

**Co-Chairs' Summary Report
The Seventh ARF Inter-Sessional Meeting on Maritime Security
Honolulu, USA, 30 March – 2 April 2015**

Introduction

1. The Seventh ASEAN Regional Forum (ARF) Inter-Sessional Meeting on Maritime Security (ISM on MS) was convened in Honolulu from 30 March – 2 April 2014. The Meeting was co-chaired by Ms. Maria Teresa Almojuela, Executive Director of the Maritime and Ocean Affairs Office, Department of Foreign Affairs of the Philippines, Mr. Yoshihiro Katayama, Director, Maritime Security Policy Division, Foreign Policy Bureau of the Ministry of Foreign Affairs of Japan, and Mr. Matthew Palmer, Director for Multilateral Affairs, Bureau of East Asian and Pacific Affairs of the United States Department of State.

2. All ARF participants except Bangladesh, Cambodia, the Democratic People's Republic of Korea, Lao PDR, Mongolia, Pakistan, Russia, Singapore and Sri Lanka were present. Representatives from the Council of Security Cooperation in the Asia Pacific (CSCAP), the United Nations Office on Drugs and Crime (UNODC), the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) and the ASEAN Secretariat were also present. The List of Participants appears as **ANNEX 1**.

Agenda Item 1: Opening Session – Keynote Address and Remarks by Co-Chairs

3. The Honorable Tulsi Gabbard, U.S. House of Representatives for Hawaii's 2nd District delivered the keynote address. She first offered her condolences to Singapore for the passing of Senior Minister Lee Kuan Yew. Welcoming the participants to Honolulu, Representative Gabbard explained the importance of the Hawaiian word "aloha" – meaning affection, peace, compassion, and mercy – and how she applies these principles to her everyday life and engagements as a Member of Congress. She offered that these principles serve as a model that can be extended to promote peace and stability in the region. She commended the work of the ARF in providing the venue for frank and open discussions. She highlighted the resurgence of piracy incidents in South East Asia since 2012 and emphasised the importance of strengthening regional cooperation and collaboration to address these challenges. She also highlighted the necessity of protecting of the marine environment and marine resources and underscored how progress in addressing these issues would provide the foundation for addressing more sensitive issues such as the ongoing maritime disputes. She recalled ASEAN's efforts in building the ASEAN Community and emphasised the importance of involving not only the leadership but also the people of all Member States in realising the Community.

4. In his opening remarks, Mr. Matthew Palmer observed that the rapid and dramatic changes to the global and regional security landscape in recent years have added new complexities to existing challenges – such as the growing threat of violent extremism, increase in transnational crimes, piracy and armed robbery at sea, depletion of marine resources, unprecedented and complex

search and rescue (SAR) and disaster response operations, and the increase in deeply concerning tensions arising from maritime and territorial disputes in the Asia-Pacific region – further necessitating regional cooperation. He recalled the discussions of past ARF ISMs on MS and emphasised that the Meeting will continue to advance these discussions particularly in addressing new and emerging challenges. He noted that the agenda of the Meeting was developed to reflect this endeavor, and he encouraged all participants to take part in the discussions with the goal of improving regional security cooperation and supporting the ARF's overarching effort to become a relevant and action-oriented security body.

5. Mr. Yoshihiro Katayama in his opening remarks recalled the remarks of Japanese PM Shinzo Abe on the importance of the rule of law at sea which illustrates the need to ensure the freedom and safety of navigation in our seas. The seas as global commons must be open for everyone's use but at the same time all activities must be conducted in accordance with relevant international law including the 1982 United Nations Convention on the Law of the Sea (UNCLOS). Based on this standpoint, he underscored Japan's determination in ensuring the freedom and safety of navigation in close cooperation with ASEAN Member States as well as with all ARF participants. The ARF ISM on MS is an important venue to discuss ways and means of ensuring maritime security, and he noted that the Meeting will discuss the review and update of the ARF Work Plan on Maritime Security. His opening remarks appear as **ANNEX 2**.

6. In her opening remarks, Ms. Maria Teresa Almojuela underscored the need to assess the existing maritime security architecture if they are up-to-date to respond to emerging realities. The discussions of the ARF ISM on MS are instrumental in efforts to strengthen the foundations of a stable maritime order that is of fundamental importance for the future of the Asia Pacific. Noting that the some of the most difficult challenges relate to jurisdictional disputes whose clarification and resolution have become more urgent, she emphasized that ARF should continue to refer to guideposts in international law and best practices. She observed that maritime security is a comprehensive and cross-cutting subject matter involving a multitude of actors and mechanisms. The key challenge for the ARF ISM on MS is to carve out a niche among these mechanisms in order to move the ARF process progressively to a more and strategic and solutions-oriented direction. She stressed that the update of the ARF Work Plan on MS should reflect the collective interest and priorities of ARF participants as well as the determination to uphold the role of the ARF as the primary mechanism for security dialogue and cooperation in the Asia Pacific. Her opening remarks appear as **ANNEX 3**.

