that the ASEAN Coordinating Centre for Humanitarian Assistance could serve as a useful model in this regard. Dr Merritt's MOTR concept note and presentation appear as **ANNEX 8 and 9 respectively**.

5.9 Ms. Amanda Hsiao, Project Manager, Centre for Humanitarian Dialogue: **The Common Operating Principles**

30. Ms. Hsiao updated the meeting on the status of the Centre for Humanitarian Dialogue's (HD) work to develop a set of Common Operating Principles (COPs) for maritime law enforcement agency (MLEA) vessels in the Spratly Islands. Since 2015, HD had convened a series of meetings on maritime confidence building among operational experts from China, the Philippines, Vietnam, Malaysia, and Indonesia (from 2017). The key outcome from these meetings was the agreement on the need to develop a set of COPs to help provide guidance for MLEA vessel's behaviour during encounters at sea. To achieve this, the experts meetings developed a new framework based on principles of: transparency and communication; do no harm; and due regard for good order at sea. A possible next step in the initiative was to elaborate on how these principles could be applied in practice, including the possibility of the COPs being discussed at senior levels of government as well as existing regional mechanisms to facilitate its adoption. Ms. Hsiao's presentation appears as **ANNEX 10**.

5.10 Mr. Sam Bateman, Co-chair of the ARF Experts and Eminent Persons Working Group on Preventing and Managing Incidents at Sea: **Next Steps in Implementation of the EEP Working Group on Preventing and Managing Incidents at Sea**

31. Mr. Bateman updated the meeting on plans for taking forward the recommendations of the ARF Experts and Eminent Persons (EEP) Working Group on Preventing and Managing Incidents at Sea. Noting that the report had been agreed at the 2017 EEPs meeting, and later submitted for the consideration of ARF Ministers, the next step in implementing the recommendations would be to develop a concept paper outlining possible MLEA incident prevention/management guidelines for discussion at the second ARF Workshop on Enhancing Cooperation among Maritime Law Enforcement Agencies. An online working group would subsequently be established to continue discussions on development of the proposed guidelines. Possible issues for consideration in the guidelines included: arrangements for joint regular training, workshops and exercises; mechanisms for joint consultations after an incident; arrangements for MLEA hotlines; prior notice of major operations involving maritime law enforcement vessels; bilateral arrangements in areas where maritime boundaries have not been agreed; adherence to the COPs; legal considerations; safety issues; and communications procedures. Mr. Bateman's presentation appears as **ANNEX 11**.

5.11 Mr. Manish Kumar Rai, Defence Adviser, High Commission of India to Australia: **India's Act East Policy**

32. Mr. Rai provided an overview of the maritime dimensions of India's Act East Policy. Noting that the Indo-Pacific had grown in strategic significance, Mr Rai. highlighted the importance of collective regional responses to address key regional maritime security challenges. He proposed that by developing a climate of trust and transparency, the region could preserve a regional maritime order governed by rules and norms. He further informed that India was currently engaged in several regional maritime collaborative measures, including coordinated patrols with Myanmar, Thailand and Indonesia, MDA capacity building, white shipping agreements, and the annual MILAN naval exercise. Mr. Rai also highlighted respect for international law as another key facet of the Act East policy. Accordingly, India had concluded maritime boundary agreements with most of its neighbours based on recognised principles of international law, including most recently with Bangladesh in 2014 through the Permanent Court of Arbitration. Mr. Rai's presentation appears as **ANNEX 12**.

5.12 Mr. Daisuke Namioka, Director, Maritime Security Policy Division, Ministry of Foreign Affairs, Japan: **Maritime Security and Cooperation: Japan's Views**

33. Mr. Namioka briefed the meeting on Japan's efforts to strengthen regional maritime cooperation and capacity, with a particular focus on anti-piracy efforts. Mr. Namioka highlighted the key role played by the ReCAPP information sharing centre in reducing the incidence of piracy and armed robbery against ships in Asia. To assist ReCAPP and ASEAN Member States in enhancing their capacity against piracy, in 2017 Japan launched an annual series of anti-piracy executive capacity building workshops, combining various forms of assistance, including defence equipment and technology cooperation, ODA, and capacity building programs for regional MLEAs to address both traditional and non-traditional security challenges. To help facilitate the development of a free and open Indo-Pacific region, Japan was also engaged in efforts to assist in regional states upgrading their MDA capabilities, including by hosting an ARF Workshop on International cooperation on Maritime Domain Awareness on 7-8 March in Tokyo. Mr. Namioka's presentation appears as **ANNEX 13**.

