

Maritime Security A Breakout Group

ARF ISM

UN Charter

- Interpretation/Understanding: failure of consistency on interpretation WRT non-interference
- Implementation: obstacles to implementation based on national interests
- Gaps: Lack of international trust and aligned worldviews

UNCLOS

- Interpretation: well-understood, but differently implemented and interpreted
- Implementation: Dispute settlement is poorly implemented
- Gaps: ART 123; submarine cables needs regional protocol; maritime entitlements; ART 101 jurisdictional and interpretation issues
- Possible Solutions: regional protocol on submarine cables; more transparency on national claims; socialization of views on dispute settlement and ART 123

DOC

- Implementation: Demonstrates a concordance of interests between ASEAN and PRC
- Gaps: Non-binding; political will to implement; no enforcement mechanism, ends to which DOC is used varies (utility to various states)
- Possible Solution: Encourage negotiation/dispute resolution and monitoring mechanisms/annual review for DOC; expedite the conclusion of COC; implement moratorium on development; continue momentum on DOC through practical cooperation and CBMs; promote bilateral/multilateral engagement

IMO Convention

- Interpretation/Understanding: Well-understood
- Implementation: Range of actors involved in enforcement, public/private coordination, internal gov't gridlock
- Gaps: Not ratified owing to lack of capacity, lack of will to have sovereignty impinged, implementation; no external enforcement mechanism; lack of flag state responsibility
- Possible Solutions: encourage and periodically review ratification and implementation of provisions; aggressively close gaps on flag state responsibilities; encourage IMO to be more aggressive through greater peer pressure and soft arrangements; establishment of regional offices

UNTOC

- Implementation: Inconsistent with charter because of complexity and lack of capacity
- Gaps: capacity of states; cross-border cooperation; maritime boundaries are more porous than terrestrial; implementation varies with state strength, lack of will in transit countries
- Proposed Solution: Enhance awareness of TOC; comprehensive measure from source, transit and destination; capacity building among current countries and increased membership

ReCAAP

- Interpretation/Understanding: most well-understood agreement in region
- Gaps: information gap from the lack of membership, as well as a diversity of interests and motives of actors sharing information and the sources of information; will and capacity of members; operationalize collated information
- Proposed solutions: full membership of ReCAAP; enhanced reporting; promote political awareness and willingness

Questions