Agenda Item 2: Coordination, Consultation, and Synergy between Regional Maritime-Related bodies and mechanisms

2.1. Briefing on Maritime Security Cooperation within ASEAN Defence Ministers' Meeting Plus (ADMM-Plus) (*briefed by New Zealand*)

7. The Meeting noted the briefing on the outcomes of the ADMM-Plus Experts' Working Group on Maritime Security (EWG on MS) which is currently

co-chaired by Brunei Darussalam and New Zealand. Several activities have been conducted under the EWG on MS Work Plan 2014-2017, namely the Workshop on Counter-Piracy Operations in Auckland in June 2014 and the Maritime Security Table Top Exercise (TTX) in Bandar Seri Begawan in September 2014. The Meeting noted the future activities under the EWG on MS Work Plan to be implemented which will include the inaugural Maritime Security Future Leaders' Programme to be hosted by New Zealand in Auckland in September 2015 and the Combined Maritime Security and Counter Terrorism Exercise which will be conducted in May 2016 in Singapore and Brunei Darussalam. The Meeting also noted that a Maritime Security Exercise will be convened in New Zealand in late 2016 which will coincide with the International Fleet Review.

2.2. Briefing on the Outcomes of the 5th ASEAN Maritime Forum and 3rd Expanded ASEAN Maritime (briefed by Viet Nam)

8. The Meeting noted the briefing by Viet Nam on the outcomes of the 5th ASEAN Maritime Forum (AMF) and the 3rd Expanded ASEAN Maritime Forum (EAMF) which were held in Da Nang, Viet Nam on 27-28 August 2014. The 5th AMF focused discussions on the stocktaking of the AMF, promotion of maritime cooperation in humanitarian assistance and disaster relief (HADR), management and protection of maritime ecosystem, biological diversity and aquatic resources, recent developments relating to maritime security in the South China Sea, and the future direction of the AMF. The 3rd EAMF discussed the recent developments in maritime cooperation in the region, strengthening regional cooperation in responding to disasters and incidents at sea with the focus on HADR, SAR and hotlines platform, enhancing regional maritime security, freedom of navigation and safety of navigation through practical implementation of confidence building measures (CBMs), regional practices in the implementation of UNCLOS, and the future direction of the EAMF. In terms of process, the EAMF should be able to make suggestions to other relevant mechanisms such as the ARF, the ADMM-Plus and the East Asia Summit (EAS) particularly on cross-cutting issues which have yet to be addressed by these mechanisms.

2.3. Briefing on the Outcomes of the 2nd Expanded ASEAN Seafarer Training Counter-Piracy (EAST-CP) Workshop (briefed by the United States)

9. The Meeting noted the briefing by the United States on the outcomes of the 2nd EAST-CP Workshop which was co-chaired by the Philippines and the United States and held in Manila on September 2014. The Workshop built on the momentum from the 1st EAST-CP Workshop in 2013 and was conducted as a collaborative exchange on maritime training and education with a focus on piracy challenges related to seafarer safety and welfare. The Meeting noted that the Philippines and the United States are proposing to conduct the 3rd EAST-CP Workshop later in the year.

2.4. Briefing by CSCAP

10. Mr. Ralph Cossa from CSCAP informed the Meeting of several CSCAP memoranda related to maritime security which contains policy recommendations for consideration of ARF participants. He also informed the Meeting that CSCAP has convened study groups back-to-back with ARF ISMs in order to promote linkages between CSCAP and the ARF Track 1. The briefing and related documents appear as **ANNEX 4**.

Briefing on the Outcome of USCSCAP Workshop on Maritime Security and the Marine Environment

11. The Meeting noted the outcomes of the USCSCAP Workshop on Maritime Security and the Marine Environment which was held on 30 March 2015, prior to the 7th ARF ISM on MS which looked into the global regimes, protection of marine resources, regional disaster response and promoting good order at sea. Key findings from the Workshop include the need to increase the national capacity for implementing the global regimes on marine environment protection, the need to identify the specific types of capacity-building, the merits of emulating the success of regional and sub-regional approaches such as Partnerships in Environmental Management for the Seas of East Asia (PEMSEA) and the Coral Triangle Initiative (CTI) in advancing cooperation, in this case the protection of the marine environment, the review of the implementation of 2002 Declaration of Conduct of Parties in the South China Sea (DOC), the operationalisation of the Code for Unplanned Encounters at Sea (CUES) by ARF participants, and the acknowledgment that achieving good order at sea is closely related to good governance on land. The briefing and related documents appear as **ANNEX 5**.

