

Co-Chairs' Summary Report
The Sixth ARF Inter-Sessional Meeting on Maritime Security
Bali, Indonesia, 22-23 May 2014

Introduction

1. Pursuant to the decision of the 20th Ministerial Meeting of the ASEAN Regional Forum (ARF) held in Bandar Seri Begawan on 2 July 2013, the meeting of the Sixth ARF Inter-Sessional Meeting on Maritime Security (ISM on MS) was held in Bali from 22-23 May 2014. The Meeting was co-chaired by Mr. M. I. Derry Aman, Director of Dialogue Partner and Inter-Regional Affairs, Ministry of Foreign Affairs of Indonesia, Mr. Jang Hyun-Cheol, Director for International Security Division, Ministry of Foreign Affairs of the Republic of Korea, and Mr. Christian Castro, Director for Multilateral Affairs, Bureau of East Asian and Pacific Affairs, Department of State of the United States.
2. All ARF participants except Bangladesh, the Democratic People's Republic of Korea, Mongolia, Myanmar, Pakistan, Papua New Guinea, and Sri Lanka were present. Representatives from the ASEAN Secretariat were also present. The List of Participants appears as **ANNEX 1**.

Agenda Item 1: Opening Session

3. Mr. M. I. Derry Aman, Director for Dialogue Partner and Inter-Regional Affairs, Ministry of Foreign Affairs of the Republic of Indonesia, in his opening remarks informed that the Inter-Sessional Meeting aimed at enhancing coordination between ARF and other maritime-related mechanisms and building common perception on the challenges and threats in maritime security, such as maritime safety, maritime search and rescue, as well as Illegal, Unreported, and Unregulated (IUU) Fishing. He underscored that the Inter-Sessional Meeting also aimed at pushing forward the implementation of ARF Maritime Security Work Plan as well as assessing the need of its review. His opening remarks appear as **ANNEX 2**.
4. Mr. Jang Hyun-Cheol, Director for International Security Division, Ministry of Foreign Affairs of the Republic of Korea viewed that the ARF ISM on MS in maritime security is vital not only as a tool to enhancing security in maritime domain but also as a contributor to reinforcing confidence-building measures and preventive diplomacy in the region. He noted that the issues discussed at the previous ARF ISM on MS in Seoul could be a basis for further deliberation in the future. Although there are many issues to be tackled in the region, he underlined that the issues which would be discussed in the meeting such as maritime search and rescue are relevant to the current context. He hoped that the ARF ISM on MS will continue to contribute to the ARF process and encouraged all ARF participants

to have a fruitful discussion in the Meeting. His opening remarks appear as **ANNEX 3**.

5. In his opening remarks, Mr. Christian Castro, Director for Multilateral Affairs, Bureau of East Asian and Pacific Affairs, Department of State of the United States, commended Indonesia for its instrumental role in advancing the ARF Maritime Security Pillar as co-chair for all six ARF ISMs on MS, which has enabled ARF participants to exchange views and best practices on maritime security, thereby contributing to greater transparency and confidence. He pointed out that regardless of recent developments in the South China Sea, ARF participants remained committed to improving the security of this region's maritime domain through a constructive and positive mechanism supported by the ARF. He reminded participants of the ARF's responsibility to assess ARF's progression toward an action-based, solutions-oriented regional security mechanism. Along with confidence building, Director Castro emphasized the importance of developing the ARF's capacity to respond to regional security challenges and potential crises through preventive diplomacy and resolution of conflicts. Recalling the recent tragic incidents resulting from the loss of Malaysian Airlines Flight MH 370 and its passengers and the sinking of the Sewol ferry and the loss of many lives off the coast of the Republic of Korea, Mr. Castro affirmed the relevance of the topics identified in the agenda. His opening remarks appear as **ANNEX 4**.

Agenda Item 2: Adoption of the Agenda

6. The Meeting considered and adopted the Agenda which appears as **ANNEX 5**.

Agenda Item 3: Business Arrangements

7. The Meeting adopted the Administrative Arrangements which appears as **ANNEX 6**.

Agenda Item 4: Coordination, Consultation, and Synergy between ASEAN maritime-related bodies and mechanisms

8. In the introduction of the agenda, the Co-Chairs highlighted that there are at least eleven ASEAN maritime-related Sectoral Bodies. The Chairs and Co-Chairs of several of these Bodies have been invited to brief the Meeting in view of promotion of coordination and synergies among these Bodies and mechanisms.