5.13 Mr. Alfred McGeachy, Assistant Director for Maritime Security, INTERPOL: **The Global Response to Maritime Illicit Activities**

34. Mr. McGeachy briefed the meeting on INTERPOL's maritime security sub-directorate's regional outreach programs to enhance capacity to address maritime-related transnational crime and terrorism, including in Southeast Asia. An INTERPOL initiative funded by the Government of Canada known as Project MAST had sought to strengthen counter-terrorism and maritime security capacity in Indonesia, Malaysia, Vietnam and the Philippines through the provision of investigative and specialised forensic training, improved regional information sharing, tabletop exercises, and strengthened cooperation between regional MLEAs, with a strong focus on 'train the trainer' programs. Mr. McGeachy also commented on INTERPOL's global database on maritime security, which had proven as a highly valuable repository of maritime security related data, aided numerous investigations around the world, and assisted in the identification and analysis of maritime security trends. Mr McGeachy's presentation appears as **ANNEX 14**.

5.14 Mr. Zhao Jian, Chinese Coast Guard: **The Practice of the International Maritime Law Enforcement Cooperation of the Chinese Coast Guard**

35. Mr Jian provided an overview of the Chinese Coast Guard's (CGG) mission and responsibilities, international cooperation program, and proposals for future international cooperation. To address regional security threats effectively, the CCG attached high importance to international law enforcement operations. At the bilateral level, the CGG worked in cooperation with MLEAs from twenty countries. High-level visits, MoUs,

information sharing arrangements, personnel exchanges, ship visits and joint patrols were effective tools in developing these bilateral partnerships. At the multilateral level, the CCG was an active participant within a number of regional forums focused on enhancing international cooperation and information exchange, including the ARF, INTERPOL, HACGAM, and the China-ASEAN Maritime Law Enforcement Officer Exchange. To further enhance security and stability at sea, the CGG was continuing to seek to identify new opportunities to strengthen maritime law enforcement agency cooperation in the region. Mr. Jian's presentation appears as **ANNEX 15**.

Keynote Address - Commander Craig Sommerville, Deputy Commander, Australian Maritime Border Command

36. Commander Craig Sommerville of the Australian Maritime Border Command (MBC) delivered the keynote address to the meeting, in which he provided an overview of Australia's maritime border protection inter-agency arrangements. Noting the increasingly interconnected and complex civil maritime security environment in the Indo-Pacific region, Commander Sommerville said Australia had created a unified operational border protection enforcement authority through the establishment of the Australian Border Force (ABF) in 2015. Within the ABF, the MBC – a multi-agency task force – was responsible for conducting civil maritime operations throughout Australia's maritime jurisdiction. MBC's operations were tailored to counter eight key civil maritime threats, namely: illegal exploitation of natural resources; illegal activity in protected areas; illegal maritime arrivals; marine pollution; prohibited imports and exports; maritime terrorism; piracy, robbery or violence at sea; and compromises to biosecurity. Uniquely for Australian agencies, MBC was led by a serving Rear Admiral from the Royal Australian Navy, who was also a sworn officer of the ABF, enabling MBC to command both defence and ABF assets, which enhanced MBC's flexibility to address these threats.

AGENDA ITEM 6: SAFETY OF NAVIGATION

6.1 Mr. Francois Rivasseau, Head of Security Policy Division, European External Action Service: **GPS Spoofing/Cyber-Attacks on Navigation Systems**

37. Mr. Rivasseau briefed the meeting on the growing incidence of GPS spoofing and cyber attacks on navigation systems. Noting the critical role of navigation systems to maritime security and safety, Mr. Rivasseau explained that spoofing attacks sought to deceive navigation receivers by broadcasting incorrect signals, or by rebroadcasting genuine signals captured elsewhere or at a different time, in order to misdirect vessels. This

had emerged as a particular problem in the Black Sea recently, where over 25 vessels had reported anomalies with their GPS coordinates in what had been described as a likely spoofing incident. While spoofing attacks had previously required sophisticated technological capabilities, they could now be carried out with relatively low cost equipment. Classic counter-jamming measures offered little protection against such attacks. Cyber threats also offered new and fundamental threats to navigation, as there were a multiplicity of access points to navigation systems. International cooperation was essential to safeguarding against these threats. Work currently being undertaken by the UN to establish best practices could serve as a useful model for taking forward international cooperation on this issue.