2.5. Updates on the 6th AMF and 4th EAMF (briefed by Indonesia)

12. The Meeting noted that the 6th AMF and 4th EAMF will be convened in Indonesia in October 2015 and will further the discussions made at the 5th AMF and 3rd EAMF. The Meeting also noted that Indonesia will assume the chairmanship of Indian Ocean Rim Association (IORA) at the end of 2015 and welcomed the offer for the ARF to enhance collaboration with IORA especially within the context of addressing shared maritime and security challenges that threaten the sea lines of communications and transportation in the Indian and Pacific Ocean.

2.6. Updates on the EAST Marine Environmental Awareness Initiative (briefed by Australia)

13. The Meeting took note of the convening of the Workshop on Transboundary Maritime Pollution Incidents under the EAST Initiative which is co-chaired by Viet Nam and Australia and will be held on 20-22 May 2015 in Brisbane. The Workshop will cover the international legal framework, national marine pollution policy and plans, and approaches to international and regional

assistance. The Workshop seeks participation from government officials and experts engaged in maritime and environmental issues.

14. The Meeting took note of the suggestion to establish an ASEAN Coast Guards' Meeting as well as a single regional point of contact on maritime security to ensure coordination between countries in the region.

Agenda Item 3: Exchange of Views on Maritime Security

15. The Meeting underscored the critical importance of sea lines of communications for the livelihood of countries in the Asia Pacific region and reaffirmed that the security of the seas is a common interest for all ARF participants. In this context, it is the responsibility of littoral states to safeguard the sea lines of communications. The Meeting noted the maritime surveillance system in place on the Straits of Malacca and expressed support for the ongoing work of the Malacca Straits Patrol (MSP) in ensuring the security in the Straits of Malacca. The Meeting also noted that public-private partnerships can be very useful in maintaining security of sea lines; for instance, modifying decommissioned offshore oil platforms and merchant vessels into forward operating bases for law enforcement personnel and assets could increase the efficiency and reduce response times of counter-piracy, law enforcement and SAR operations.

16. The Meeting exchanged views on the current maritime-based threats and challenges affecting the region, including piracy, transnational crimes, natural disasters, maritime and aeronautical accidents, depletion of marine resources and deterioration of the marine environment. Addressing maritime security challenges and threats requires a holistic, comprehensive and integrated approach. Cooperation under the ARF framework should be constantly adapted to address these threats and challenges effectively. Rationalising the scope of issues under the maritime security umbrella will help to promote more concrete and robust activities and programmes on maritime security under the guidance of the ARF Work Plan on Maritime Security and the Hanoi Plan of Action to Implement the ARF Vision Statement. On this note, the Meeting welcomed the recently adopted ARF Statement on Cooperation in Prevention, Preparedness, Response and Restoration from Marine Oil Spill Incidents and the ARF Statement on Strengthening Cooperation and Coordination on Maritime and Aeronautical Search and Rescue and encouraged ARF participants to consider conducting follow-up activities in these areas.

17. The Meeting agreed on the importance of the South China Sea as a waterway for global commerce and that a safe, secure and stable South China Sea is in the interest of all ARF participants as well as the greater international community. In this regard, a number of participants expressed concerns in the current situation in the South China Sea, and some of them expressed deep concerns over large-scale reclamation activities and over actions that could affect the livelihoods and the health of the marine environment in the South China Sea. The Meeting recalled that the ARF Ministers stressed at the 21st ARF in Nay Pyi Taw on 10 August 2014 the importance of peaceful resolution of

disputes and issues in accordance with universally recognised principles of international law, including the 1982 UNCLOS, and called on all parties concerned to exercise self-restraint and to avoid actions that would complicate the situation, particularly the use or the threat of the use of force. The Meeting noted the commitments of ASEAN and China in ensuring the full and effective implementation of the Declaration of Conduct on the Conduct of Parties in the South China Sea (DOC) and in working towards the early conclusion of the Code of Conduct (COC) and looked forward to the implementation of early harvest measures particularly the establishment of hotlines to help ease tensions and manage incidents. The Meeting noted suggestions to develop a cooperative regional system to address maritime incidents, enforce the implementation of international conventions such as the SOLAS Convention and COLREGs by civilian and military authorities, and observe the rules-based approach to the management and resolution of disputes. The Meeting discussed the importance of strengthening standards in maritime security and safety of navigation in the ARF region and took note of the positive contributions of initiatives such as CUES, bilateral recognition of rules and standards of behavior and joint activities in this regard. The Meeting also noted the offer from Indonesia to play the role of honest broker in addressing the issues in the South China Sea.

18. The Meeting noted that the Asia-Pacific region is a hotspot of piracy incidents which are perpetrated by armed groups with increasing sophistication and effectiveness. The Meeting viewed that regional and sub-regional initiatives such as the MSP, ReCAAP and the Contact Group on Piracy off the Coast of Somalia (CGPCS) have been effective in combating piracy and welcomed contributions by ARF participants to these initiatives. Several participants underscored that combating piracy should also look into addressing the root causes which originate from land.