4. 1. Briefing on the Outcomes of the 4th ASEAN Maritime Forum and 2nd Expanded ASEAN Maritime AMF

9. H. E. Dato' Zulkifli Adnan, Director General of the Department of Maritime Affairs, Ministry of Foreign Affairs of Malaysia, presented a briefing on the outcomes of the 4th AMF and the 2nd EAMF which were held in Kuala Lumpur on 1-3 October 2013. The meetings were held back-to-back in line with the Concept Paper of the

Establishment of the EAMF. The 4th AMF was attended by sixty-seven Track I participants. The Forum deliberated on three main issues, namely enhancing maritime cooperation, fostering sectoral cooperation and coordination, and the future work of the AMF, which were follow-ups of the 3rd AMF in Manila in August 2012. The objective of the Forum was to address the issue of duplication of efforts of ASEAN maritime-related Bodies; to this end the Chair prepared a Matrix of maritime-related issues under the ASEAN Sectoral Bodies to identify gaps and potential overlaps in the implementation of cooperation on maritime-related issues. The Forum also decided to present the outcomes of the discussion to the EAMF to generate symbiosis between the AMF and the EAMF. On the 2nd EAMF, the Forum was attended by ninety-five Track I participants from ASEAN Member States and the eight ASEAN Dialogue Partners. The Forum noted Brunei Darussalam's proposal to host the East Asia Summit Track II Study Group. The Forum also discussed strategic issues and project-oriented activities. The briefing appears as **ANNEX 7**.

10. The Meeting took note that Viet Nam will chair the 5th AMF and 3rd EAMF, which will be convened in Da Nang on 26-28 August 2014.
11. Several ARF participants commended on the deliberation of the EAMF and reaffirmed the importance of the EAMF as a venue for its participants to exchange views on various maritime-related issues in an open and inclusive manner. The Meeting took note of the interest by Japan to co-organise with Australia follow-up activities under the marine environment pillar.

4. 2. Briefing on Maritime Security Cooperation within ADMM-Plus

12. The Meeting noted the briefing by Brunei Darussalam and New Zealand as the current Co-Chairs of the ADMM-Plus Experts' Working Group on Maritime Security (EWG on MS). The briefing highlighted the background of the ADMM-Plus EWG on MS since its inception in 2011 and the progress of its cooperation since then. The first three-year cycle of the EWG on MS was chaired by Malaysia and Australia and had completed the 2011-2014 Work Plan. Several milestone achievements of the EWG on MS, including the Table-Top Exercise (TTX) in Langkawi, Malaysia, in September 2011, the Field Training Exercise (FTX) in Jervis Bay, Australia, in September/October 2013, and the establishment of the ADMM-Plus Maritime Security Information-Sharing Portal (AMSCIP), were highlighted. The next three-year cycle of the EWG on MS has commenced from April 2014. A new Work Plan for implementation period 2014-2017 was adopted by the ASEAN Defence Senior Officials' Meeting (ADSOM)-Plus in April 2014. Activities on EWG on MS will be coordinated with the other ADMM-Plus EWGs. A joint exercise of the ADMM-Plus EWG on MS and the EWG on Counter-Terrorism will be held in 2015/2016 in Malaysia. The Meeting was also informed of a number of initiatives and activities planned for the period of 2014 to 2017. A joint calendar of the ADMM and ARF activities is now accessible from the ADMM and ARF websites. The EWG on MS is also looking into opportunities for interaction in conjunction with other activities

including in non-ADMM-Plus maritime activities such as the Passing Exercise (PASSEX) and the Southeast Asia Cooperation and Training (SEACAT) exercises. The briefing appears as **ANNEX 8**.

13. The Meeting noted the suggestion for the ADMM-Plus EWG on MS to also take into consideration the participation of maritime law enforcement agencies in future initiatives.
14. The Meeting was informed by the Philippines on the convening of the Network of ASEAN Defence Institutions (NADI) Workshop on Regional Maritime Rules of Engagement in Manila on 7-10 May 2014 which have produced several recommendations pertaining to rules and procedures in the good order at sea. An ASEAN Navy Workshop on for the Common Protocol for HADR Operations was also convened in Manila on 24-27 February 2014; the outcomes of this Workshop will be considered at the ASEAN Navy Chiefs Meeting in Bangkok on 26-29 August 2014.