6.2 Mr. Greg Witherall, Manager Operations North, Australian Maritime Safety Authority: **Port State Control Issues – the Tokyo MoU and Indian Ocean MoU on Port State Control**

38. In his presentation to the meeting, Mr. Witherall provided an overview of the Australian Maritime Safety Authority's (AMSA) role in applying port state control (PSC) measures to foreign vessels visiting Australia. Mr Witherall said PSC was primarily conducted in Australia through ship inspections, carried out by a team of 50 AMSA surveyors based around the country. Around 3000 PSC inspections were conducted by AMSA each year. Strong regional cooperation and exchange of PSC information was pivotal for the elimination of sub-standard shipping. In 2017, 165 ships were detained in Australia. Given the high volume of vessels visiting Australia each year, AMSA employed a risk-based approach – in which information sharing between the Tokyo and Indian Ocean PSC MoUs played a significant role - to determine which vessels to target for inspection. As a result of this approach, in 2017 Australia recorded its lowest number of detentions since 2007. Panamanian flagged ships accounted for the greatest number of inspected vessels. Protecting the living and working conditions of seafarers in line with the Maritime Labour Convention had emerged as a strong focus area for PSC in Australia in recent years. Mr. Witherall's presentation appears as **ANNEX 16**.

6.3 Mr. Zheng Huaiyu, China Maritime Search and Rescue Centre: **Cooperation on Maritime Search and Rescue between China and ASEAN Member States**

39. Mr. Huaiyu provided an overview of maritime Search and Rescue (SAR) activities between China and ASEAN member states. Mr Huaiyu noted that China and ASEAN member states had engaged in a number of cooperative SAR activities over recent years, including training courses and seminars, table-top exercises, and a major field exercise held in Zhanjiang, China on 31 October 2017. These activities complemented the establishment

of SAR hotlines between China and a number of ASEAN member states. In March 2018, China deployed an SAR team to assist Malaysia authorities in the rescue of crew from an overturned dredging vessel in the Malacca Straits. Mr. Huaiyu also noted that China intended to convene an East Asia Summit seminar on “Exchange of Maritime Search and Rescue Technology” in October 2018, and would continue to develop maritime SAR coordinator training courses for ASEAN member states. Mr. Huaiyu’s presentation appears as **ANNEX 17**.

6.4 Mr. Pirozhkov Nikolai, Head of the Maritime Rescue Coordination Centre Vladivostok, Russian Federation: **Organisation of Search and Rescue at Sea in the Russian Federation”**

40. Mr Nikolai’s presentation to the meeting provided an overview of the Russian Federation’s organisation of SAR responsibilities. Mr. Nikolai said that while the Ministry of Transport was the competent national authority overseeing marine and aviation SAR in the Russian Federation, the Marine Rescue Service (MRS) and Recue Coordinating Centre (RCC) of Rosmorrechflot were the agencies with direct operational responsibility. Spread across a number of regional operating bases, the MRS had a total of 107 vessels at its disposal for conducting SAR operations. The RCC had offices in seven of locations across Russia, and was tasked with organising and coordinating SAR operations. Mr. Nikolai also noted that Russia was currently undertaking an upgrade to its salvage vessel fleet, including through the construction of 35 new SAR vessels. Mr. Nikolai’s presentation appears as **ANNEX 18**.

AGENDA ITEM 7: MARINE ENVIRONMENT ANS SUSTAINABLE DEVELOPMENT

7.1 Mr. John Davis, Senior Manager, Compliance Operations (Darwin), Australian Fisheries Management Authority, and Dr Ha Anh Tuan, Assistant Director-General, Bien Dong Maritime Institute, Diplomatic Academy of Viet Nam: **Australia-Vietnam Cooperation on IUU fishing**

41. Mr. Davis and Dr Tuan delivered a joint presentation reviewing recent cooperation between Australia and Vietnam to stem the flow of IUU fishing vessels from Vietnam. Through reviewing a number of IUU fishing case studies, Mr. Davis highlighted the importance of regional cooperation and capacity building in effectively combating IUU. Mr Davis commented that Australia’s goals in responding to IUU fishing activity were not only to displace IUU fishing vessels from Australian waters, but to work together with neighbouring countries to eliminate IUU vessels from the region entirely. Through Regional