19. The Meeting noted the view that illegal, unreported and unregulated (IUU) fishing should be considered a serious security challenge in the maritime domain. The Meeting noted that several ARF participants have developed national regulations to combat IUU fishing including through the registration of national fishing vessels and the strengthening of national coast guard authorities.

20. The Meeting welcomed initiatives by several ARF participants in restructuring their national maritime agencies in order to address contemporary maritime security challenges. The Meeting noted that several ARF participants have undertaken reforms to streamline their maritime national agencies into a coast guard to ensure more robust coordination.

21. The Meeting took note of the suggestion for more coordination and consultations with other ASEAN-related mechanisms such as the ADMM-Plus, EAS and AMF/EAMF to address maritime security issues and viewed that maritime security-related activities under these mechanisms should complement each other. In this context, the Meeting noted the various capacity-building activities on maritime security and safety conducted in the region,

including the Seminar on Piracy, Sea Robbery and Maritime Terrorism in Malaysia in February 2015 and the Workshop on Capacity Building on Aids to Navigation in the Straits of Malacca in Singapore in February-March 2015. The Meeting also noted the 2nd ASEAN-EU High-Level Dialogue on Maritime Security Cooperation which will be held in Kuala Lumpur on 4-6 May 2015.

22. The Meeting took note of the European Union Maritime Strategy (EUMS) and Action Plan which outlines the EU's maritime policy and support for the EU as a global maritime services provider. The EUMS is attached as **ANNEX 6**.

23. The following country statements appear as:

ANNEX 7: Japan

ANNEX 8: Philippines

ANNEX 9: United States

Agenda Item 4: Marine Environmental Issues

24. Prof. Edgardo D. Gomez from the Marine Science Institute of the University of Philippines delivered a presentation on the physical destruction of coral reef ecosystems and overexploitation of endangered species in the South China Sea. The presentation highlighted the destruction of coral reefs in the South China Sea, the harvesting of endangered species and the potential damage to the ecosystems and biodiversity. Using science-based valuation of coral reef ecosystem services in monetary units, the presentation estimated that massive reclamations on shallow reefs and features in the Spratlys so far would lead to US\$100 million worth of economic losses to the countries around the South China Sea. The presentation underscored that healthy coral reef systems are crucial to the productivity of marginal seas and that the protection and preservation of coral reefs and marine biodiversity in the South China Sea should be of paramount importance to all ARF participants. The presentation appears as **ANNEX 10**.

25. Ms. Xu Heyun from the Dept. of International Cooperation of the State Oceanic Administration of China delivered an overview of marine international cooperation between China and ASEAN Member States around the South China Sea. She highlighted the environmental challenges facing the South China Sea and elaborated on the cooperative activities conducted by China and various ASEAN Member States, such as the China-Indonesia Joint Research Projects, China-Malaysia Projects on Operational Ocean Forecasting System, the China-Thailand Joint Laboratory on Climate and Marine Ecosystem, and the China-Viet Nam Cooperation on Marine Environment Management in the Beibu Bay/Gulf of Tonkin, etc. The presentation also highlighted the activities under the ASEAN-China, ARF and IOC/WESTPAC frameworks such as the 2nd ASEAN-China Marine Cooperation Forum and the ARF Seminar on the Regional Cooperation for Offshore Oil Spills, etc. Several challenges were highlighted, including political concerns. The presentation stressed the importance of close regional cooperation and touched on the way forward in the form of, among others, the strategic plan on the construction of the 21st Century Maritime Silk Road, The presentation appears as **ANNEX 11**.

26. The Meeting noted the update by Mr. Greg O'Brien, from the Office of Ocean and Polar Affairs of the U.S. Department of State, on the Action Plan for the Our Ocean Conference which was held in Washington, DC in June 2014. The update highlighted the implementation of the priority areas of the Action Plan, namely sustainable fisheries, protection of ocean areas, marine pollution and ocean acidification. The Meeting noted that the next Our Ocean Conference will be held in Chile in 2015. The presentation is attached as **ANNEX 12**.

27. The Meeting noted the briefing by Mr. Huang Yanpin, Head of Strategy Research and Development Center, Maritime Safety Administration of China, on China's oil spill response experiences and cooperative activities with its several countries in the region, such as the workshop on hazardous and noxious substances (HNS) pollution and emergency response for the littoral states of the Straits of Malacca and Singapore which was held in December 2014.

28. The Meeting noted the briefing on New Zealand's experience in responding to oil spills. New Zealand has developed a Marine Oil Spill Response Strategy which outlines a three-tier approach based on the severity of the oil spill. Several lessons learned include the need for better coordination within government and some stakeholders. The presentation appears as **ANNEX 13**.

