

Opening remarks

Richard Rowe

I would like to extend a warm welcome to all participants, especially our presenters and speakers. It is my great pleasure to co-chair this Seminar with Undersecretary Brillantes. I would like to express Australia's appreciation for the excellent arrangements put together by the Government of the Philippines and the conference team. This is the first seminar dedicated to UNCLOS held under the auspices of the ASEAN Regional Forum.

While maritime issues have been discussed within the ARF since its inception, it was not until 2009 that the ARF held its inaugural Inter-Sessional Meeting on Maritime Security. I commend Indonesia, New Zealand and Japan for their able chairing of the first three ISMs. I understand that the Republic of Korea and the United States have offered to co-chair the next series of ISMs with Indonesia.

The ISM process has opened the door for the ARF to cooperate more closely on maritime issues, including through the development of a work plan on maritime security.

I welcome the agreement of the third ISM on maritime security in Tokyo last month to a work plan for endorsement by Ministers this year. We will shortly be hearing from Japan on that meeting. One of the three priority work plans agreement at the ISM for "confidence building measures based on international and regional legal frameworks, arrangements and cooperation."

This follows the adoption by ARF Ministers of the "Hanoi Plan of Action" in Jul last year, which tasks the ARF to "promote compliance and adherence to relevant international legal instruments and legal arrangements". I am pleased that ARF participants recognise the value of such work, and I hope this seminar might be considered both a contribution to the Hanoi Plan of Action and the work plan on maritime security.

As you know, the titanic task of achieving an international agreement on the law of the sea began decades ago. Undersecretary Brillantes has given us an overview of the history and I won't go over it again. However I will support Undersecretary Brillantes' comments on the third UN Conference on the Law of the Sea (UNCLOS III). It commenced in 1973 and worked for several months each year until it adopted the convention we now call UNCLOS in 1982.

It is a complex convention, making capturing its essence in overview very difficult. However, UNCLOS represents a remarkable achievement, striking a balance between the interests of maritime and coastal states with respect to freedom of navigation, utilisation and conservation of marine resources (both living and non-living), security interests, protection and preservation of the marine environment, marine scientific research and peaceful settlement of disputes. And while it cannot *per se* eliminate difference of view between states, it helps to ensure a common language of discourse in the seeking to deal with those differences.

Australia was actively involved in the negotiations which leading to UNCLOS, and remains a very strong supporter of the convention. UNCLOS is a complex and comprehensive agreement. It has many facets and represents a remarkable achievement.

Much of UNCLOS has become declaratory of customary international law and is recognised as such, including by non-States Parties. Nonetheless, Australia firmly believes that universal participation in UNCLOS, including its institutional and procedural aspects, is in the interests of all.

With UNCLOS having been ratified by 161 countries and counting, we look forward to welcoming more of our friends and partners around the world to membership of this hugely important treaty.

More immediately, and personally, I look forward to a valuable and stimulating exchange of information and views over the next two days. On behalf of Undersecretary Brillantes 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.

Thank you.