Plan of Action (RPOA) to Combat IUU Fishing adopted in 2007, participating countries had established work plans, officer exchange programs, public information campaigns and joint patrols. As a result of these efforts, IUU fishing in Australia's northern region had been largely eradicated. To address IUU fishing activities in the Southern Ocean, Australia engaged the assistance of the RPOA countries to deny access and detain IUU vessels in their ports, effectively ending the South Ocean IUU fleet. Following an influx of Vietnamese IUU vessels off Australia's east coast between 2015-17, Australia and Vietnam signed a capacity building MoU to develop a cooperative approach to combating the issue.

42. Dr Tuan provided an overview of recent actions undertaken by Vietnam to address IUU Fishing. A key development was the adoption of a new fisheries law, which incorporated all major principles of international law to make it compatible with international fisheries regulations. A number of directives signed by the Prime Minister and government agencies had further enhanced Vietnam's legislative legal frameworks to combat IUU fishing. As a result of these measures, the number of Vietnamese vessels engaging in IUU had decreased significantly. Australia and Vietnam had also collaborated on a joint public information campaign to enhance understanding of international laws applying to fishing and respective maritime boundaries to encourage fishing communities to make better decisions about where and how they fished. Since the campaign, there had been no substantiated reports of illegal Vietnamese fishing vessels operating in Australian waters or elsewhere in the region. Mr. Davis and Dr. Tuan's presentation appears an **ANNEX 19**.

7.2 Mr. M. Chandra W. Yudha, Director of ASEAN Political and Security Cooperation, Ministry of Foreign Affairs, Indonesia: **Efforts to Address Marine Plastic Debris**

43. Mr. Yudha provided the meeting with an overview of recent Indonesian-led efforts to address marine plastic debris pollution. Citing a recent study which found that around eight million tons of plastic was discharged into the world's oceans annually, Mr. Yudha said marine plastic debris constituted one of the main threats to marine and coastal biodiversity. To address the issue, Indonesia was leading a concerted domestic campaign and would be launching a national action plan on marine plastic debris, with an aim of reducing Indonesia's level of plastic debris by 75 per cent by 2025. At the regional and global level, Indonesia was leading efforts to conclude a regional plan of action among East Asia Summit (EAS) participating countries to address marine plastic debris. An EAS conference on combating marine plastic debris, held in Bali on 6-7 September 2017, found a number of key actions were required to strengthen regional efforts, namely: enhanced coordination and operational cooperation; collaboration with other relevant international, regional and sub-regional forums; capacity building; enhanced engagement between government, civil society, the private sector, and the media; and the development of regional guidelines.

Indonesia's hosting of the 2018 'Our Oceans Conference' would be an opportunity to build political will to address this and other issues relating to the health of the oceans. Mr. Yudha's presentation appears as **ANNEX 20**.

AGENDA ITEM 8: OUTCOME OF PREVIOUS MARITIME SECURITY ACTIVITIES (2017-18)

8.1 Philippines: ARF Workshop on Best Practices in Implementing Safety of Navigation Instruments, Manila, Philippines, 11-12 July 2017

44. The Philippines briefed the meeting on the outcomes from the ARF Workshop on Best Practices in Implementing Safety of Navigation Instruments, held in Manila, Philippines on 11-12 July 2017. Discussions focused on a variety of issues, including technical aspects of implementing binding multilateral safety of navigation instruments, as well as those concluded at the regional and sub-regional level. Non-binding instruments, such as the Code for Unplanned Encounters at Sea, were also addressed. The workshop developed a number of recommendations for further consideration at the official level, most notably a recommendation to establish a mechanism to promote regular dialogue between the ARF and IMO on technical cooperation. In recognition of the critical role played by MLEAs in safety of navigation, the workshop also called for the full and effective implementation of the 2016 ARF Ministerial Statement on Enhancing Cooperation among Maritime Law Enforcement Agencies. The Philippines presentation appears as **ANNEX 21**.