29. Capt. Barry Choy from the U.S. National Oceanic and Atmospheric Administration (NOAA) delivered a presentation on Utilizing Cooperation Mechanisms and New Technology: Port State Measures and Satellite Data Utilization in Maritime Law Enforcement. He underscored the connection between marine environmental issues and maritime security, namely in IUU fishing, pollution and conservation of ecologically-sensitive areas. He emphasised how port state measures (PSM) addresses IUU fishing and outlined ways to build PSM capacity in the ASEAN region. He elaborated on satellite detection of boats operating at night currently operational in Indonesia and how this technology could be used in combating IUU fishing and in other areas. The presentation is attached as **ANNEX 14**.

30. The Meeting took note of the briefing by the Philippines as the Chair of the ASEAN Working Group on Coastal and Marine Environment (AWGCME). The AWGCME operates under the framework of the ASEAN Ministerial Meeting on Environment (AMME) and the ASEAN Social-Cultural Community (ASCC) Blueprint, particularly section D.7 on Promoting the Sustainable Use of Coastal and Marine Resources. The AWGCME is currently discussing the proposals on the Workshop on ASEAN Mechanism to Enhance Surveillance against Illegal Desludging and Disposal of Tanker Sludge at Sea, Climate Change and ASEAN Coastal Areas: Vulnerability, Impacts and Adaptation and Petroleum Hydrocarbon Fingerprinting of Spilled Oil Found in ASEAN Countries. The Meeting noted several regional programmes and projects with other organisations such as the ASEAN Centre on Biodiversity (ACB), PEMSEA and the CTI-Coral Reefs, Fisheries and Food Security Programme. The Meeting

also noted that the 16th Meeting of the AWGCME will be held in Lao PDR in 2016. The presentation appears as **ANNEX 15**.

Agenda Item 5: Maritime Safety Issues

31. The Meeting noted the briefing on Australia's experiences and challenges during the search operations for Malaysia Airlines flight MH370. The briefing highlighted the search areas for the missing aircraft, the vessels utilised in the SAR operations and the current ongoing operations which is focused on underwater search. The key lessons learned from the operations include the need for improved regional civil-military coordination and cooperation. The briefing appears as **ANNEX 16**.

32. Mr. Dave Edwards, ICAO and SAR expert from the U.S. Coast Guard and Chairman of the International Civil Aviation Organization (ICAO)/International Maritime Organization (IMO) Joint Working Group on SAR, and Mr. Richard Roberts, Deputy Director of Incident Management at the U.S. Coast Guard District 14 Command, delivered a presentation on SAR Coordinating Committee and SAR Plans for Whole of Government Approach. They underscored the importance of cooperation and coordination between aeronautical and maritime SAR agencies and between civilian and military authorities. They outlined the elements of a national SAR committee with the whole-of-government approach, namely the inclusion of multiple agencies (defence, transportation, interior, communications, health, emergency management, etc.) and the focus on policy instead of operational matters. This committee should oversee the national SAR plan and coordinate interagency SAR matters. The national SAR plan would be a strategic policy document that would enable SAR agencies to execute specific SAR plans for specific incidents. The presentation is attached as **ANNEX 17**.

33. The Meeting took note of the briefing on China's experiences in maritime safety and SAR and the proposal for an ARF workshop on SAR. The Meeting encouraged ARF participants to implement the ARF Statement on Strengthening Coordination and Cooperation in Maritime Aeronautical Search and Rescue and to promote collaborative activities in SAR including conducting joint exercises.

34. The Meeting took note of the presentation by Australia on the Code for Unplanned Encounters at Sea (CUES) which was endorsed by the Western Pacific Naval Symposium (WPNS) in Qingdao, China in April 2014. CUES was initially proposed in 1999 by the Australian Chief of Navy and has had various revisions since then. The purpose of CUES is to provide safety procedures, a basic communications plan and basic maneuvering instructions for naval ships and naval aircraft during unplanned encounters at sea. CUES is a voluntary, non-legally binding document and does not supersede international civil aviation rules or other rules applicable under international agreements or treaties. The briefing highlighted several challenges, including the need for further training on the implementation of CUES. The Meeting noted that the successful implementation of CUES could be expanded to navies in other fora, such as the Indian Ocean Naval Symposium (IONS). The briefing is attached as **ANNEX 18**.

35. The Meeting noted the briefing on China's implementation of CUES, including through, among others, the exchange of visits, conduct of joint patrols between naval vessels, and mutual liaison mechanisms between China and other WPNS countries.

36. The Meeting took note of the briefing by Indonesia on the SAR operations for Air Asia flight QZ8501. The SAR operations involved multiple national agencies as well as international personnel and assets and successfully evacuated most of the victims of the crash and recovered the black box and main wreckage. The briefing underscored the importance of civil-military cooperation and coordination as well as good cooperation with regional and international partners in conducting joint SAR operations.

Agenda Item 6: Maritime Security Issues

37. Mr. Shamus Mangan from UNODC delivered a presentation on the UNODC Global Maritime Crime Programme. The presentation highlighted the UNODC's support for piracy prosecution centres and law enforcement capacity building programmes in Somalia as well as highlighted the work of Indian Ocean Forum on Maritime Crime (IOFMC). The presentation appears as **ANNEX 19**.