4.3. Briefing on Maritime Security Cooperation within Senior Officials Meeting on Transnational Crime (SOMTC)

15. The Meeting noted the briefing on the latest developments of the cooperation in maritime security cooperation within the SOMTC by the current SOMTC Chair, Viet Nam. The briefing underscored the many threats to maritime security, including sea piracy and armed robbery at sea. The Meeting was informed of the eight priority areas of the SOMTC Work Programme including sea piracy of which Malaysia is the current Lead Shepherd. Several activities to implement this priority area were highlighted. In addition to its internal cooperation, ASEAN also has an active cooperation with its Dialogue Partners in this area through projects aimed at enhancing maritime security cooperation, for example between the ASEAN Secretariat and the Nippon Foundation in the area of maritime civilian safety. The briefing offered several recommendations to enhance cooperation in the frameworks of SOMTC and ARF, including to unify focal points for coordinated arrests in dealing with piracy and maritime crimes, to continue information sharing and conducting workshops and other capacity-building activities related to sea piracy and maritime crimes, and for Dialogue Partners to strengthen the implementation of legal instruments signed with ASEAN on maritime security cooperation. The briefing appears as **ANNEX 9**.

4.4. Briefing on Maritime Cooperation within ASEAN Working Group on Coastal and Marine Environment (AWGCME)

16. The Meeting noted the briefing by the Philippines as the Chair of the AWGCME on ASEAN cooperation in coastal and marine environment. The briefing informed the Meeting of the eight action-lines of the ASEAN Socio-Cultural Community (ASSC) Blueprint, which serve as the basis for the cooperation on coastal and marine environment. The briefing highlighted the strategic objectives, guiding mandate,

and terms of reference of the AWGCME. Several efforts and activities of the AWGCME were also highlighted, such as the publication of the ASEAN Marine Water Quality Criteria: Management Guidelines and Monitoring Manual in 2008 and the adoption of the ASEAN Mechanism to Enhance Surveillance against Illegal Desludging and Disposal of Tanker Sludge at Sea in 2009. The briefing appears as **ANNEX 10**.

17. The Meeting welcomed the briefings by the Chairs of the ASEAN maritime-related Sectoral Bodies. The Meeting took note of the suggestion that the information from these Bodies should be considered as inputs to the new ARF Work Plan on Maritime Security.

Agenda Item 5: Update on the ARF Maritime Security Work Plan

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

18. The ASEAN Secretariat delivered a review on the implementation of the ARF Work Plan on Maritime Security. The review recalled that the Work Plan was adopted at the 18th ARF in 2011 with the key objective of creating a long-term coordinated and comprehensive plan that would advance ARF maritime security efforts. It was assessed that implementation of the Work Plan has been progressing gradually, with the potential for even greater activity. The Meeting noted several challenges in the implementation of the Work Plan, including the absence of lead countries for Priority Area 1 and the lack of ownership by ARF participants of the Work Plan. The Meeting also noted the following suggestions to advance the implementation of the Work Plan:
 - Review the current priority areas of the Work Plan. 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.
 - The priority areas of the Work Plan could reflect more on the action lines on maritime security in the Hanoi Plan of Action, particularly those related to concrete activities such as exchanges of officials, joint training and table-top exercises.
 - Lead Countries to play a more active role in initiating projects or inviting ARF participants to propose projects.
 - Incorporate the latest developments in ASEAN cooperation in maritime security-related issues and follow up on the recommendations which can be implemented within the ARF framework.
 - Consider looking into the outcomes and recommendations from other regional and international organisations on maritime security to complement the Work Plan's implementation.

5.2. Assessment and Overview of Maritime Security Work Plan Priority Areas

5.2.1 Priority Area 1

19. There were no discussions under this agenda item.

5.2.2. Priority Area 2

20. The Meeting took note the briefing by Malaysia and Japan on maritime security-related initiatives, both under the ARF as well as other frameworks in which both countries participate. The Meeting also welcomed the proposal for an ARF Seminar on Counter-Piracy and Armed Robbery in Asia to be co-chaired by Malaysia and Japan and to be held in Tokyo in the inter-sessional year 2014-2015. The Co-Chairs invited other ARF participants to co-host the Seminar. The Concept Paper of the Seminar was circulated to all ARF participants for further consideration and is attached as **ANNEX 11**.
21. The Meeting was updated on the proposal for the ARF Workshop on Maritime Security that was submitted to the 5th ARF ISM on MS in Seoul in April 2013 and subsequently adopted by the 20th ARF in Brunei Darussalam in July 2013. The Meeting took note that the Workshop was initially scheduled to be held in the first half of 2014 in Malaysia. However, the Workshop had to be rescheduled as the relevant Malaysian agencies were involved in the search operations for MH 370 since March 2014. Malaysia will announce the date for the Workshop once finalised.

