

Welcome and Opening Remarks Australian Co-Chair

**Katrina Cooper, Senior Legal Adviser
Department of Foreign Affairs and Trade**

Mr Eduardo Jose A. de Vega, distinguished delegates

Winding through the heart of the region covered by the ARF are the sea-based economic trading arteries that run from the Middle East, across the Indian Ocean, through the Strait of Malacca, into the South China Sea, past Japan, China and the Korean Peninsula and on to North America. We have a common interest in managing this maritime domain and its resources effectively – ensuring peace and good order at sea through shared understanding and application of agreed international law of the sea principles.

Legal frameworks, of which the United Nations Convention on the Law of the Sea (UNCLOS) is among the most significant, lay the ground rules for the region to enjoy prosperity and growth in a peaceful manner.

Together with our Philippine colleagues, Australia is pleased to co-chair this seminar, the second such dedicated to UNCLOS under the auspices of the ARF. As with its predecessor in 2011, the aim of this seminar is to foster dialogue towards a common regional understanding of the application of UNCLOS to the wide range of maritime activities and interests pursued by ARF member states.

As delegates will know - since almost all ARF member countries are parties to the Convention - 2014 marks a significant milestone in the history of UNCLOS: the twentieth anniversary of the Convention's entry into force. With 166 States parties and with non-parties generally acknowledging its norms as customary in international law, it has assumed the contours of universality.

Regarded by many as the 'Constitution for the Oceans', UNCLOS was the product of one of the longest and most complex lawmaking negotiations in history. Its signal achievement is the creation of a robust but flexible rules-based framework for the conduct of all activities in the oceans and seas, balancing complex relationships, such as those of coastal states and seafaring nations, developing and developed states, as well as balancing protection and preservation of the marine environment with sustainable use of the resources of the oceans.

The Convention also provides the framework for resolving disputes – ensuring that when disagreements arise, we share a common vocabulary and mechanisms through which to seek peaceful solutions.

Since the first seminar on UNCLOS was held, the range of maritime issues discussed within the ARF has grown significantly. This second Seminar on UNCLOS is the fourth maritime-related meeting in the current ARF cycle alone. The 6th ARF Intersessional Meeting (ISM) on Maritime Security has just taken place in Bali, Indonesia. The ISM co-chairs, Indonesia, United States and the Republic of Korea,

are about to pass the baton to the United States, Philippines and Japan – who will continue the able work of their predecessors in progressing the ARF Workplan on Maritime Security.

Beyond ARF, of course, are many other bodies addressing a range of maritime matters. Regionally, these include the ASEAN Defence Ministers – Plus (ADMM-Plus) Expert Working Group on Maritime Security, the ASEAN Maritime Forum (AMF) and Expanded ASEAN Maritime Forum. Many of the countries represented here are parties to the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in the Asia-Pacific (ReCAAP). And they are participants in the Western Pacific Naval Symposium (WPNS), which last month met in China and unanimously approved a maritime communications agreement, the Code for Unplanned Encounters at Sea (CUES). CUES is a non-binding, agreement involving certain set procedures for communicating with other military forces encountered at sea or in the air.

Second-track (non-official) institutions, such as the Council for Security Cooperation in the Asia Pacific (CSCAP) and the ASEAN Institute of Strategic and International Studies (ASEAN ISIS), have been instrumental in generating ideas and inputs for ARF ("first track") consideration. These institutions often conduct seminars and meetings back-to-back with the relevant ARF meeting. Our current seminar is a case in point. Yesterday, USCSCAP and CSCAP Philippines held a workshop here on UNCLOS and Maritime Security in East Asia. A number of today's academic experts also participated in that meeting. These include Professor Hasjim Djalal – well-known to all – who for many years has been closely involved in the South China Sea Workshop process hosted by Indonesia.

ARF participants clearly recognise the value and importance of good order at sea. Our intent is that this seminar will make a useful contribution to this goal, in support of the ARF Hanoi Plan of Action and the ARF Workplan on Maritime Security priority dealing with 'Confidence Building Measures based on international and regional legal frameworks, arrangements and cooperation'.

Delegates will be aware that this second ARF seminar on UNCLOS was agreed by ARF Foreign Ministers mid-2013 and the agenda essentially reflects their views on the issues and areas of UNCLOS they want to discuss. The seminar is intended to build on the foundation work undertaken in the first seminar, with an emphasis on contemporary jurisprudence, current practice and issues across a range of UNCLOS matters – particularly as these relate to the Indo-Pacific region.

To assist us, we have a distinguished line-up of academic law of the sea experts, drawn from across the region and the ARF membership. Though a Track One event, we are using external academic experts to help frame discussion as well as enhance our understanding of UNCLOS and its relevance / application in a variety of contexts. The role of our experts is thus twofold: to act as both explainers and enablers. ARF country discussants will provide an applied perspective and help lead wider discussion. The presentations from this distinguished collective are intended to be a means: stimulate informed discussion by you, the ARF delegates.

Before we embark on the main business of the day, we will hear a brief report of yesterday's CSCAP UNCLOS Workshop, which Mr Ralph Cossa – President of the Pacific Forum CSIS in Honolulu, member of the Steering Committee of CSCAP, and a member of the ARF Experts and Eminent Persons Group – has kindly agreed to deliver.

I look forward to a valuable and stimulating exchange of views and information over the next two days. On behalf of Mr Eduardo Jose A. de Vega and myself, I encourage delegations to participate actively in discussions as we explore some of the key aspects of UNCLOS, and its value in contributing to the peaceful management of maritime relations between states.