38. Mr. Yoshihisa Endo, Executive Director of ReCAAP, informed the Meeting on the latest situation on piracy and armed robbery against ships in Asia. The presentation highlighted the increase of incidents in 2014 particularly the siphoning of ship fuel/oil from victim vessels to another, unknown vessel. The presentation also highlighted the actions taken by ReCAAP to address these incidents and a successful case study where an attempted incident was thwarted. Several recommendations were offered, including the need for closer collaboration with law enforcement agencies, promoting situational awareness among authorities, encouraging early reporting of incidents in collaboration with the shipping industry and encouraging littoral states to do more through increased surveillance and extended coordinated patrols. The presentation appears as **ANNEX 20**.

39. Sr. Col. Li Bing, Director of International Cooperation Section of the China Coast Guard briefed the Meeting on cooperation on combating piracy and armed robbery against ships at sea and on the North Pacific Coast Guard Forum (NPCGF). She outlined the membership and organisation structure of the NPCGF as well as scope of activities including joint exercises, mutual visits and personnel training. The presentations are attached as **ANNEXES 21 and 22**.

40. Mr. Yasutaka Katagiri, Deputy Director of the International Affairs & Crisis Management Division, Japan Coast Guard, briefed the Meeting on the 10th Heads of Asian Coast Guard Agencies Meeting (HACGAM). Coast Guard agency representatives from 18 Asian countries and one region attended the 10th HACGAM in Yokohama, Japan in September 2014 in order to discuss their enhanced cooperation. The briefing highlighted recent activities such as joint

training programs, seminars and workshops under the framework of HACGAM including seminars and workshops.

41. Some participants viewed that IUU fishing is an extraordinary challenge which requires extraordinary measures and stronger cooperation to address it effectively. They further suggested that IUU fishing be addressed through a security approach, considering the transnational criminal aspects and the rapidly evolving challenges of IUU Fishing.

Agenda Item 7: Breakout Sessions

42. The meeting participants were divided into four discussion groups facilitated by faculty members of APCSS. One group addressed marine environment issues, another group focused on maritime safety issues, and two groups addressed maritime security issues. The objective of the breakout sessions were to identify common reference points and shared principles, and identify activities to help strengthen those principles that could be included in the ARF Work Plan on Maritime Security. The following framing questions were addressed by each group: (1) What existing agreements or principles govern behaviour in maritime safety/security/environment? (2) How well are these agreements/principles understood and implemented? (3) Are there areas where we lack a common understanding of appropriate behaviour, or could benefit from closer cooperation to implement these principles? Participation in these groups was based generally on the preferences of individual participants. The introductory briefing on the Breakout Sessions appears as **ANNEX 23**. Following the breakout sessions, each group selected representatives to report findings to the plenary (see Agenda Item 7.4).

7.1. Breakout Session – Marine Environmental Issues

43. The Marine Environment discussion group was facilitated by APCSS Associate Professor Kerry Nankivell and focused on identifying issues to prioritize, levels of focus (legislation/regulations, institutions, and implementation), Agreements/Institutions/Principles, gaps, and proposed activities that the ARF could undertake in the future. The recommendations included greater attention to environmental threats to coral, mangroves, sea grass, highly migratory species, and ocean acidification. A more detailed summary of the discussion appears as **ANNEX 24**.

7.2. Breakout Session – Maritime Safety Issues

44. The Maritime Safety discussion group was facilitated by APCSS Associate Professor Dr. Alexander Vuving and identified agreements and principles that govern behavior in maritime safety, identified gaps and principles associated with SAR and Rules of the Road, and recommended activities to address these gaps, such as regionally customized navigation rules of the road; enhanced SAR cooperation, sharing best practices, capacity building, and standardized operating procedures. A more detailed summary of the discussion appears as **ANNEX 25**.

7.3. Breakout Session – Maritime Security Issues

45. Two Maritime Security discussion groups were held based on the large number of meeting participants who indicated their interest in participating in discussions on this topic. Maritime Security Group “A” was facilitated by APCSS Associate Professor Dr. Justin Nankivell and identified interpretations/understandings, challenges to implementation, and proposed solutions associated with the UN Charter, UNCLOS, DOC, IMO Convention, UN Convention against Transnational Crime (UNTOC), and ReCAAP. Recommendations included socialization of views on maritime dispute resolution and regional adoption of best practices in maritime law enforcement. A more detailed summary of the discussion appears as **ANNEX 26**.

46. Maritime Security Group “B” was facilitated by APCSS Associate Professor Dr. Jeffrey Hornung and identified existing non-traditional (e.g. smuggling, IUU fishing, piracy) agreements and principles, addressed how well they are understood and implemented, and recommended activities that would help address the gaps in understanding and implementing these agreements and principles, such as through increased capacity building and enhancing mutual cooperation. A more detailed summary of the discussion appears as **ANNEX 27**.