5.2.3. Priority Area 3

22. The Meeting welcomed Malaysia's confirmation to co-lead Priority Area 3 with China. The co-leads are currently in consultations on activities to be implemented under this Priority Area, particularly on capacity-building opportunities. The concept paper for this activity will be submitted through the ARF procedure once finalised by the Co-Chairs.
23. The Meeting was also updated on the preparation for the ARF Workshop on Security of Sea Lines of Communications, proposed by China. The Meeting encouraged ASEAN Member States to co-chair the Workshop with China.
24. The Meeting was informed that the upcoming ARF Disaster Relief Exercise (ARF DiREx) in Malaysia on 6-8 February 2015 will include scenarios based on oil spill incidents and maritime search and rescue.

5.3. Development of the ARF Maritime Security Work Plan 2014-2016

25. The Meeting was of the view that the Work Plan should be further developed to respond to maritime security challenges in the region. The Meeting also noted the approach in the ARF ISM on CTTC in which new priority areas would not be added until the co-lead countries have been identified.

26. The Meeting agreed the need to review the Work Plan and that an updated Work Plan should continue to address the current priority areas of the existing Work Plan. The Meeting suggested that the timeline of the Work Plan should be extended to three years and the number of the Co-Chairs to remain three. The Meeting also proposed that the lead countries of all priority areas should be confirmed before the new Work Plan is submitted to the ARF SOM and subsequently the ARF Ministers. On this note, the Meeting discussed on the relevance of IUU fishing to be considered as a maritime security issue addressed in an update to the Work Plan, mindful of its potential threat to maritime security. The meeting noted some viewpoints that IUU Fishing covers not only security but also political, economic and environmental concerns. Therefore, it should be dealt with in a holistic manner. The Meeting noted the suggestion to include search and rescue as a new priority area of the Work Plan in consideration of recent maritime security incidents as well as the ARF's past work.
27. The Meeting agreed that the current and the next Co-Chairs of the ARF ISM on MS will work together to draft the new ARF Work Plan on Maritime Security. It was suggested that the draft would be tabled at the ARF Inter-sessional Support Group Meeting on Confidence-Building Measures and Preventive Diplomacy (ISG on CBMs and PD) in Malaysia in the fourth quarter of 2014.
28. The Meeting welcomed the proposal for an ARF Capacity-Building Workshop on Ship Profiling, submitted by New Zealand. The Workshop will build on the outcomes of the previous Workshop on Ship Profiling in April 2013 and is scheduled to be conducted in the inter-sessional year 2015-2016. The Meeting encouraged ASEAN Member States to co-chair the Workshop with New Zealand. The concept paper for the Workshop appears as **ANNEX 12**.
29. The Meeting took note of the suggestion for ARF participants to look into the nexus between criminal, profit-oriented activities and terrorist activities at sea and develop capacity-building programmes to address this issue.

Agenda Item 6: Outcome of Previous Maritime Security Activities

6.1. Briefing on the Outcomes of the ARF Maritime Security Pillar Workshop on Preparedness and Response to Marine Pollution Incidents Involving Hazardous and Noxious Substances

30. The Meeting took note of the outcomes of the ARF Maritime Security Pillar Workshop on Preparedness and Response to Marine Pollution Incidents Involving Hazardous and Noxious Substances which was held in Honolulu on 4-5 March 2014 and co-chaired by Brunei Darussalam, China, Japan and the United States. The Workshop discussed national, regional and international approaches to address prevention, preparedness and response to marine pollution incidents. The Co-Chairs' Summary Report of the Workshop appears as **ANNEX 13**.