8.2 China/Philippines: ARF Workshop on Ferry Safety, Guangzhou, China, 12-13 December 2017

45. China and the Philippines briefed the meeting on the outcomes from the ARF Workshop on Ferry Safety, held in Guangzhou, China, on 12-13 December 2017. The workshop was divided into three sessions on: global trends on passenger ferries and the future; elements relating to ferry safety; and strengthening institutional mechanisms through technical cooperation. The key outcome from the workshop was adoption the *Guangzhou Statement on Ferry Safety* which delineated the key findings from the workshop. The statement appears as **ANNEX 22**. China's presentation appears as **ANNEX 23**.

8.3 Japan/Malaysia: ARF Workshop on International Cooperation on Maritime Domain Awareness, Tokyo, Japan, 7-8 March 2018

46. Japan and Malaysia briefed the meeting on the outcomes from the ARF Workshop

on International Cooperation on Maritime Domain Awareness, held in Tokyo, Japan on 7-8 March 2018. The purpose of the workshop was to share perspectives and experiences in the national implementation of MDA to address maritime security challenges. The needs and requirements in building national MDA capabilities was also addressed. Taking stock of existing international cooperative efforts to enhance MDA, the workshop provided an opportunity to consider how to promote a global MDA network, and how MDA could be used more effectively to support confidence building measures through the ARF framework.

8.4 Thailand/China/United States: **ARF Workshop on Sustainable Fisheries Management and Food Security in Southeast Asia**, Bangkok, Thailand, 13-14 March 2018

47. Thailand, China, and the United States provided a briefing on the ARF Workshop on Sustainable Fisheries Management and Food Security in Southeast Asia, held in Bangkok, Thailand on 13-14 March 2018. The workshop served to initiate dialogue among ARF members on encouraging greater regional cooperation on promoting food security through sustainable management of shared fisheries resources. The workshop also provided an opportunity to exchange views on principles of fisheries management to ensure fishing and aquaculture in the region took place within an environmentally, economically and socially sustainable framework. Key findings from the workshop included: the necessity of political will in regulating fisheries policies across the region; the need to establish effective regional information sharing frameworks; and the need to employ technological solutions to monitor vessels' actions in order to identify illegal fishing activities, and in developing scientific approaches to sustainable fisheries management and aquaculture.

8.5 Vietnam/Australia/European Union: **ARF Workshop on Enhancing Cooperation among Regional Maritime Law Enforcement Agencies**, Nha Trang, Vietnam, 18-19 January 2018

48. Vietnam, Australia and the European Union briefed the meeting on the outcomes from the first ARF Workshop on Enhancing Regional Maritime Law Enforcement Cooperation, held in Nha Trang, Vietnam on 18-19 January 2018. It was also the first in a series of ARF activities to implement the 2016 ARF Ministerial Statement on Enhancing Cooperation among Regional Maritime Law Enforcement Agencies. The participants discuss common security challenges affecting the region and how maritime law enforcement agencies could work more effectively together to address these. Key recommendations from the workshop included: compiling information on ARF members MLEA systems to provide advice on lessons learned and best practices; conducting a stocktake of existing bilateral and multilateral MLEA cooperation arrangements to identify

potential models for enhanced regional cooperation; establishing regional MLEA communication directories; developing common operating terminology; enhanced MLEA engagement with maritime industries, communities and other relevant stakeholders to support MLEA priorities; expanded interoperable activities; working towards a set of common guidelines or principles for ships and aircraft involved in MLEA activities; and to discuss and consider track 1 adoption of the Centre for Humanitarian Dialogue's COPs.

AGENDA ITEM 9: NEW PROPOSALS FOR THE 2018-19 INTER-SESSIONAL YEAR

9.1 Australia/Vietnam/European Union: 2nd ARF Workshop on Enhancing Cooperation among Maritime Law Enforcement Agencies

49. The meeting took note of Australia, Vietnam and the European Union's proposal to conduct a second ARF Workshop on Enhancing Cooperation among Maritime Law Enforcement Agencies. The co-chairs noted that the workshop would provide a further opportunity to share best practices, exchange views on regional maritime security challenges, identify potential areas for cooperation and take forward key findings from the Nha Trang workshop. A key focus of the workshop would be to begin work on implementing the recommendations of the EEPs Working Group on Preventing and Managing Incidents at Sea. The workshop concept note appears as **ANNEX 24**.