7.4. Breakout Session – Reports

47. The Meeting was of the view that the breakout sessions were very helpful in facilitating more open and frank discussions on specific issues. These discussions suited the purpose of the ARF ISM in taking stock of substantive and operational issues within the purview of its work, particularly in the review of the ARF Work Plan on Maritime Security. The Meeting considered the merits of continuing this practice in subsequent ISMs on MS. Refer to **ANNEXES 24-27** for the Breakout Session Reports.

Agenda Item 8: ARF Maritime Security Work Plan

8.1. Review of the ARF Maritime Security Work Plan by ASEAN Secretariat

48. The ASEAN Secretariat delivered a review of the implementation of the ARF Work Plan on Maritime Security. The review highlighted several maritime-related activities in the 2014-2015 inter-sessional year, which implemented Priority Areas 2 and 3 of the Work Plan while noting that Priority Area 1 has yet to be implemented. In the context of coordination with other ASEAN mechanisms, the review noted that since 2013 the ARF ISM on MS has incorporated into its regular agenda briefings from the Chairs of ASEAN maritime-related sectoral bodies on the work of their respective areas. Looking ahead, the review offered the following suggestions for the consideration of the Meeting in developing and implementing the new Work Plan:

- i. Priority areas should be focused on issues where the ARF could bring the most added value to existing maritime security initiatives, particularly those of ASEAN. Considering the importance of

information and intelligence in maritime security cooperation, ARF participants might wish to consider maintaining Priority Area 1 while focusing on initiating concrete and technical-oriented activities, e.g. joint civil-military exercises on communication and coordination between marine vessels in a multinational SAR operation.

- ii. Lead Countries should continue to play a more active role in initiating projects or inviting ARF participants to propose projects. Concurrently, ARF participants should strive to support the Lead Countries in initiating and conducting projects within the respective priority area. In this context, proposed activities should be aimed at implementing a particular priority area. This objective should be clarified in the concept paper for the activity to be proposed.
- iii. The priority areas of the Work Plan could reflect more of the maritime security action lines of the Hanoi Plan of Action, particularly those related to concrete activities such as exchanges of officials, joint training and table-top exercises.

8.2. Progress of Draft Revised Work Plan by ISM Co-Chairs

49. The Meeting studied the draft ARF Work Plan on Maritime Security 2015-2017 which was prepared by the Co-Chairs. An earlier version of the draft had been circulated to all ARF participants through the ARF Unit; the current draft incorporated the initial comments from ARF participants. The draft Work Plan included its objectives carried over from the original Work Plan as well as those reflecting the results of the 21st ARF in Nay Pyi Taw in August 2014. The draft revised ARF Work Plan on Maritime Security 2015-2017 is attached as **ANNEX 28**.

50. Some participants commented that the Work Plan should be as actionable as possible and avoid politically sensitive issues. In this context, the Meeting took note of the recommendation for the draft Work Plan to focus more on non-traditional maritime security issues.

51. The Meeting agreed to submit further inputs and feedback to the draft Work Plan to the Co-Chairs by 23 April 2015.

Agenda Item 9: Outcome of Previous Maritime Security Activities

9.1. Briefing on the Outcomes of the 2nd ARF Seminar on UNCLOS by the Philippines and Australia

52. The Meeting noted the briefing on the outcomes of the 2nd ARF Seminar in UNCLOS which was held in Manila on 28-29 May 2014. The Seminar built on the outcomes of the 1st ARF Seminar on UNCLOS in 2011. It emphasised the application of UNCLOS to the wide range of maritime activities and interests pursued by ARF member states and, through this, how UNCLOS can contribute to regional maritime security. The Seminar highlighted areas of practical and

applicable cooperation, enabled frank discussions on the implementation of UNCLOS and identified a number of issues for further consideration.

9.2. Briefing on the Outcomes of the ARF Seminar on Sea Lines of Communications (SLOCs) Security by *Indonesia and China*

53. The Meeting noted the briefing on the outcomes of the ARF Seminar on Sea Lines of Communications (SLOCs) Security which was held in Beijing on 8-9 December 2014 and co-chaired by Indonesia and China. The Seminar discussed national experiences in conducting anti-piracy issues, enhancing multilateral cooperation through capacity building, and improving cooperative activities. The Meeting also noted that the draft Co-Chairs' Summary Report of the Seminar will be circulated to all ARF participants for their inputs and comments in due course.