6.2. Briefing on the Outcomes of the ARF Seminar on the Regional Cooperation on Offshore Oil Spill

31. The Meeting took note of the outcomes of the ARF Seminar on the Regional Cooperation on Offshore Oil Spill, held in Qingdao on 27-28 March 2014 and co-chaired by Brunei Darussalam, Singapore, China and the United States. The Seminar was convened to promote cooperation on offshore oil spill management in the Asia-Pacific region. The Co-Chairs' Summary Report of the Seminar appears as **ANNEX 14**.
32. The Meeting noted the draft ARF Statement by the Ministers of Foreign Affairs on Cooperation in Prevention, Preparedness, Response and Restoration from Offshore Oil Spill Incidents and the draft Proposal for ARF Expert Network of Oil Spill Response (ENOSR), which were the main outcomes of the ARF Seminar on the Regional Cooperation on Offshore Oil Spill as well as the ARF Workshop on Marine Pollution Incidents. The Meeting invited the ARF participants to submit comments on the draft Statement and Proposal which appear as **ANNEXES 15 and 16**.
33. At this stage, several comments to the draft Statement were submitted at the Meeting, including the need for clarification on several terminologies reflected in the Statement and whether the Statement would acknowledge the role and capabilities of industry in responding to pollution incidents.

6.3. Update on the 2nd ARF Seminar on UNCLOS

34. The Philippines and Australia updated the Meeting on the preparation for the 2nd ARF Seminar on UNCLOS in Manila on 28-29 May 2014. The Seminar will focus on the practice of UNCLOS including on issues of dispute settlement and delimitation of marine boundaries as well as discuss areas of cooperation.

6.4. Seafarer Training Counter-Piracy Workshop

35. The United States briefed the Meeting on the outcomes of the Expanded ASEAN Seafarers Training Workshop on Counter-Piracy (EAST-CP) which was held in Manila on 23-25 September 2013. The 2nd EAST-CP is scheduled to be convened in Manila on 24-25 September 2014 and will expand on the topics of the inaugural workshop. The briefing appears as **ANNEX 17**.

6.5. CSCAP Maritime Study Group

36. The representative of the Council for Security Cooperation in the Asia Pacific (CSCAP) presented a briefing on the recent activities of the CSCAP Maritime Study Group which has been active since its first meetings in 1995. The CSCAP Maritime Study Group has produced several memoranda which have been submitted to the ARF over the years and is currently preparing two memoranda on

Maritime Confidence-Building Measures (CBMs), Trust and Managing Incidents at Sea and on Safety and Security of Vital Undersea Communications Infrastructure, respectively. The Meeting noted the suggestions for the ARF to strive for a closer relationship with the CSCAP Maritime Study Group and for the ARF ISM on MS to include the protection of submarine cables as a topic for future discussions. The briefing by CSCAP appears as appears as **ANNEX 18**.

Agenda Item 7: Maritime Safety in the Region

7.1. International Regulation for Prevention of Collisions at Sea 1972

37. The Meeting discussed the 1972 International Regulations for Prevention of Collisions at Sea, termed COLREG, which was signed by one hundred and fifty six parties. Nine out of ten ASEAN Member States have ratified COLREG. COLREG set out navigation rules to be followed by ships and other vessels at sea to prevent collisions, and the application of articles of COLREG related to fishing vessels was elaborated. The Meeting noted the presentation by Indonesia, which appears as **ANNEX 19**.
38. Some participants observed that ARF information-sharing as well as confidence and capacity-building are relevant in the context of implementation of COLREG.

7.2. Code for Unplanned Encounters at Sea (CUES)

39. The Meeting discussed the Code for Unplanned Encounters at Sea (CUES) and its significance to maritime security. The Meeting welcomed the adoption of CUES by the Western Pacific Naval Symposium (WPNS) as its milestone achievement for maritime cooperation and communication with emphasis on the safety of naval ships and aircraft at sea. The background, main points, purpose and the significance of CUES to maritime safety were explained in detail. The Meeting underlined that CUES is not legally binding and therefore nations use it voluntarily; it does not supersede international civil aviation rules or other rules applicable under international agreements and treaties. The safety procedures of CUES, namely actions to avoid collision at sea, formations and convoys, safety speeds and distances and radio communications procedures, were expounded. The Meeting took note of the presentations by Australia and China on this topic which appear as **ANNEXES 20 and 21**.
40. The Meeting noted the suggestion for the adoption of CUES by other maritime-related fora, including the ADMM-Plus and the Indian Ocean Naval Symposium (IONS)