9.2 Indonesia: ARF Workshop and Table Top Exercise on Crimes Related to Fisheries

50. The meeting noted Indonesia's proposal for an ARF Workshop and Table Top Exercise (TTX) on Crimes Related to Fisheries. The workshop and TTX would advance efforts to implement the 2017 ARF Ministerial Statement on Cooperation to Prevent, Deter and Eliminate IUU Fishing, and further develop common understanding of the serious nature and extent of criminal offences that take place along the supply and value chain of the fisheries sector. The workshop and TTX would also serve as a capacity building measure for fisheries control and law enforcement agencies. Indonesia invited other ARF members to co-chair the activity. The workshop concept note appears as **ANNEX 25**.

9.3 Malaysia/European Union: ARF Workshop on Maritime Law Enforcement Comprehensive Approach to Address Maritime Crimes

60. The meeting noted Malaysia and the European Union's proposal for an ARF Workshop on Maritime Law Enforcement Comprehensive Approach to Address Maritime

Crimes. The aims of the workshop are to strengthen the region's ability to address Maritime Transnational Organised Crime (MTOC), enhance understanding of the land-sea nexus in successfully addressing organised crime syndicates, complement single maritime points of contact in facilitating regional cooperation, and to drive collaborative efforts for detecting, disrupting, destroying and deterring MTOC logistics chains. The workshop concept note appears as **ANNEX 26**.

9.4 China: **Second ARF Workshop on Ferry Safety**

61. The meeting noted China's proposal for a second ARF Workshop on Ferry Safety. China's representative said the workshop would take forward recommendations from the 'Guangzhou Statement' issued at the first workshop on ferry safety and provide a further opportunity to share best practices, exchange views, build capacity, enhance regional cooperation on ferry safety issues. An ASEAN country was encouraged to co-chair the workshop. The workshop concept note appears as **ANNEX 27**.

9.5 China: **The Regional Climate Change and Coastal Disaster Mitigation Workshop**

62. The meeting noted China's proposal for an ARF Workshop on Regional Climate Change and Coastal Disaster Mitigation. The workshop would assess climate change related issues in the region and the threat these posed to regional economic and social development, provide an opportunity for participants to exchange research findings and risk assessments of the impact of climate-change on marine and coastal environments, and seek to build regional capacity to adapt to and mitigate these challenges. Possible topics for discussion at the workshop included: regional ocean observation systems; regional sea level change; coastal disasters and extreme events; and risk management and adaptation. An ASEAN country was encouraged to co-chair the workshop. The workshop concept note appears as **ANNEX 28**.

9.6 Vietnam: **ARF Workshop on Enacting UNCLOS to Address Emerging Maritime Issues**

63. The meeting noted Vietnam's proposal for an ARF Workshop on Enacting UNCLOS to Address Emerging Maritime Issues. The objectives of the workshop were to: raise awareness on the current situation and effects of emerging maritime issues; share knowledge, experiences and best practices in the implementation of the law of the sea; and discuss possible measures to promote cooperation among ARF participants to address new maritime challenges by enacting the law of the sea. Australia and the European Union had

provided in-principle support to co-chair the workshop. The workshop concept note appears as **ANNEX 29**.

AGENDA ITEM 10: CLOSING REMARKS

64. In his closing remarks, Mr. Ho concluded that based on the discussions over the Meeting, there was strong convergence of views that peace, stability, safety, and freedom of navigation and overflight remained key concerns in the region, and that it was the responsibility of all stakeholders to maintain peace and stability, foster dialogue and cooperation, and uphold international law and the rules-based order, especially UNCLOS. In this regard, the ARF continued to play a central role in facilitating maritime cooperation and building confidence. As the ISM had shown, the prospect for enhanced dialogue and cooperation on maritime issue was strong, including through negotiation of the COC. He expressed hope that the region would shortly see fruitful outcomes from this process. Mr. Ho confirmed that Vietnam would host the 11th ISM-MS in 2019.

65. Mr. Nankervis thanked participants for the productive discussions over the past one and a half days, and noted the high quality presentations and discussions. He commended to the meeting the draft ARF Maritime Security Work Plan for 2018-2020, and reminded participants to submit any amendments by 10 April.

ACKNOWLEDGEMENTS

66. The meeting expressed appreciation to the Co-Chairs for their effective leadership in facilitating fruitful discussion, and to the Government of Australia for the excellent arrangements and warm hospitality accorded to all ARF participants. The Government of Australia wishes to acknowledge the assistance of the ASEAN Secretariat in facilitating the meeting.

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