9.3. Briefing on the Outcomes of the ARF Seminar on counter Piracy and Armed Robbery in Asia by *Japan*

54. The Meeting noted the briefing on the outcomes of the ARF Seminar on Counter Piracy and Armed Robbery in Asia which was held in Tokyo on 3-4 March 2015 and co-chaired by Japan, Malaysia, India and the United States. Based on the discussions in the Seminar, the participants shared the view on the importance of further enhancing the following measures to combat piracy and armed robbery against ships in Asia: (i) strengthen regional and international cooperation for the capacity building of maritime law enforcement agencies of coastal states; (ii) enhance regional and international cooperation to facilitate the information exchanges on piracy and armed robbery against ships through existing mechanisms; and (iii) promote exchanges among maritime law enforcement agencies to share experiences and lessons learned through both bilateral and multilateral frameworks.

Agenda Item 10: New Proposals for Inter-Sessional Year 2015-2016

55. The Meeting noted the draft Concept Paper for the ARF Workshop on Emergency Management of Offshore Oil Spill, proposed by China. The Workshop aims to conduct technical exchanges and discussions on the environmental behavior of oil spills, monitoring, identification and assessment, emergency response and establishment of a regional experts' network of marine oil spill emergency responders. The draft Concept Paper for the Workshop appears as **ANNEX 29**.

56. The Meeting noted the draft Concept Paper for the ARF Workshop on Maritime Risks Management, proposed by China for the second half of 2015. The Workshop will exchange experiences in maritime risks management and how multilateral actors will play a better role. The draft Concept Paper for the Workshop appears as **ANNEX 30**.

57. The Meeting noted the draft Concept Paper for the ARF Workshop on Maritime Safety and Environment Protection, proposed by China for the first half of 2016. The Workshop aims to promote exchange of views on this topic,

including sharing of experiences in maritime safety and environment protection. The draft Concept Paper for the Workshop appears as **ANNEX 31**.

58. The Meeting noted the draft Concept Paper for the ARF Seminar on the Regional Confidence Building and Law of the Sea, proposed by Japan. The Seminar would review relevant provisions of international law, such as UNCLOS Articles 74, 83 and 123, legal precedents and state practices, and would extract relevant recommendations for the promotion of maritime cooperation and confidence building. The draft Concept Paper for the Seminar appears as **ANNEX 32**.

59. The Meeting noted the revised Concept Paper for the ARF Capacity Building Workshop on Ship Profiling, proposed by New Zealand for the first half of 2016. The Workshop will build on the outcomes of the ARF Workshop on Ship Profiling which was held in Kuala Lumpur in April 2013. The Workshop would, among others, focus on the linkages between ship profiling and maritime security and explore possible elements of best practices in ship profiling for the ARF. The revised Concept Paper for the Workshop appears as **ANNEX 33**.

60. The Meeting took note of the proposal by the United States to convene a workshop on increasing regional security by improving fisheries management. The workshop would focus on improving regional cooperation to combat IUU fishing in the ASEAN region. The draft Concept Paper is attached as **ANNEX 34**.

61. The Meeting noted the draft ARF Statement on Strengthened Cooperation on Marine Environmental Protection and Conservation which was proposed by the United States. The draft Statement will complement the ARF Statement on Cooperation in Prevention, Preparedness, Response and Restoration from Marine Oil Spill Incidents which was adopted by the 21st ARF in Nay Pyi Taw on 10 August 2014. ARF participants were invited to submit their inputs to the draft Statement by 23 April 2015. The draft Statement appears as **ANNEX 35**.

62. The Meeting took note of the draft Concept Paper for the Proposed ASEAN Maritime Organization Plus (AMO+), proposed by the Philippines, to include ASEAN and ARF dialogue partners. The draft Concept Paper appears as **ANNEX 36**. In addition, the Philippines informed the Meeting of the proposal to establish an ARF Contact Group of single points of contact among maritime authorities of the ARF and that it will circulate a concept paper on this shortly

63. The Meeting noted that Malaysia and China as the co-leads of Priority Area 3 of the ARF Work Plan on Maritime Security are currently preparing a draft concept paper for a programme on capacity building of maritime law enforcement agencies in the region which will be submitted for further consideration by the ARF at a later date.

64. Some participants suggested for the proponents of the above activities to be mindful of other similar initiatives being conducted or considered by other related fora in order to avoid duplication of efforts.

Agenda Item 11: Closing Remarks by Co-Chairs

65. The Co-Chairs underscored that the ARF should continue to strengthen cooperation in maritime security while being mindful of discussions and activities conducted under other ASEAN-related maritime security mechanisms such as the AMF/EAMF and the ADMM-Plus.

66. The Co-Chairs viewed that more work needs to be done in implementing international regimes on maritime security, maritime safety and the marine environment.

67. The Co-Chairs expressed appreciation to all participants in providing their frank opinions during the breakout sessions.

Acknowledgement

68. The Meeting expressed gratitude to the Co-Chairs for their effective leadership and fruitful discussion. The Meeting also expressed appreciation to the Government of the United States for the excellent arrangements, including the outstanding conference support by the Asia-Pacific Center for Security Studies (APCSS), and hospitality accorded to all ARF participants.

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