Agenda Item 8: Maritime Search and Rescue

8.1. National SAR System as Part of the Global SAR System

41. Mr. Dave Edwards, Chairman of the International Civil Aviation Organization/International Maritime Organization Joint Working Group (ICAO/IMO JWG) on Search and Rescue (SAR), provided an overview of the Global SAR System which was established under the International Convention on Maritime Search and Rescue, the Convention on International Civil Aviation, and other conventions or international law. It was highlighted that each country has a responsibility to meet its obligation as part of the global community including in developing SAR systems individually or in cooperation with other countries. The presentation touched on the definition and objectives of search and rescue region (SRRs) which is useful to coordinate SAR efforts. It is important to note that SRRs are determined by technical and operational considerations and not necessarily aligned with national territorial boundaries. It is also important to harmonise aeronautical and maritime SAR services as well as use all available resources in providing SAR services. The presentation is attached as **ANNEX 22**.

8.2. Lessons Learned from Typhoon Haiyan

42. The Meeting noted the lessons learned from the response, recovery and reconstruction efforts in the aftermath of Typhoon Haiyan in 2013. Some lessons learned from the disaster include identifying safe disaster evacuation sites, establishing resilient disaster shelters, pre-positioning of first responders, developing coordination protocols between civilian and military agencies in response to natural disasters, and developments of SOPs in reporting casualties. The Meeting welcomed the adoption of the Terms of Reference (TOR) of the Secretary-General of ASEAN as the ASEAN Humanitarian Assistance Coordinator.

8.3. Briefing on MH370 Search Operations

43. The Meeting was briefed by Malaysia on the SAR operations for flight MH370 which has been missing for more than two months. The initial SAR operations focused on the surrounding waters and were later narrowed down to the southern part of the Indian Ocean. The current search is focusing in underwater search including sea-bed survey. Efforts have been taken to ensure next-of-kin of the passengers and crew are given the necessary support. Several recommendations from the lessons learned of the search operations include real-time tracking of commercial aircraft, security of aircraft transponders to prevent tampering, re-assess the time limits of current black box recordings of commercial aircraft, and improvement of aircraft distress beacon signals particularly when submerged underwater. The briefing appears as **ANNEX 23**.
44. The Meeting noted the challenges encountered in the MH370 SAR operations such as the extended length of the search duration and the changes to the search area based on the latest data received. The large number of SAR units deployed also necessitated close coordination between the deployed vessels and aircraft. Several lessons learned from the MH370 SAR operations include the need to

recognise the different procedural protocols amongst participating countries, provision of liaison officers to facilitate communication not only between different countries but also between national agencies, coordination and cooperation with media to enable the dissemination of accurate information, and interoperability between different units. In addition, cooperation must be practiced regularly, mutual understanding underpins useful cooperation, and institutions such as the ADMM-Plus, WPNS and IONS can play an important role in encouraging forward-looking cooperative activities.

45. The Meeting expressed appreciation for ARF participants' assistance and contributions in the search for flight MH 370. The Meeting noted the presentations by China and Australia on their contributions to the MH 370 SAR operations which appear as **ANNEXES 24 and 25**.
46. The Meeting also touched on the issue of irregular movement of people at sea and called for the ARF to also address this issue through seminars or workshops. Some participants emphasised the need for sharing of responsibilities for relevant countries in tackling the search and rescue problems in the context of irregular movement of people at sea.
47. The Meeting was informed by the Republic of Korea on the search and rescue operations of the Sewol ferry incident. The Meeting was also informed that the Government of the Republic of Korea had announced its plan to create the new National Safety Agency after the incident to ensure that responses to future maritime and other disaster are effectively coordinated.
48. The Meeting took note of the draft ASEAN Regional Forum Statement on Strengthening Coordination and Cooperation on Maritime Search and Rescue, introduced by China. The draft has been circulated to all ARF participants for comments. ARF participants were invited to submit comments to China by 2 June 2014. The draft Statement is attached as **ANNEX 26**.

Agenda Item 9: Cooperation in Combating Illegal, Unreported and Unregulated (IUU) Fishing

9.1. Management and Conservation of Fisheries Resources in Accordance with UNCLOS 1982

49. H.E. Arif Havas Oegroseno, Ambassador of the Republic of Indonesia to Belgium, shared his views on the existing measures and cooperation in combating IUU Fishing, especially in accordance to the 1982 UNCLOS. He touched on the national and regional regulations and arrangements to manage fisheries resources and combat IUU fishing. Under UNCLOS, the focus on managing fisheries resources and combating IUU fishing fall under the context of coordination and cooperation. He emphasised the export-import nexus in fisheries resources and how the ARF participants account for a majority of global fisheries exports as well

as imports. On this note, he suggested that ARF participants consider more holistic approaches to manage fisheries resources and combat IUU fishing. He further suggested the ARF to move ahead deliberation of IUU Fishing from criminal and security aspects to market/economic aspect.

9.2. International Plan of Action to Prevent, Deter and Eliminate IUU Fishing

50. Mr. Simon Funge-Smith from the Regional Office for Asia and the Pacific of the Food and Agriculture Organization (FAO) delivered a presentation on combating IUU fishing in the ASEAN region. The region has a large number of fishing vessels which present a significant challenge on controlling systems as well as on addressing related issues such as the rights of migrant labour crews, poor or unsafe working conditions, and links to smuggling operations. He underlined the opportunistic nature of IUU fishing where the potential rewards often outweigh the high risks entailed. Typical IUU fishing-related activities in the region include fishing without licence or with a falsified licence, falsified or duplicate vessel registration, dual-flag vessels, encroachment into other countries' EEZ, fishing in a restricted zone/season, catching of prohibited/protected species, domestic IUU fishing, and non-reporting, misreporting, and/or under-reporting of catch. He elaborated on the legal measures taken by the international community to combat IUU fishing, including the 2001 International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU) and the 2009 FAO Agreement on Port State Measures which aims to remove the economic incentive of IUU through denial of port services. The presentation appears as **ANNEX 27**.

9.3. Regional Efforts in Fisheries Management and IUU Fishing

51. The Meeting noted the briefing by Ms. Ida Kusuma, Executive Secretary of the Directorate General of Surveillance for Marine and Fisheries Resources, Ministry of Marine Affairs and Fisheries of Indonesia, on regional efforts in fisheries management and combating IUU fishing. She outlined the definition of IUU fishing as well as its impact on the marine ecosystem, the national fishery industry, and the livelihood of legitimate as well as fisher folk. She highlighted existing international regulations and agreements pertaining to IUU fishing including the 1982 UNCLOS, the 1995 FAO Code of Conduct for Responsible Fisheries, the 2008 European Commission Regulation and the 2014 FAO Global Record on Fishing Vessels. In the discussion on regional instruments to combat the IUU fishing, she highlighted the Regional Plan of Action (RPOA) to Promote Responsible Fishing Practices including Combating IUU Fishing in the Southeast Asia Region which was endorsed by eleven Ministers responsible for fisheries in the region. She elaborated on the Fishery Monitoring, Control and Surveillance (MCS) mechanism as established in the RPOA and highlighted several case studies of IUU vessel movements and sightings. She touched on possible linkages and coordination between the ARF and the RPOA while considering the best

approach to IUU fishing on a prosperity-security spectrum. Her presentation appears as **ANNEX 28**.

9.4. Country Statements on National Situations, Challenges and Best Practices Related to IUU Fishing

52. The Meeting shared national experiences in combating IUU fishing in territorial waters and EEZ. Monitoring, control and surveillance mechanisms as well as close cooperation and coordination between neighbouring countries including through joint patrols have shown to be effective in reducing the number of IUU fishing incidents. Cooperation between sub-regional groupings such as the RPOA-IUU Arafura and Timor Seas Group between Australia, Indonesia, Papua New Guinea, and Timor-Leste and the North Pacific Coast Guard Forum (NPCGF) were highlighted. The Meeting touched on the development and enforcement of national regulations in managing fisheries resources and combating IUU fishing.
53. Considering the transnational nature of the majority of IUU fishing incidents, the Meeting underscored the importance of information sharing and strong regional cooperation on fisheries law enforcement, particularly between neighboring countries. Such cooperation would increase effectiveness in combating IUU fishing and promote coordination between countries' maritime law enforcement vessels.
54. The Meeting discussed the effectiveness of fishery monitoring systems (FMS) in tracking fishing vessels. The FMS would allow important data to be collected from fishing vessels, such as its crew manifest, port of origin, port calls, catch activity, and fish products by species.
55. The Meeting identified several challenges in combating IUU fishing, such as maintaining law enforcement presence in distant EEZs, lack of real-time intelligence, and the migratory nature of fish stocks that complicate surveillance planning.
56. The Meeting noted the suggestion for the ARF ISM on MS to incorporate the discussions on IUU fishing into future meetings and activities as well as into the draft ARF Work Plan on Maritime Security for 2014-2017.
57. The Meeting noted the presentations by Australia, China, Republic of Korea, Russia, New Zealand, the United States, India, Malaysia, Indonesia, and Singapore which partly appear as **ANNEXES 29-35**.

Agenda Item 10: Country Statements

58. The Meeting reaffirmed the importance of maritime security as one of the five priority issues in the ARF. The Meeting acknowledged that maintaining maritime security has been a collective challenge to countries in the region. In light of this, several participants commended the work of regional and sub-regional

frameworks, including the EAMF, the ADMM-Plus EWG on MS, the WPNS, IONS, and the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP).

59. The Meeting noted concerns from several ARF participants on the recent developments in the South China Sea. The Meeting called for all parties in the overlapping territorial claims in the South China Sea to exercise self-restraint, refrain from unilateral actions that could complicate the disputes, take steps to ease tensions, and resolve the disputes through peaceful means. The ASEAN Member States called for all parties concerned to fully and effectively implement the Declaration on the Conduct of Parties in the South China Sea (DOC). They also underscored the importance of an early conclusion of the Code of Conduct of Parties in the South China Sea. In this regard, the meeting took note of the ASEAN Foreign Ministers' Statement on the Current Development in the South China Sea issued at the 24th ASEAN Summit, on 10 May 2014, in Nay Pyi Taw, Myanmar. It is the responsibility for the ARF ISM on MS to work together to reflect the ARF evolutionary approach of promotion of confidence-building measures, preventive diplomacy, and conflict resolution in addressing maritime security challenges. In this regard, the Meeting welcomed the recent ASEAN-China Senior Officials' Consultations in Pattaya in April 2014 and looked forward to the next round of consultations to be held in Indonesia in June 2014.
60. The Meeting recognised the role of existing ASEAN-led mechanisms on maritime-related issue and emphasised the need for synergy and coordination among these mechanisms. On this note, the Meeting appreciated the briefings by the Chairs and representatives of the AMF/EAMF, ADMM-Plus EWG on MS, SOMTC and the AWGCME and suggested that this practice be continued in future ARF ISMs on MS.
61. The Meeting expressed support for the draft ARF Statement on Strengthening Cooperation and Coordination on Maritime Search and Rescue and suggested that search and rescue cooperation and coordination should build on existing coordination mechanisms instead of building new ones.
62. The Meeting noted the statements by Viet Nam, Timor-Leste, China, United States, Australia, India, European Union, Thailand, Japan, Philippines, Malaysia, Singapore, Canada, New Zealand, Republic of Korea, and Russia which partly appear as **ANNEXES 36-39**.

Agenda Item 11: Looking Ahead and Other Matters

11.1. Assessment and Overview of 2011-2014

63. The Co-Chairs viewed that the last three years have seen good progress in ARF maritime security cooperation. The Co-Chairs recalled the ARF ISM on MS' discussions on civil maritime law enforcement, marine environment protection, and

security threats from transnational crimes at sea and encouraged the incoming co-chairs of the ISM on MS to consider following up on these topics in future meetings. In addition, ARF participants were also encouraged to consider expanding the cooperation and include new issues of common concern. Taking into consideration the lack of co-leads for Priority Area 1 of the ARF Work Plan on Maritime Security, participants could consider developing a mechanism to instill a greater sense of ownership of the Work Plan and its priority areas.

11.2. Expiry of Term of Current Co-Chairs

64. The Meeting expressed appreciation to Indonesia, the Republic of Korea and the United States for their excellent co-chairmanship of the ARF ISM on MS and welcomed the Philippines, Japan and the United States as the incoming Co-Chairs of the ISM on MS for the period of 2014-2017.

Closing Remarks

65. The Co-Chairs thanked all participants for their active participation and substantive contributions to the discussions of the Meeting. The Co-Chairs remarked on the new maritime security initiatives as a signal that the ARF is moving towards more practical and tangible cooperation. The Co-Chairs commended the topics discussed by the Meeting as an example of the wide-ranging discussions on maritime security under the ARF and encouraged the ARF to continue its engagement with other relevant maritime-related fora.

Acknowledgement

66. 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 Republic of Indonesia for the excellent arrangements and hospitality accorded to all ARF participants.

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